



BOARD OF DIRECTORS 2022

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MICHELLE BOUCHARD  
EXECUTIVE DIRECTOR

## Agenda

### Peninsula Corridor Joint Powers Board

December 01, 2022, 9:00 am

Due to COVID-19, this meeting will be conducted as a hybrid teleconference and in-person meeting pursuant to [Assembly Bill 361](#) (Government Code Section 54953). **Members of the public are encouraged to participate remotely but may participate in-person provided that they satisfy the safety protocols listed below.**

Directors, staff, and the public may participate remotely via Zoom at

<https://zoom.us/j/91412776292?pwd=cVdKa01PK2FKdm1CSUwwZXR3RmlkUT09>

or by entering Webinar ID: **914 1277 6292**, Passcode: **909765** 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>

Directors, staff and the public also may participate in person at: San Mateo County Transit District, Bacciocco Auditorium - Second Floor, 1250 San Carlos Ave., San Carlos, CA, provided they comply with the following safety protocols:

***Please Note the Following COVID-19 Protocols for In-person Attendance:***

1. Visitors experiencing the following symptoms of COVID-19 may not enter the building:
  - Cough
  - Shortness of breath
  - Muscle Pain
  - Sore Throat
  - Fever
  - Chills
  - Loss of taste or smell
2. Visitors must use the hands-free temperature scanners upon entry. An alert will occur and entrance will be prohibited if a temperature is measured at 100.4 or above.
3. Visitors must show proof of Covid-19 vaccination or a negative COVID-19 test (with results obtained within last 7 days). Masks will be required for visitors who do not show proof of full vaccination (defined as two weeks after the second dose in a two-dose series, such as for the Pfizer-BioNTech and Moderna vaccines, or two weeks after a single dose of the J&J/Janssen vaccine).

Public Comments: 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

Note: All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board.

those received during or after an agenda item is heard will be included into the Board's weekly correspondence and posted online at: <https://www.caltrain.com/about-caltrain/meetings>.

Verbal public comments will also be accepted during the meeting in person and through Zoom\* or the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM. Participants using Zoom over the Internet should use the Raise Hand feature to request to speak. For 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 Hand feature for public comment. Each commenter will be recognized to speak, and callers should dial \*6 to unmute themselves when recognized to speak.

Each public comment is limited to two minutes. The Board Chair has 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.

*All items to which [Government Code section 84308](#) applies have been marked with an asterisk*

**December 01, 2022 - Thursday**

**9:00 am**

1. Call to Order / Pledge of Allegiance
  2. Roll Call
  3. Public Comment for Items Not on the Agenda  
Comments by each individual speaker shall be limited to two (2) minutes. Items raised that require a response will be deferred for staff reply.
  4. Report of the Executive Director Informational
  5. ***Consent Calendar***  
Members of the Board may request that an item under the Consent Calendar be considered separately.
    - 5.a. Approve Meeting Minutes of November 3, 2022 Resolution
    - 5.b. Approve 2023 Board Meeting Calendar Resolution
    - 5.c. Renewing Resolution Adopting Findings to Authorize Holding Meetings Via Teleconference for 30 Days Pursuant to AB 361 Resolution
- Approved by the Finance Committee***
- 5.d. Accept Statement of Revenues and Expenses for the Period Ending October 31, 2022 Resolution
  - 5.e. Award of Contract to Provide Energy Regulatory and Other Legal Services\* Resolution

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5.f. Authorize an Amendment to the On-Call Railroad Business Operations and Systems Support Services Contracts*	Resolution
5.g. Diridon Business Case: Amendment to Funding Agreements*	Resolution
5.h. Authorization to Amend Funding Agreements with the California Department of Transportation for the San Mateo Grade Crossing Improvements Project*	Resolution
5.i. Award of Contract for Watkins Avenue Grade Crossing Improvements Project	Resolution
5.j. Authorize an Amendment to Contract No. 19-J-P-073 with HDR Engineering, Inc. for Engineering Consultant Design Services*	Resolution
5.k. Authorize Amendment to On-Call Owner’s Representative Electrification Support Services Contract 14-PCJPB-P-007 for the Caltrain Modernization Program*	Resolution
5.l. Increase Contract Authority For Balfour Beatty Infrastructure Inc. (BBII) Services Contract No. 14-PCJPB-P-054 for Non-PCEP Work*	Resolution
5.m. Amend and Increase the Fiscal Year 2023 Caltrain Capital Budget by \$23,815,828 from \$102,593,584 to \$126,409,412 and Authorize Receipt of State Rail Assistance Program Funds	Resolution
5.n. Adopt Caltrain Monthly Pass Proposed Changes	Resolution
5.o. Accept Quarterly Fuel Hedge Update	Informational
<b><i>Approved by the Work-Program-Legislative-Planning Committee</i></b>	
5.p. Adopt Caltrain Short-Range Transit Plan for Fiscal Years 2023 to 2028	Resolution
5.q. Adoption of the 2022 Title VI Program	Resolution
<b><i>Provided to the Work-Program-Legislative-Planning Committee</i></b>	
5.r. State and Federal Legislative Update	Informational
5.s. Corridor Crossing Strategy	Informational
5.t. Caltrain Go Pass Donation Program Update	Informational
5.u. Capital Projects Quarterly Status Report - 1st Quarter Fiscal Year 2023	Informational

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**Regular Agenda**

- |   |                   |
|---|-------------------|
| 6. Broadband Communications Services Contract Award*  | Resolution        |
| 6.a. Consideration of Finance Committee Recommendation to Reject Appeal of Protest filed by Icomera US Inc.   | <b>Resolution</b> |
| 6.b. Award Contracts to Nomad Digital, Inc. for Broadband Communications Services   |                   |
| 7. Adopt Policy Regarding New Brown Act Remote Meetings Exceptions  | Resolution        |
| 8. San Francisco Downtown Rail Extension Update   | Informational     |
| 9. Metropolitan Transportation Commission (MTC)/Regional Update   | Informational     |
| 10. Suicide Prevention Initiatives  | Informational     |
| 11. Reports   |                   |
| 11.a. Report of the Citizens Advisory Committee   | Informational     |
| 11.b. Report of the Chair   | Informational     |
| 11.b.i. Resolution of Appreciation for Director Charles Stone   | Resolution        |
| <u>11.b.ii. Resolution of Appreciation for Director Glenn Hendricks</u>   | <u>Resolution</u> |
| 11.b.iii. Appointment of Nominating Committee for 2023 Officers   |                   |
| 11.c. Report of the Local Policy Maker Group (LPMG)   | Informational     |
| 11.d. Report of the Transbay Joint Powers Authority (TJPA)  | Informational     |
| 12. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report   | Informational     |
| 13. Correspondence  |                   |
| 14. Board Member Requests   |                   |
| 15. Date/Time of Next Regular Meeting: Thursday, January 5, 2023 at 9:00 am.<br>The meeting will be accessible via Zoom teleconference and in person at the San Mateo County Transit District, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA. |                   |
| 16. Adjourn   |                   |

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## **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 be conducted via teleconference and in person as per the information provided at the top of the agenda. The Public may 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\***

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 into 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 the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM. 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.

### **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.

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# **Executive Director's Monthly Report: November 2022**

**Executive Director Michelle Bouchard**

*Report prepared for December Board meeting; data current through October 2022.*









## Who We Are and What We Do

**Caltrain Vision:** Provide a safe, reliable, sustainable modern rail system that meets the growing mobility needs of the San Francisco Bay Area region.

The Peninsula Corridor Joint Powers Board (JPB) is responsible for Caltrain passenger rail service which currently extends from San Francisco 77 miles south to Gilroy, serving 31 stations and providing vital links to multiple transit properties in 20 cities. Caltrain has been a central part of Peninsula communities since 1865.



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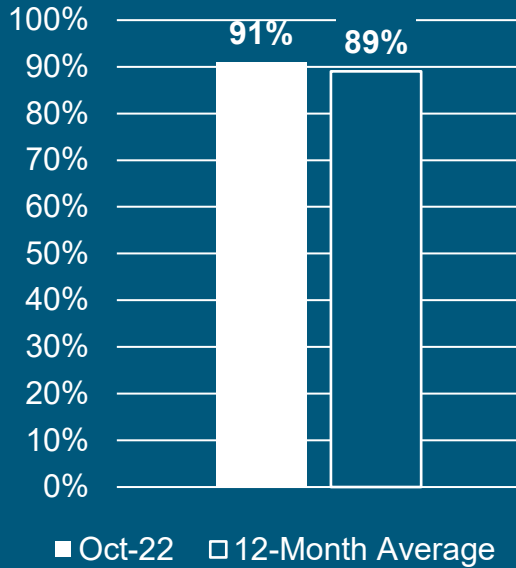




# Performance at a Glance

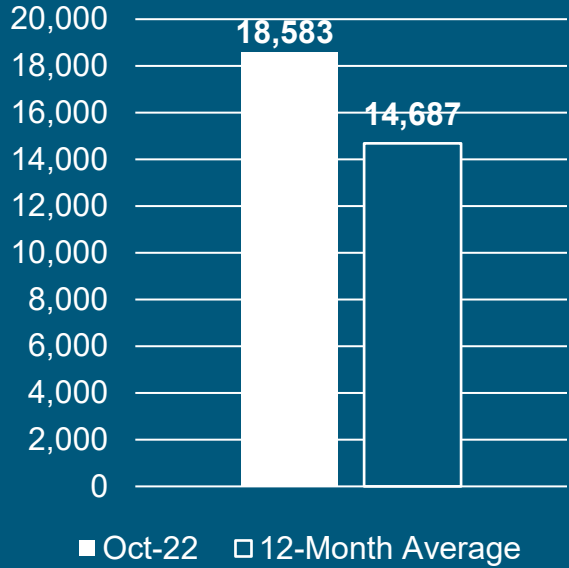
## On-Time Performance

Percentage of trains arriving within six minutes of the scheduled time



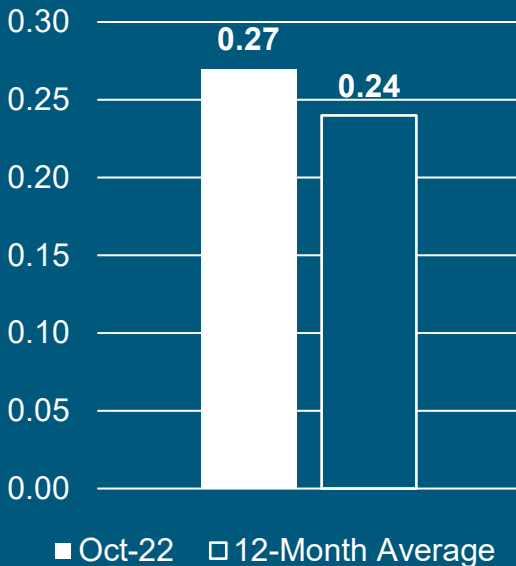
## Average Daily Ridership

Average estimated weekday ridership



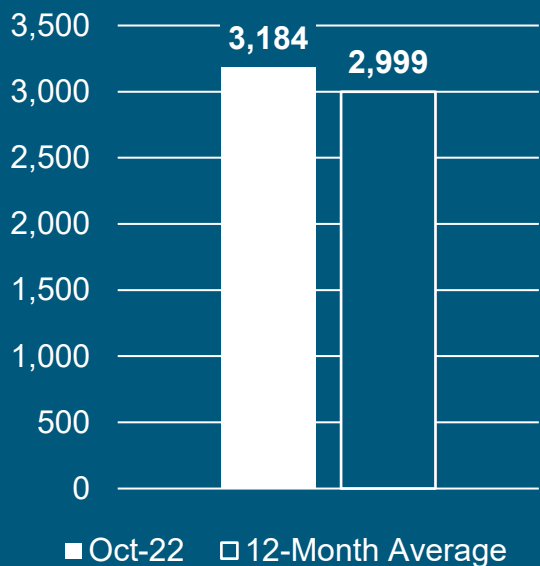
## Farebox Recovery Ratio

Ratio of fare revenue to operating costs



## Mean Distance Between Failures

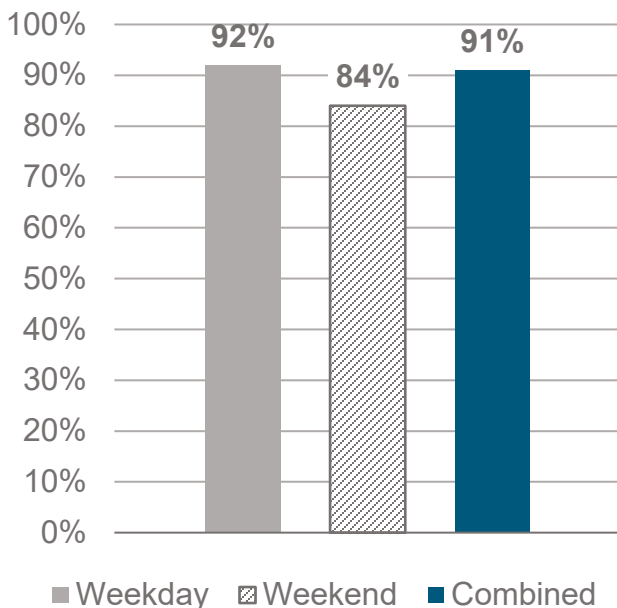
Average miles travelled by locomotives before maintenance/repair is required





# On-Time Performance

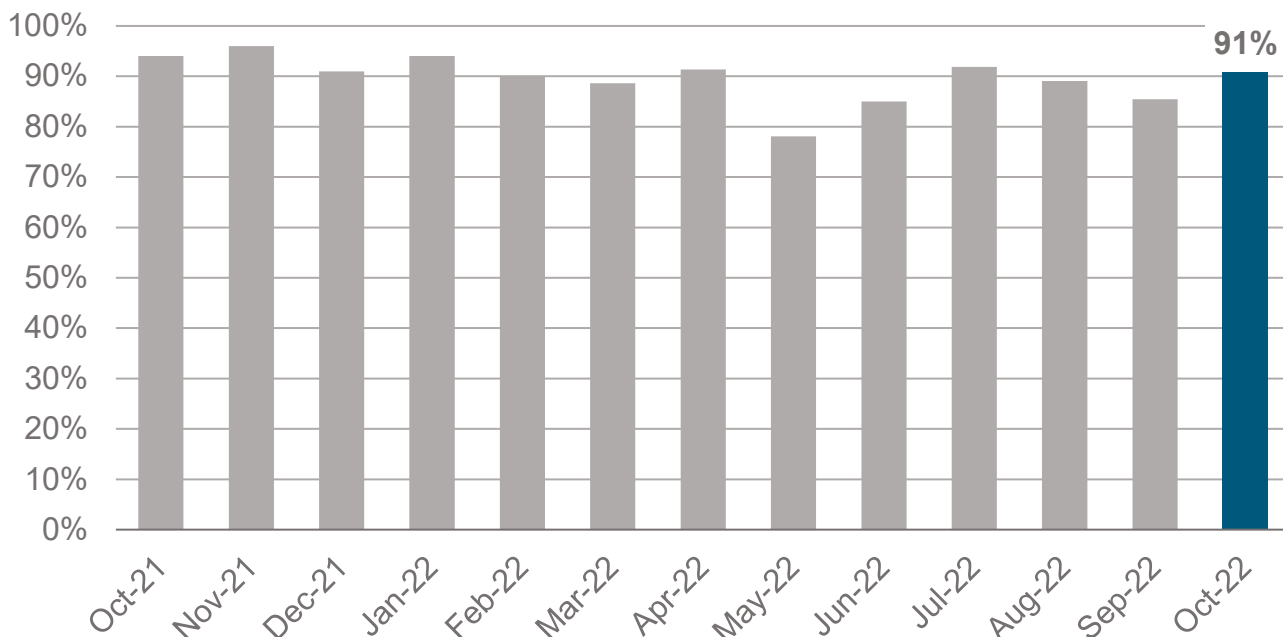
## Performance This Month (Oct-22)



Trains are considered on-time if they arrive within six minutes of the scheduled arrival time at end-line locations (i.e. San Francisco, San Jose Diridon, Tamien, and Gilroy).

The on-time performance (OTP) goal for Caltrain is 95 percent. OTP has been trending down in recent months due to impacts from more frequent mechanical breakdowns, increased construction, and higher numbers of trespassers.

## Monthly On-Time Performance in the Past Year



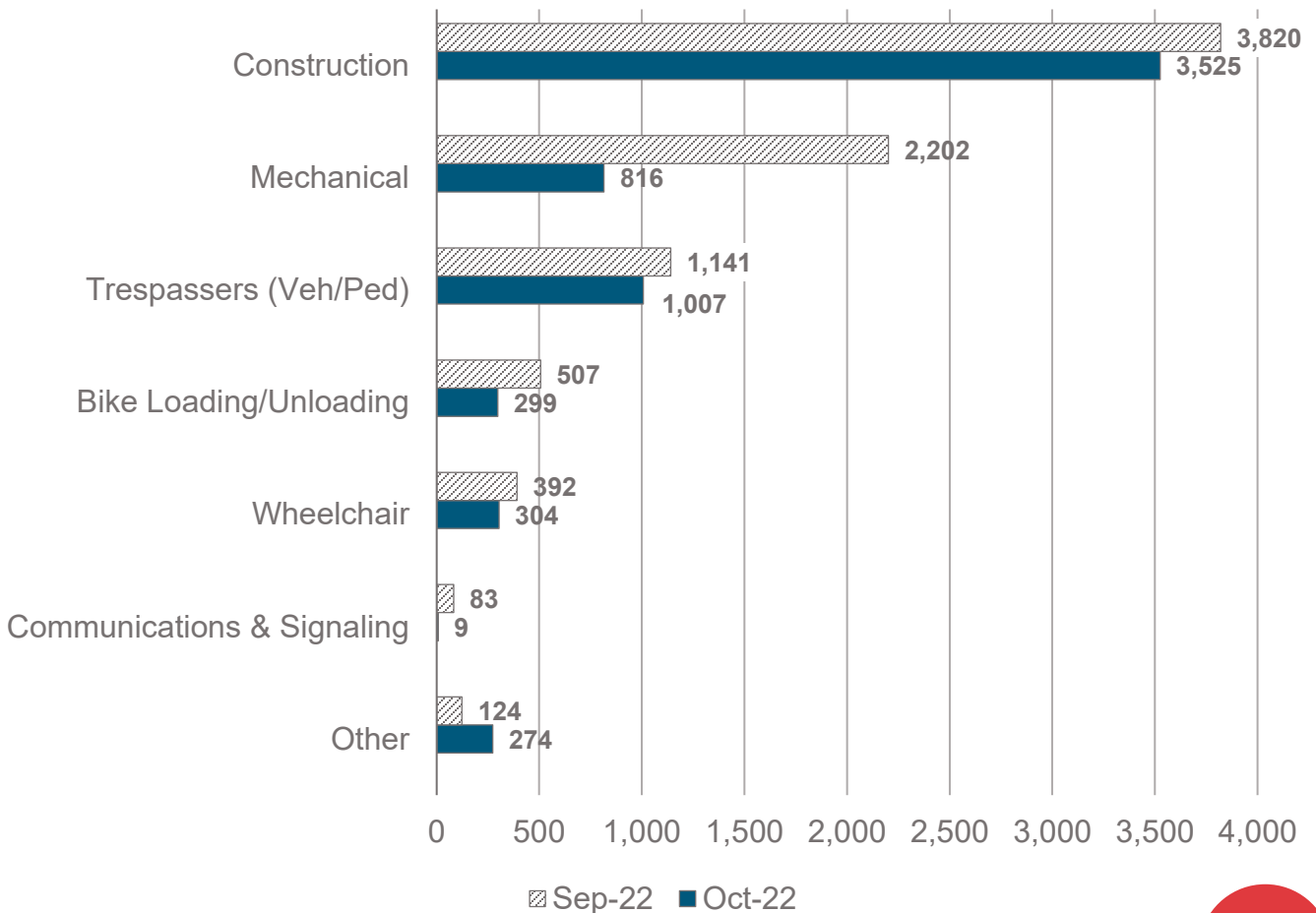


# Delays and Cancellations

	<u>Aug-22</u>	<u>Sep-22</u>	<u>Oct-22</u>
<b>Number of Late Trains</b>	290	359	230
<b>Average Minutes Late for Late Trains</b>	18	22	20
<b>Number of Cancelled Trains</b>	9	36	7

Trains are considered late if they arrive at their end-line destination six minutes or more after the scheduled time. Average Minutes Late represents the average difference in actual arrival time from the scheduled arrival time for late trains. Cancelled Trains includes trains forced to terminate mid-run, as well as those that are annulled before they begin to operate.

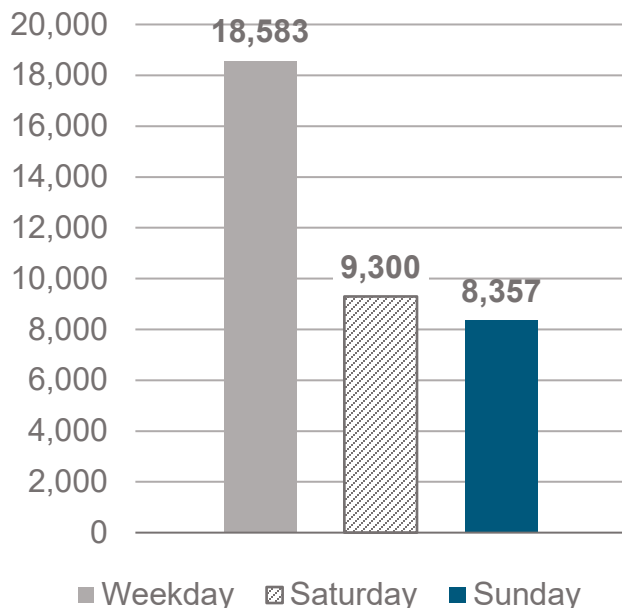
## Reasons for Train Delays, by Minutes of Delay





# Ridership and Revenue

## Average Daily Ridership (Oct-22)

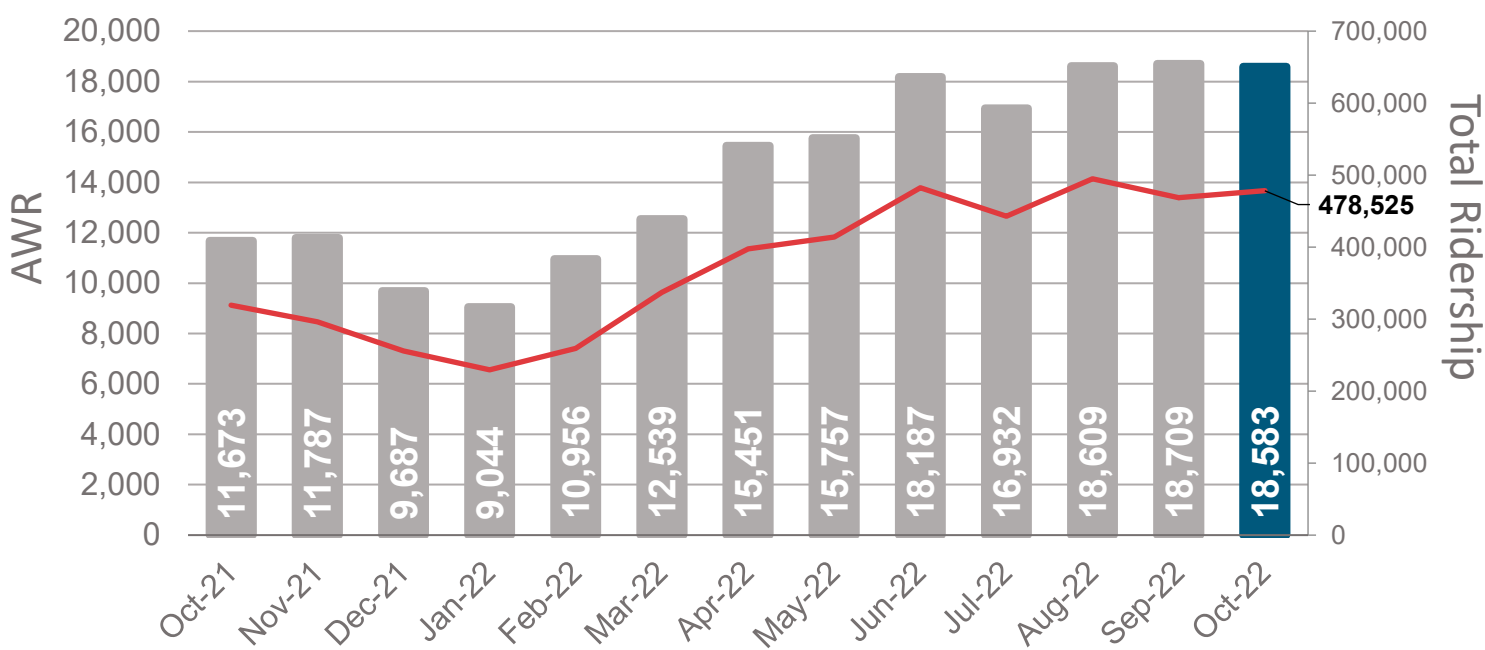


Both total and average weekday ridership (AWR) increased significantly from the same month in the prior year due to the receding impacts of the COVID-19 pandemic, including gradual introduction of return-to-office policies and increased leisure activities such as special events at Oracle Park and Chase Center.

## Ridership in the Past Year

Average Weekday Ridership

Total Monthly Ridership



Since April 2020, ridership estimates have been developed using daily conductor counts at 14 key stations and Clipper cards used at all stations due to significant impacts to ticket sales and usage patterns from the COVID-19 pandemic.





# Ridership and Revenue

## Special Service Ridership Report

### Giants

- Two home games.
- Total additional ridership boarding and alighting at San Francisco station was 6,809.
- Season total additional ridership was 300,890, a 72% increase compared to 2021, and only a 3% decrease compared to 2019 (308,692).

### Warriors

- Three pre-season and four regular season games.
- Total additional post-game ridership boarding at San Francisco station was 1,786, a 13% decrease compared to 2021 and a 66% decrease compared to 2019 (5,316).

### Other San Francisco Events

- Fleet Week/ Air Show (10/8-10/9).
  - Total additional ridership boarding and alighting at San Francisco station was 3,787, a 74% increase compared to 2021 (2,174) and a 30% decrease compared to 2019 (5,429).

### Sharks

- Five home games in October.
- Total additional ridership boarding at San Jose Diridon station was 347.
- Year-to-date additional ridership was 450, a 1% increase compared to 2021 and a 76% decrease compared to 2019 (1,893).

### Other SAP Center Events

- Pepe Aguilar - Total additional ridership boarding at San Jose Diridon station was 18.
- Camilo - Total additional ridership boarding at San Jose Diridon station was 2.
- Gloria Trevi - Total additional ridership boarding at San Jose Diridon station was 2.

### Stanford Football

- One game in October (vs. Arizona).
- Total riders, boarding and alighting, at the Stanford station was 326.
- Year-to-date ridership is 1,192, a 39% decrease compared to 2019 (1,953).

### 49ers

- Two games in October (10/3 and 10/23).
- Total ridership boarding and alighting at Mountain View station was 2,505.
- Year-to-date ridership is 4,469, a 46% increase compared to 2021 (3,066), and a 27% decrease compared to 2019 (6,154).

### Stanford Scavenger Hunt

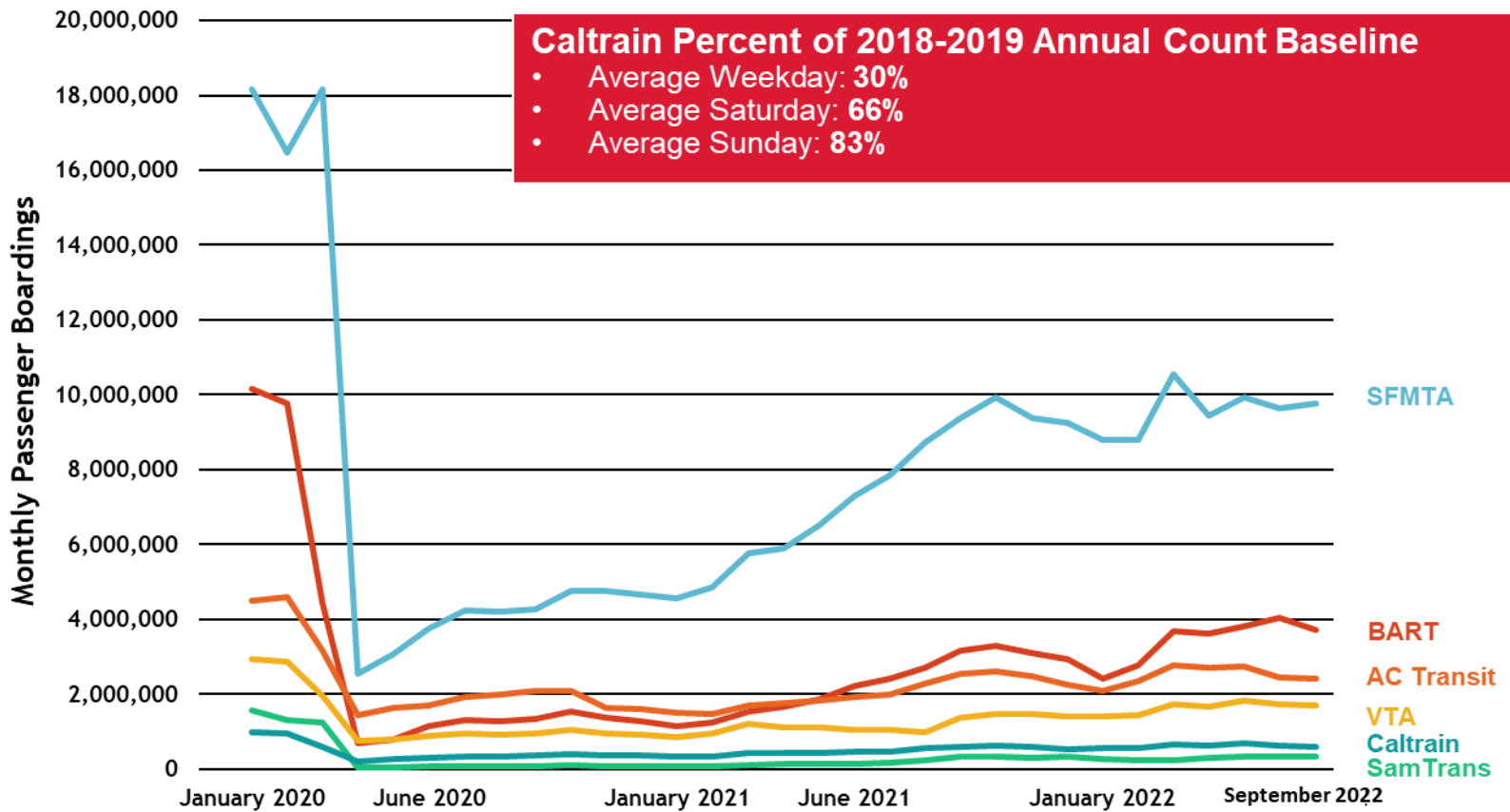
- Total number of tickets sold during the 2022 season was 1,238, which is a 14% decrease compared to 2019 (1,446).





# Ridership and Revenue

## Public Transit Ridership Recovery in the Bay Area



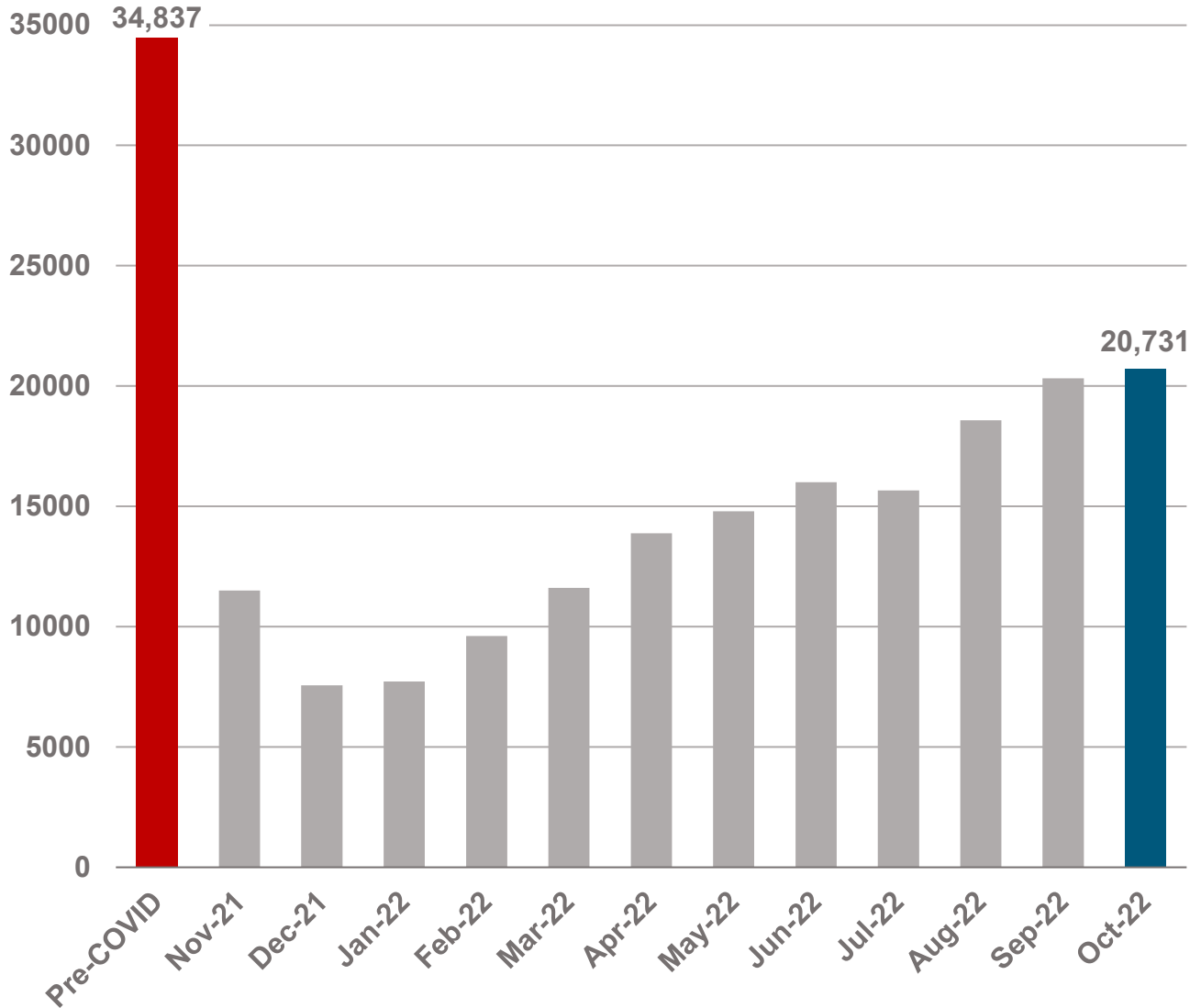
Sources: National Transit Database - Monthly Module  
Caltrain Passenger Monthly Passenger Counts





# Ridership and Revenue

## Monthly BART Transfers at Millbrae in the Past Year



BART Transfers at Millbrae represents the total number of BART-to-Caltrain and Caltrain-to-BART transfers, as measured by Clipper Card data.

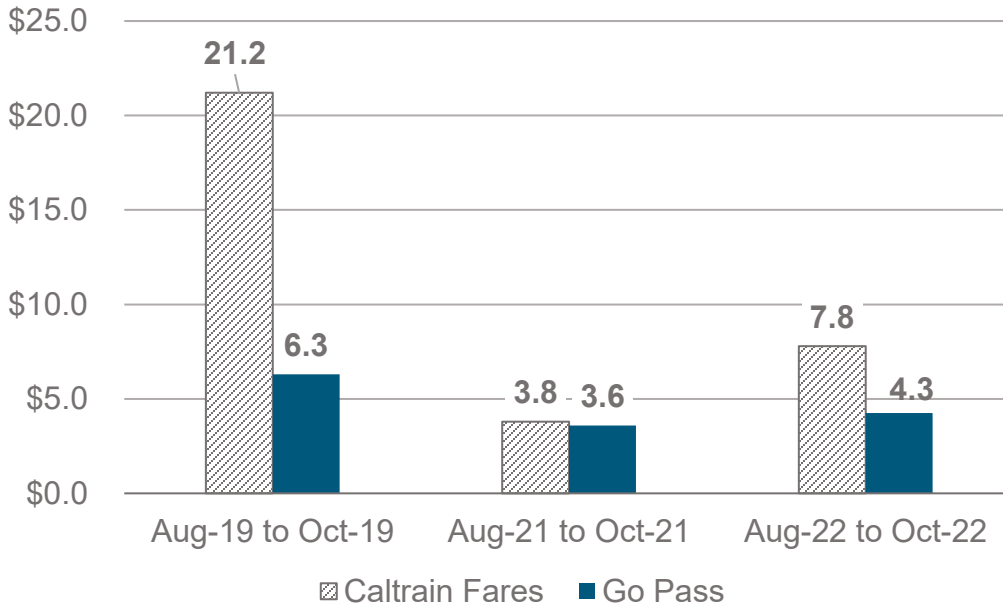
Pre-COVID data is provided for comparison purposes and represents average monthly transfers during the one-year period from March 2019 to February 2020.





# Ridership and Revenue

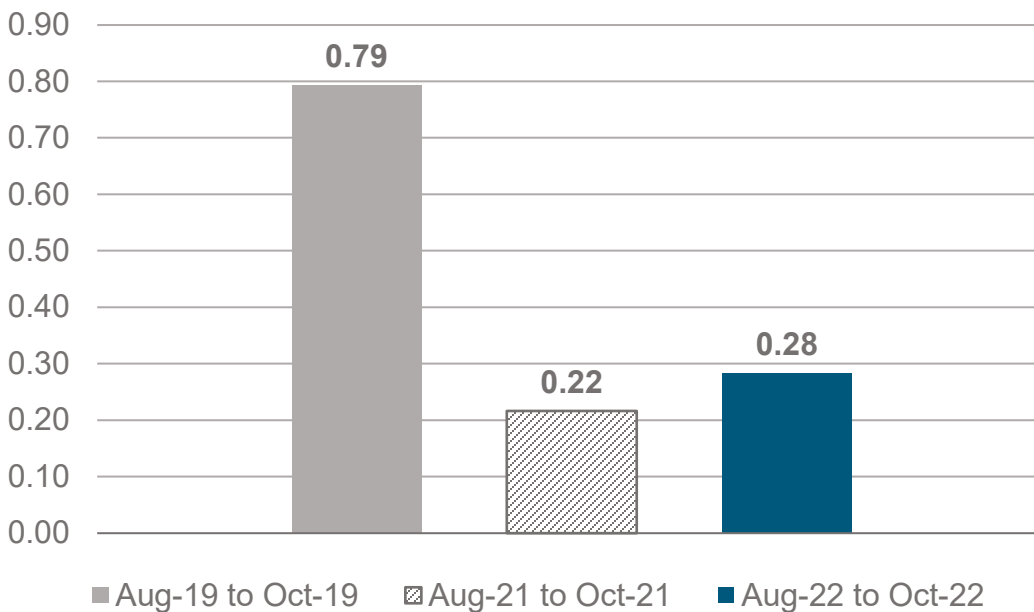
## Total Fare Revenues (\$M) - Past 3 Months Comparison



Fare revenue comes in the form of one-way tickets, daily or monthly passes (“Caltrain Fares”), and the Go Pass program.

Fare revenue is generally more stable than ridership due to many riders paying for monthly passes, which provide consistent revenue regardless of usage.

## Farebox Recovery Ratio (3-Month Rolling Average)



Farebox Recovery Ratio represents how much of the cost of providing service is covered by customer fares. A higher ratio indicates that a greater share of costs are covered by riders.

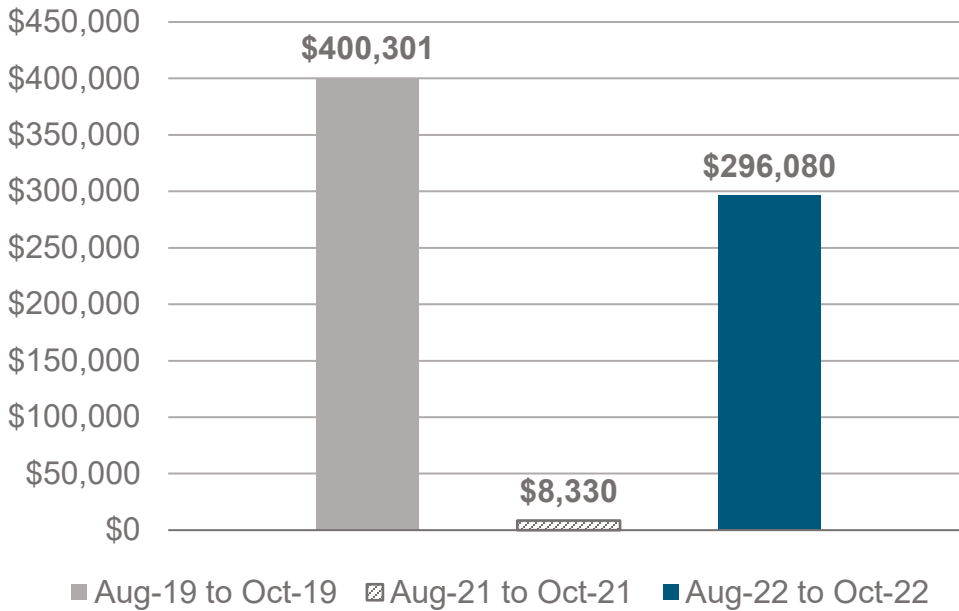






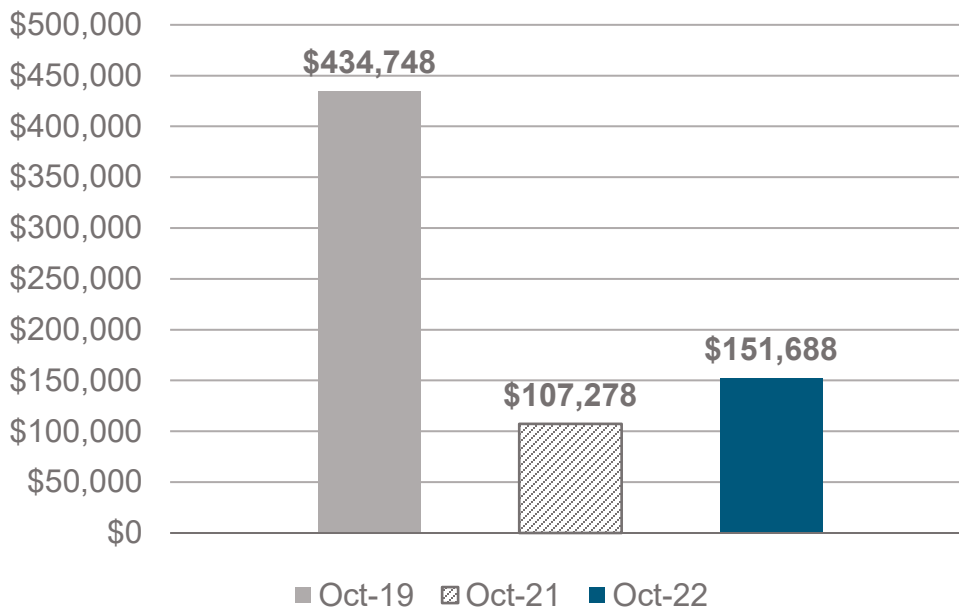
# Ridership and Revenue

## Advertising Revenue (3-Month Rolling Average)



Advertising Revenue declined substantially for transit agencies throughout the country with the onset of the COVID-19 pandemic.

## Parking Revenue (Monthly)



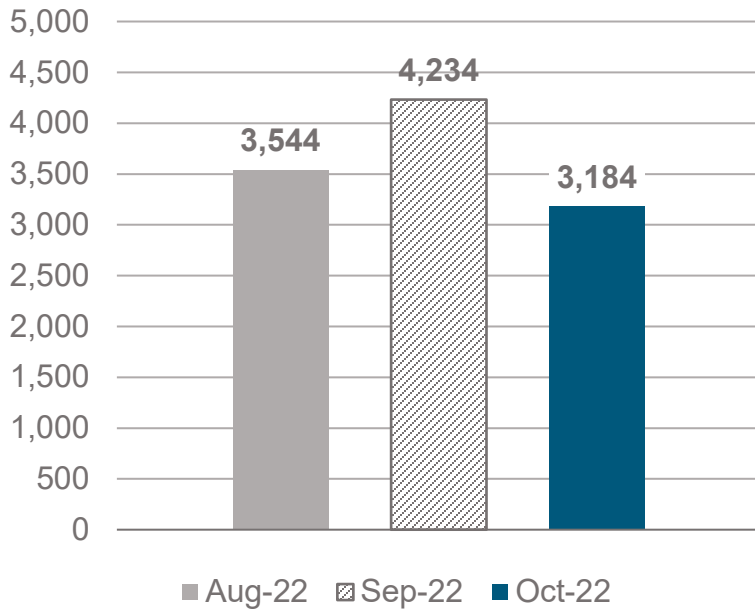
Parking Revenue is generated by purchases of daily and monthly parking permits for parking at Caltrain-owned lots.





# Maintenance Performance

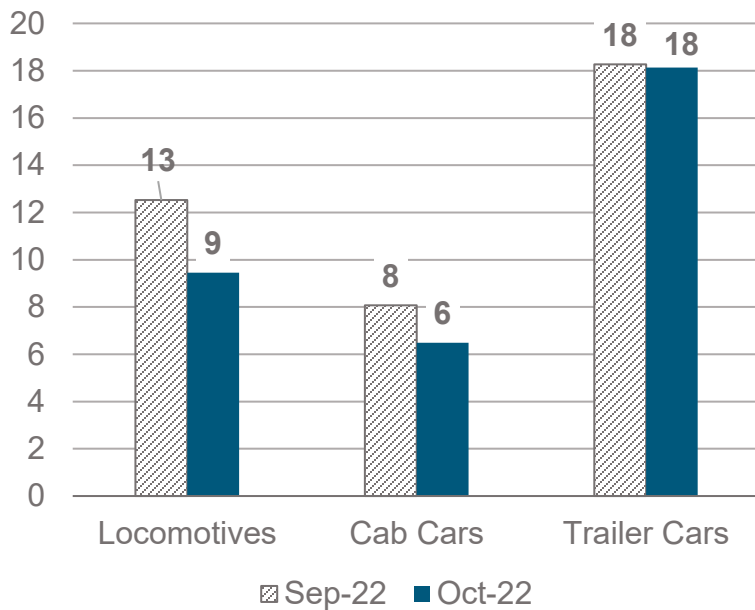
## Mean Distance Between Failure (Locomotives)



Mean Distance Between Failure (MDBF) is a measure of fleet reliability that represents the average distance traveled by train cars before maintenance or repair is required. A higher value indicates an improvement in reliability. Data is measured in miles.

The graph to the left represents MDBF for all passenger locomotives in Caltrain’s fleet.

## Equipment in Maintenance/Repair



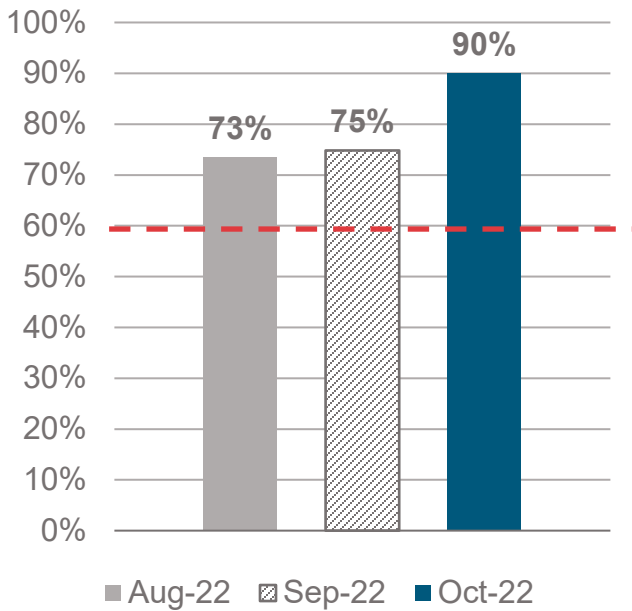
Equipment in Maintenance/Repair represents the number of locomotives and cars that are out of service on an average day each month due to routine and preventative maintenance or other repairs.





# Maintenance Performance

## Equipment Availability (Locomotives)

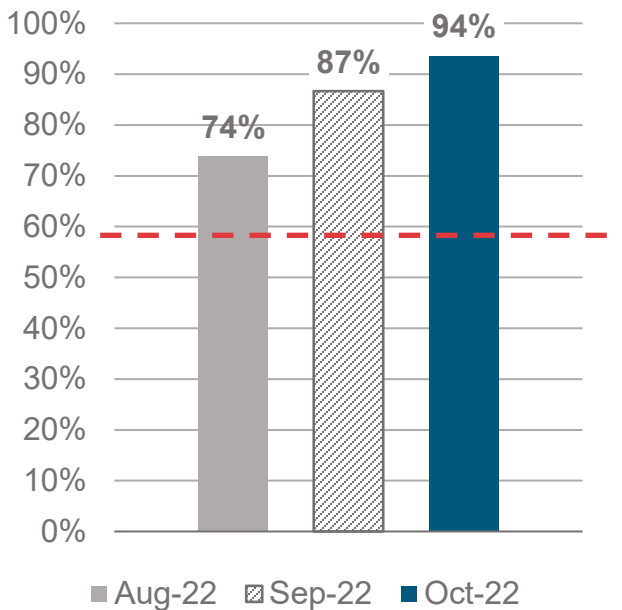


Equipment Availability is the number of cars or locomotives available for service on an average day each month as a percentage of the daily equipment required to run base service.

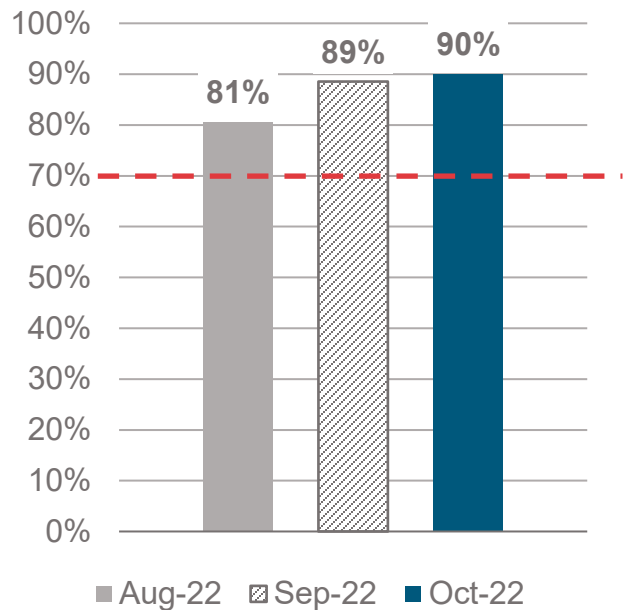
Caltrain currently owns 29 passenger locomotives, with 18 required daily; 36 cab cars, with 21 required daily; and 98 trailer cars, with 69 required daily.

The high average age of Caltrain's current fleet, with around two-thirds being at the end of its useful life, significantly affects availability.

## Equipment Availability (Cab Cars)



## Equipment Availability (Trailer Cars)



Note: The dotted red line ( - - - ) on each graph represents the target line (i.e., the percentage of each equipment type required to run base service on an average weekday).





## Service and Program Updates

### Temporary Weekday Service Changes & Weekend Bus Bridge Coming

Caltrain's Electrification Project, which will replace the 30-year-old diesel trains with state-of-the-art electric trains and install electrification infrastructure, requires significant construction on the corridor.

To accommodate the construction and ensure the new electrified service is available for passengers in 2024, Caltrain will be temporarily reducing service levels from **Monday, December 5 to Sunday, December 18, 2022**. Both weekday and weekend service will be affected.

Please note the following service changes:

#### **Weekday – Dec. 5 to Dec. 16, 2022**

- Overall reduction from 104 trains to 68 trains per day.
- Suspended Baby Bullet service
- Minor Gilroy service adjustments
- Service will end early each night. The last northbound train each evening will depart Tamien Station at 9:01 p.m. and the last southbound train will depart San Francisco Station at 9:22 p.m.

#### **Weekend – Dec. 10-11 and Dec. 17-18, 2022**

- Caltrain service will be replaced with bus service between Belmont and Mountain View stations. Buses are ADA accessible and will have limited capacity for bikes and luggage onboard. Clipper users should tap on at their station of origin and tap off at their destination.
- Service will end early each night. The last northbound train each evening will depart Tamien Station at 9:01 p.m. and the last southbound train will depart San Francisco Station at 9:22 p.m.
- Plan for additional travel time of 60-90 minutes due to the bus bridge.

This portion of the Caltrain electrification construction work includes signal cutover work at 16 grade crossings, requiring a 24/7 single-tracking window between Belmont and Mountain View. This will allow the work to be completed safely and quickly, avoiding potential delays to the project.





## Service and Program Updates

### Caltrain Corridor Crossing Update

The Corridor Crossings Strategy (CCS) has officially kicked off with a presentation to Caltrain's Work-Program-Legislative-Planning Committee in November and an informational update for the Board in December.

Over the last few months, introductory presentations have been presented to the Local Policy Maker Group (LPMG) focused on the background and importance of this strategy, initial feedback from stakeholder engagement, and discussion of the approach.

The CCS process will include extensive stakeholder engagement through the JPB, LPMG, City/County Staff Coordinating Group (CSCG), General Managers Group, and Project Partner Group which is modeled after the Caltrain Business Plan effort.

The engagement process is as important as the technical components and encourages active participation to help drive the development of a shared corridor vision and improve the project delivery processes.

Previously presented CCS materials for the October LPMG are located here for reference: <https://www.caltrain.com/meetings/2022/10/local-policy-makers-group-0>.





## Communications and Marketing Update

### October 2022 Press Releases:

- Caltrain Offers Special Service to Fleet Week in San Francisco
- Caltrain Delivers Fans to Elton John at Levi's Stadium
- Caltrain Delivers Warriors Fans to Chase Center for the Pre-Season Opener
- Caltrain Runs Service to San Jose Sharks All Season
- Bus Service to Replace One Train for Three Weekends for Energization Testing

### October 2022 Campaigns:

- Take Caltrain to the Game – Warriors, Sharks, 49ers, Stanford Football (ongoing)
- Caltrain Special Event Service
- Clipper Mobile and Clipper Start (ongoing)
- 20% Off Caltrain Monthly Pass (ongoing)

### October Digital Marketing Highlights:

- Fleet Week
- Clean Air Day
- Event Marketing Messaging (third month)
- Halloween Content
- Bus Bridge
- Website Survey
- Twitter – Caltrain Alerts was automated to post delay info 24/7.

In the month of October Caltrain focused heavily on event marketing promoting service for Stanford Football and the Golden State Warriors basketball regular season. One of the larger scheduling pieces involved the Bus Bridge beginning on October 22nd with VTA to accommodate energization testing.





# Capital Projects Update

This section of the report includes a sample of projects currently in construction/implementation.

## Project: South San Francisco (SSF) Station Improvements

Project Description		Status Summary			
		Safety	Schedule	Budget	Funding
This project replaces the existing side platforms with a new centerboard platform, construction of a new connecting pedestrian underpass to the two new plazas in downtown South San Francisco to the west and the shuttle area to the east.		●	●	●	●
<b>Project Phase: 6 - Procurement/Construction/Implementation</b>					
Project Costs (in thousands of dollars)				Estimated Completion	
	Current Budget	Committed to Date	Expended + Accruals		
Totals	96,600	85,293	82,811	12/31/2022	
Percentages	100.00%	88.3%	85.7%		
<b>Project Highlights – Recent and Upcoming Work</b>					
<p>Processed the final payments associated with all issued field instructions. Contractor submitted a final change request which is being negotiated.</p> <p>Complete negotiation of final change request. Upon final payment, acquire conditional release from PMI and begin work on Final Acceptance. Agency staff to prepare lessons learned session and to revise ADA slopes at ramps and landing design criteria to require industry recommended construction tolerances.</p>					

**Note:** The Capital Projects information is current as of October 31, 2022, and is subject to change prior to the December 2022 Board meeting.

**Statuses:** ● – Green ● – Yellow ● – Red





# Capital Projects Update

## Project: Ticket Vending Machine (TVM) Upgrade

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
This project will upgrade the existing TVM Server and retrofit and refurbish existing TVM machines to include functions planned for the Clipper program. The new machines will be able to dispense new Clipper cards (excluding discount Clipper cards that require verification of eligibility) and allow customers to add value to existing Clipper cards. In addition, the scope was increased to include upgrades to the credit card reader and database.	●	●	●	●
<b>Project Phase: 6 - Procurement/Construction/Implementation</b>				
<b>Project Costs (in thousands of dollars)</b>				<b>Estimated Completion</b>
	Current Budget	Committed to Date	Expended + Accruals	
Totals	3,892	2,731	1,908	06/30/23
Percentages	100.00%	70.2%	49.0%	
<b>Project Highlights – Recent and Upcoming Work</b>				
Phase 4: There are material and equipment delivery delays. Vendor has been waiting on certain parts and material for the upgrades which are expected to arrive in November 2022 and installed in December 2022.				
Phase 5: Executed the Phase 5 option in the contract which is the last phase of the project.				

**Note:** The Capital Projects information is current as of October 31, 2022, and is subject to change prior to the December 2022 Board meeting.

**Statuses:** ● – Green ● – Yellow ● – Red







# Capital Projects Update

## Project: Clipper Next Gen Validators Site Preparation

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
<p>The scope of the project is to:</p> <ul style="list-style-type: none"> <li>• Prepare all 30 Caltrain stations (excluding Stanford) to be ready for the installation of the next generation Clipper validators. There will be a total of 305 validators installed by MTC/Cubic.</li> <li>• Provide conduits and cables for 120 VAC electrical at all the locations where the new Clipper validators will be installed by MTC/Cubic.</li> <li>• Install anchor bolts in the platforms where the new Clipper validators will be mounted.</li> <li>• Install ground rods or utilize existing electrical grounding for the new Clipper validators.</li> </ul>	●	●	●	●
<b>Project Phase: 6 - Procurement/Construction/Implementation</b>				
<b>Project Costs (in thousands of dollars)</b>				<b>Estimated Completion</b>
	Current Budget	Committed to Date	Expended + Accruals	
Totals	4,141	1,943	1,735	
Percentages	100.00%	46.9%	41.9%	1/31/23
<b>Project Highlights – Recent and Upcoming Work</b>				
<p>Contractor continued to prepare the stations for the new Clipper validator by providing electrical power at the new validator locations on the platforms. All stations have been prepared and the new Clipper validators have been installed by MTC/Cubic except for the San Jose Diridon and Tamien stations. Continue weekly construction meetings with the contractor.</p> <p>Prepare the San Jose Diridon and Tamien stations for the validator installation. MTC/Cubic to finish the validator installations. Conduct a punch list site walk.</p>				

**Note:** The Capital Projects information is current as of October 31, 2022, and is subject to change prior to the December 2022 Board meeting.

**Statuses:** ● – Green ● – Yellow ● – Red





# Capital Projects Update

## Project: Mary & Evelyn Avenue Traffic Signal Preemption

Project Description		Status Summary			
		Safety	Schedule	Budget	Funding
<p>This project will perform upgrades to train approach warning systems at Mary Avenue and Evelyn Avenue crossings in Sunnyvale. The project will improve vehicle safety at the at-grade crossings by increasing traffic signal advance warning times for approaching trains in order to clear vehicles at the crossings.</p>		●	●	●	●
<b>Project Phase: 7 – Start-up/Turnover</b>					
Project Costs (in thousands of dollars)					Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals		
Totals	1,346	1,346	1,266		10/30/22
Percentages	100.00%	100.0%	94.1%		
<b>Project Highlights – Recent and Upcoming Work</b>					
<p>Received approval from Management Committee to turnover the advance signal preemption system to Rail Operations. Continued project closeout activities.</p>					

**Note:** The Capital Projects information is current as of October 31, 2022, and is subject to change prior to the December 2022 Board meeting.

**Statuses:** ● – Green ● – Yellow ● – Red





# Capital Projects Update

## Project: Bayshore Station Bridge Painting

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
This project will perform rehabilitation of the coatings of the existing steel pedestrian overpass bridge at the Bayshore Station in Brisbane. The bridge's paint coatings are in need of rehabilitation due to surface rust. This work combined with a complete repainting of the bridge will bring the structure to a state of good repair.	●	●	●	●

**Project Phase: 6 – Procurement/Construction/Implementation**

Project Costs (in thousands of dollars)				Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals	
Totals	6,870	3,498	1,16	01/31/23
Percentages	100.00%	40.9%	20.6%	

### Project Highlights – Recent and Upcoming Work

Crews mobilized onsite and working to install scaffolding and shrink wrap enclosure systems on the east and west towers and pedestrian bridges.

Continuing weekly meetings with the Contractor Top Line Engineers. Continue review and processing of project submittals.

Delays have occurred from the contractor obtaining approval for installation of the scaffold system in full compliance with some of the Contract requirements. Delay impacts planned substantial completion and final completion dates. Schedule status light shown as yellow while the Contractor evaluates the impact and develops schedule recovery measures.

**Note:** The Capital Projects information is current as of October 31, 2022, and is subject to change prior to the December 2022 Board meeting.

**Statuses:** ● – Green    ● – Yellow    ● – Red





# Capital Projects Update

## Project: Guadalupe River Bridge Replacement

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
JPB will replace the MT-1 railroad bridge and extend and seismically retrofit the MT-2 railroad bridge over the Guadalupe River in the City of San Jose, Santa Clara County, California. The project is located just north of Willow Street and east of State Route (SR) 87 between the Tamien and San Jose Diridon stations.	●	●	●	●
<b>Project Phase: 6 – Procurement/Construction/Implementation</b>				
Project Costs (in thousands of dollars)				Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals	
Totals	63,699	9,252	8,540	02/16/25
Percentages	100.00%	14.5%	13.4%	
<b>Project Highlights – Recent and Upcoming Work</b>				
<p>The Guadalupe River Bridge Replacement Project was awarded on 10/6/2022 to Walsh Construction Company II, LLC, for \$29,764,499. The associated contract was executed on 10/28/2022 with an Effective Date of 11/1/2022.</p> <p>The issuance of Limited Notice to Proceed (LNTP) for the construction contract is planned for 11/21/2022.</p>				

**Note:** The Capital Projects information is current as of October 31, 2022, and is subject to change prior to the December 2022 Board meeting.

**Statuses:** ● – Green    ● – Yellow    ● – Red





# Capital Projects Update

## Project: MP-36 Locomotive Mid-Life Overhaul Project

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
<p>This project involves performing mid-life overhaul of six MP-36-3C Locomotives. The mid-life overhaul includes complete disassembly of the main diesel engine, overhauling by reconditioning re-usable main frame components and re-assembly with new engine components and replacement of Separate Head-End Power (SEP-HEP) unit and all electrical components of the SEP-HEP compartment. All areas of the locomotive car body, trucks, wheels and electrical components shall be reconditioned to like-new condition or replaced with new material. The project work is occurring off-site at the contractor's facility location. The 6 locomotives to be overhauled are Locomotive #'s 923, 924, 925, 926, 927 &amp; 928. In order to maintain daily service, only 1 to 2 of these locomotives are released at a time for overhaul work that is expected to take approximately 8 months per locomotive. Due to this restriction, the overall completion of this work is expected to take approximately 4 years.</p>	●	●	●	●

### Project Phase: 6 – Procurement/Construction/Implementation

Project Costs (in thousands of dollars)				Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals	
Totals	15,430	13,172	5,683	05/31/24
Percentages	100%	85.4%	36.8%	

### Project Highlights – Recent and Upcoming Work

Unit 927 is in service, and the annual maintenance was completed. Unit 924 was painted and inspected. Unit 925 is still in overhaul - due to ship in January 2023.

Vehicles 924 and 925 are at Mare Island undergoing rehabilitation. Most of the static testing is complete for vehicle 924 with a forecasted ship date in November. Caltrain to prepare next unit for overhaul to ship to Alstom.

The schedule and budget were re-baselined by the Management Committee in October 2022.

**Note:** The Capital Projects information is current as of October 31, 2022, and is subject to change prior to the December 2022 Board meeting.

**Statuses:** ● – Green ● – Yellow ● – Red



# Acknowledgements

This report is made possible by contributions from the following groups and individuals.

## **Caltrain Planning**

Dahlia Chazan, Deputy Chief  
Ted Burgwyn, Director, Rail Network and Operations Planning

## **Communications Division**

Robert Casumbal, Director, Marketing & Research  
Jeremy Lipps, Digital Communications Manager  
Julian Jest, Manager, Market Research & Development

## **Finance Administration**

Ryan Hinchman, Director, Financial Planning & Analysis  
Bruce Thompson, Manager, Fare Program Operations  
Dapri Hong, Budget Analyst III

## **Rail Administration / Rail Operations & Maintenance**

David Santoro, Acting Chief Operating Officer  
Patrice Givens, Administrative Analyst II  
Graham Rogers, Business Operations Project Manager  
Sam Sargent, Director, Strategy & Policy  
Henry Flores, Deputy Director, Rail Vehicle Maintenance

## **Rail Development**

Rob Barnard  
Andy Robbins  
Jonathan Tillman  
Robert Cheung  
Sowmya Karipe

## **Additional Support**

Staff Coordinating Council  
Don Esse, Senior Operations Financial Analyst  
Margie Alexander, TASI  
Sarah Doggett, MTC



**Peninsula Corridor Joint Powers Board  
Board of Directors Meeting  
1250 San Carlos Avenue, San Carlos CA**

**Draft Minutes of November 3, 2022**

**Members Present (Remote):** C. Chavez, D. Davis, J. Gee, G. Hendricks, D. Pine, C. Stone (Vice Chair), S. Walton (left 10:23am)

**Members Present (In Person):** S. Heminger (Chair), M. Zmuda

**Members Absent:** None

**Staff Present:** M. Bouchard, G. Martinez, J. Harrison, A. Myles-Primakoff, D. Santoro, J. Ye, R. Hinchman, B. Thompson, S. Sargent, C. Fromson, D. Ryan, K. Yin, R. Nielsen, T. Bartholomew, B. Shaw, P. Shrestha, D. Seamans, S. Wong, K. Scribner

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

Chair Steve Heminger called the meeting to order at 9:02 am and led the pledge of allegiance.

**2. Roll Call**

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

**3. General Counsel Report – Closed Sessions:**

**3.a. Closed Session: Threat to Public Services or Facilities – Pursuant to Government Code Section 54957(a). Consultation with: JPB, Director of Information Technology (IT)**

**3.b. Closed Session: Public Employment. (Gov. Code § 54957(b)) Title: Executive Director**

**4. General Counsel Report – Report Out From Above Closed Sessions**

*The Board convened in closed session at 9:02 am*

*The Board reconvened in regular session at 10:07 am*

General Counsel James Harrison stated there was no action to report from the closed sessions.

**5. Appointment of Caltrain Executive Director**

Motion/Second: Heminger/Davis to appoint Michelle Bouchard as Executive Director pursuant to terms listed

Ayes: Chavez, Davis, Gee, Hendricks, Pine, Stone, Walton, Zmuda, Heminger

Noes: None

Absent: None

Public Comment

Adina Levin, Friends of Caltrain, expressed support for the appointment.

Aleta Dupree spoke in support of the executive director appointment.

Vaughn Wolffe, Pleasanton, commended Ms. Bouchard on her experience and competence.

*Director Walton left at 10:23 am*

## **6. Public Comment for Items Not on the Agenda**

Marie Blankley, Gilroy Mayor, commented on earlier support for Measure B and Measure RR and equitable service for their constituents. She requested an additional train for South County service to Gilroy.

Aleta Dupree commented on an all-agency Clipper pass and making fares more affordable to encourage riders.

Rich Constantine, Morgan Hill Mayor, expressed support for a fourth train to South (Santa Clara) County in light of Measure B and how South San Jose, Morgan Hill, and Gilroy are growing faster than many other cities in this county.

## **7. Consent Calendar**

- 7.a. Approve Regular Meeting Minutes of October 6, 2022**
- 7.b. Renew Resolution Adopting Findings to Authorize Holding Meetings Via Teleconference for 30 Days Pursuant to Assembly Bill (Assembly Bill) 361**
- 7.c. Call for Public Hearing at the November Finance Committee - Clipper Next Generation Update and Monthly Pass Product Proposed Changes**
- 7.d. Report of the Acting Chief Financial Officer**
- 7.e. Accept Statement of Revenues and Expenses for the Period Ending September 30, 2022**
- 7.f. Accept Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022**
- 7.g. Award of a Contract to Bell Burnett & Associates to Provide Financial Strategy Plan Consulting Services\***
- 7.h. Metropolitan Transportation Commission (MTC)/Regional Update**

### Public Comment

Adina Levin, commented on 7g, financial planning in challenging times, and expressed support for business planning in a changed environment and regrowing transit ridership.

Aleta Dupree, Oakland, commented on Assembly Bill 361 and the upcoming a public hearing and presentation on Clipper at the Finance Committee meeting.

Motion/Second: Zmuda/Pine

Ayes: Chavez, Davis, Gee, Hendricks, Pine, Stone, Zmuda, Heminger

Noes: None

Absent: Walton



## **8. Adopt Revised Rules of Procedure for the Peninsula Corridor Joint Powers Board Including Updated Committee Structure**

Sam Sargent, Director, Strategy and Policy, provided a presentation that included the following:

- Expansion of the Committee Structure from two to three committees for more opportunities for input and more focused committee meetings with three Board Committee members each
- Finance Committee responsibilities – annual budget, audit, debt. Procurement, real estate transactions, and revenue expenditures and investments
- Operations, Planning, Safety (OPS) Committee – updates to the business plan, service vision updates, capital improvement program (maintenance and state of good repair), operations and performance metrics, real estate policies (as opposed to transactions), safety and security updates, service, planning, sustainability, and Title VI program. It would likely review updates on grade and grade separation projects, sustainability reports, major service changes, and TOD (Transit-Oriented Development) policy.
- Advocacy and Major Project (AMP) Committee – as a regional leader, review updates and provide recommendations on items related to capital projects with a regional scope or that have other jurisdictional and or agency partners and communications. The scope would include DTX (Downtown Rail extension), High-Speed Rail, and our Federal and State legislative programs.
- Reorganization of Order of Business for meetings to move up the Executive Director and other small clean up items
- Resolution on how the Board members or the public may request adding future agenda items
- JPB Chair to appoint new Committee Members after new Board Members are seated

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

- Request that new Chair work with the different counties on who should serve on which committees
- Add “technology” to the Operations, Planning and Safety (OPS) committee due to ensure smart/technology systems are integrated
- Under the Finance Committee, clarify the wording that that individuals cannot choose the auditor and the Committee’s duty is to develop financial policies, reserve practices, and so forth

### Public Comment

Aleta Dupree commented on committee work being the hallmark of public service with detailed discussions and having the executive director report at the beginning of the meeting.

Motion/Second: Hendricks/Chavez

Ayes: Chavez, Davis, Gee, Hendricks, Pine, Zmuda, Stone, Heminger

Noes: None

Absent: Walton

## **9. Adopt Policy Regarding New Brown Act Remote Meetings Exceptions**

Anna Myles-Primakoff, Legal Counsel, provided a presentation that included the following:

- This was an informational item and will be brought back to the Board for a future vote
- Assembly Bill (AB) 361 – permitted remote meetings during the proclaimed state of emergency; the Governor intends to withdraw the COVID-19 state of emergency on February 2023 but the Board may continue to make findings backed on local or state guidance to continue to allow for remote participation and meetings until then
- AB 2449 – starting January 1, 2023, a quorum of Board Members must participate in person from a singular physical location within the JPB’s jurisdiction, the location identified on the agenda, and open to the public
  - Members wishing to participate remotely must make a formal request to and be approved by the Board
  - Reviewed what would constitute just cause and emergency circumstances as approved by the Board
  - Member may not participate remotely for more than three consecutive months or 20% of Board or Committee meetings of the regular meetings within a calendar year
  - Approved remote Member participants must use both audio and visual technology and must publicly disclose whether any person over 18 is present at the remote location
- Proposed policy for participation in person and or remotely under AB 2449 exception if approved by the Board or Committee, and to take effect February 28, 2023

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

- The Board to make a determination on allowing public participation in person and or remotely via Zoom
- Quorum qualifications if one member wants to participate remotely under the Brown Act or under AB 2449 exceptions that must be approved by the Board or Committee

## **10. Adopt Resolution Honoring National Native American Heritage Month**

Tasha Bartholomew, Communications Manager, presented the resolution to recognize and commemorate Native American History month.

Motion/Second: Stone/Hendricks

Ayes: Chavez, Davis, Gee, Hendricks, Pine, Zmuda, Stone, Heminger

Noes: None

Absent: Walton

## **11. Reports**

### **a. Report of the Executive Director**

Michelle Bouchard, Executive Director, reported on the following:

- A new Executive Director report (ED) format
- The Ridership Recovery Task Force reports directly to ED
- A national rail strike averted due to continuing negotiations on a national level
- Hosting a Commuter Rail Coalition Summit in San Jose on November 14-16
- Holiday train on December 3-4 and partnering with the Marine Corps Reserve and Salvation Army

- Service changes required for electrification program work and safety for workers and riders

Mike Meader, Caltrain Chief Safety Officer, provided a presentation that included the following:

- Safety being the first priority, systematic risk assessment analysis, and the need for diesel and electric safety expertise
- Preparing for electrified service includes training, certification, activation, and operations
- Importance of data, planning, and safety for smooth transition to an electrified railroad

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

- Work to actively develop a capital project to deter suicides
- Transit America Services, Inc. (TASI) –weekly meetings on communication and methodology
- Targeting leading and lagging indicators in reports
- Addressing train schedule complaints

**b. Report of the Citizens Advisory Committee (CAC)**

Brian Shaw, CAC Chair, provided a report with committee discussions on the following:

- New CAC members introduced
- Update on Rengstorff project and Wayfinding
- Annual customer satisfaction survey – change to distance base
- Code of conduct update in November

**c. Report of the Chair**

There was none.

**d. Report of the Local Policy Maker Group (LPMG)**

Director Jeff Gee reported on discussions on Corridor Crossing Strategy (formerly grade separation strategy) and the toolkit on how grade crossings can be executed.

**e. Report of the Transbay Joint Powers Authority (TJPA)**

Director Jeff Gee said there was no October meeting and the next meeting will be in November.

Public Comment

Adina Levin, Friends of Caltrain, commented on transfers at Millbrae, commended efforts for ridership regrowth, and change to regional rail service.

**12. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report**

Pranaya Shrestha, CalMod Chief Officer, provided the presentation that included the following information:

- Managing over 350 risks and mitigated approximately 280
- No change to revenue service date nor project budget
- Energization testing in Santa Clara and San Jose (have over a year to test and address issues)
- Social workers communicating with people at the homeless camp
- Construction update and dynamic testing anticipated late 2022

- Signal system and communication - major signal work in December
- Customer outreach
- Crossing optimization - deploying new software November 2022

Casey Fromson, Chief Communications Officer, provided a presentation that included the following information:

- Federal funding update (will depend on election results)
- Senate side will advocate for language for \$51 million
- Federal Rail Association (FRA) intercity rail grant program may not be the best fit
- Caltrain eligible for state funding with more information in January 2023 – these resources will determine financial health of the agency.

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

- Request for additional information on what is supposed to happen in the next 3-4 months
- How to assess whether Caltrain is on schedule and confident about reaching dates on time
- Re-casting this information so the Board members have better decision-making materials

#### Public Comment

Javier Hernandez, Santa Clara, commented on apartments facing Lawrence Caltrain electrification construction, supported installation of solar panels and clean energy, and train connection to the energy grid.

#### **13. Correspondence**

Correspondence was available online.

#### **14. Board Member Requests**

Director Hendricks requested improved transparency regarding that project/program milestones.

Director Gee requested that “Technology” be included in one of the new committees (such as the Operations, Planning, Safety (OPS) Committee).

#### **15. Date/Time of Next Regular Meeting:**

Thursday, December 1, 2022 at 9:00 am via Zoom and in person at the San Mateo County Transit District, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA.

#### **16. Adjourn**

Adjourned at 12:17 pm

An audio/video recording of this meeting is available online at [www.Caltrain.com](http://www.Caltrain.com). Questions may be referred to the Board Secretary's office by phone at 650.508.6242 or by email to [Board@Caltrain.com](mailto:Board@Caltrain.com).

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Dora Seamans, Executive Officer/District Secretary  
Subject: **Approve 2023 Board Meeting Calendar**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

Staff Coordinating Council recommends the Joint Powers Board approve the attached Board meeting calendar for 2023.

**Significance**

The JPB Board Meeting is scheduled the first Thursday of every month at 9:00am consistently

**Budget Impact**

There is no impact on the budget.

Prepared By: Dora Seamans      Executive Officer/District Secretary      650.508.6242



## Peninsula Corridor Joint Powers Board 2023 Meeting Calendar

First Thursday of the Month – 9:00 AM
January 5
February 2
March 2
April 6
May 4
June 1
July – No meeting
August 3
September 7
October 5
November 2
December 7

The Board meets the first Thursday of the month unless otherwise noted.

Board meetings will be conducted in a hybrid format (virtually and in-person). Individual members of the public may participate in-person if they comply with the District's current workplace safety policies, unless stated otherwise, unless scheduled or stated otherwise at <https://www.caltrain.com/about-caltrain/meetings>

Dates may be subject to change.

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard  
Executive Director  
From: James C. Harrison  
General Counsel  
Subject: **Renewing Resolution Adopting Findings to Authorize Holding Meetings  
Via Teleconference for 30 Days Pursuant to Assembly Bill (AB) 361**

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”):

1. Renew findings adopted in November that: 1) there is a proclaimed state of emergency in California; and 2) local public health officials have recommended measures for social distancing; and 3) meeting in person would pose imminent risk to the health and safety of attendees; and
2. Approve meeting remotely via teleconference for the next 30 days, pursuant to AB 361 (Government Code section 54953) with the option for members of the Board and members of the public to attend Board meetings in-person if they provide proof of vaccination or a negative COVID-19 test taken within the seven days preceding the meeting.

**Significance**

On March 4, 2020, Governor Gavin Newsom declared a state of emergency, and issued subsequent executive orders suspending certain provisions of the Ralph M. Brown Act (the Brown Act) to allow local government agencies to meet remotely during the COVID-19 pandemic. His most recent executive order suspending provisions of the Act expired at the end of September 2021; before its expiration, Governor Newsom signed Assembly Bill 361 (AB 361) into law on September 16, 2021, amending the Brown Act to permit local agencies to continue to use teleconferencing under certain conditions during a state of emergency.

AB 361 allows local agencies to make an initial determination to hold open meetings via teleconferencing when there is a proclaimed state of emergency and one of the following criteria described in section 54953(e)(1) of the Brown Act, as amended, is met:

1. State or local officials have imposed or recommended social distancing.
2. The local agency holds a meeting for the purposes of determining by majority vote if meeting in person would pose imminent health and safety risks to attendees.
3. The local agency holds a meeting after having determined by majority vote, as a result of the emergency, meeting in person would pose imminent risks to the health or safety of attendees.

Following the initial determination, a local agency must make the following findings by a majority vote every 30 days to renew the resolution and to continue to meet remotely: (1) the local agency has reconsidered the circumstances of the emergency; *and* (2) the state of emergency continues to directly impact the ability of the members to safely meet in person, *or* state or local officials continue to impose or recommend social distancing. Gov't Code § 54953(e)(3).

In February 2022, Governor Gavin Newsom issued Executive Orders ending certain emergency measures no longer required to address the pandemic; however, the Governor's declared state of emergency is still in place and will remain in effect through February 28, 2023. Though some COVID-19 restrictions have been rolled back at the state and local level, the California Department of Public Health continues to recommend that people who are at higher risk of severe illness from COVID-19 continue to protect themselves by staying at least six feet apart from people outside their households. And while masks are no longer required in all indoor spaces, the San Mateo County Health Department still recommends indoor masking for gatherings that include the elderly, immunocompromised individuals, or people who are not vaccinated.

Given the current and evolving conditions, staff recommends that the Board renew the requisite findings and authorize Advisory, Committee, Regular and Special meetings to be conducted via teleconference for the next 30 days following this December 1, 2022, meeting. Specifically, staff recommends that while the remote meeting resolution is in effect, individual members of the Board and members of the public may opt to participate in-person at Board meetings if they adhere to all policies for attendance.

Board meetings will be held at the offices of the San Mateo County Transit District ("SamTrans") in the auditorium. Consistent with SamTrans workplace safety policy, Board members and members of the public will be required to show proof of vaccination (as defined by the California Department of Public Health) or proof of a negative COVID-19 test taken within the seven days preceding the meeting before entry into the building will be granted.

Board members and members of the public who do not wish to participate in-person or do not provide proof of vaccination or of a negative COVID-19 test from within the previous seven days



may participate remotely. Committee and Advisory Committee meetings will continue to be conducted remotely.

If the Board does not renew the resolution, the Board, Committees, and Advisory Committees must meet in person and any member who participates via teleconference must notice the location from which the member participates, as required by the Brown Act.

**Budget Impact**

There is no budget impact associated with receiving this report.

**Background**

The California Department of Public Health (CDPH) continues to refer California residents to guidance from the Centers for Disease Control and Prevention (CDC) on how to prevent the spread of COVID-19 and its variants, and the CDC continues to recommend social distancing as a measure for individuals and specifically vulnerable individuals to protect themselves and others from infection with COVID-19.

Similarly, the San Mateo County Health Officer has advised that San Mateo County residents should continue to follow the recommendations of the CDC and CDPH. According to the City and County of San Francisco public health guidance, its guidelines will align with those of the CDC and CDPH (except when local conditions require more restrictive measures). On September 21, 2021, the County of Santa Clara Public Health Officer issued a Recommendation Regarding Continued Remote Public Meetings of Governmental Entities and advised that public bodies continue to meet remotely to the extent possible. This recommendation has not changed since that time.

Prepared By:	Anna Myles-Primakoff	Counsel	916-442-2952
	Quentin Barbosa	Law Clerk	916-442-2952

**Resolution No. 2022-**

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

\* \* \*

**Renewing Resolution Adopting Findings That There is a Proclaimed State of Emergency and That Meeting In Person Poses Imminent Health and Safety Risks to Attendees and Authorizing Remote Teleconference Meetings for the Board and Committees For the Period of December 1, 2022 Through January 2, 2022**

**Whereas**, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency in the State of California; and

**Whereas**, the Ralph M. Brown Act (the Brown Act), Government Code section 54953(e), was amended on September 16, 2021, to make provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**Whereas**, the Board of Directors adopted Resolution 2021-52, on October 7, 2021, finding that the requisite conditions were met for the Peninsula Corridor Joint Powers Board to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953, and has renewed this finding or adopted new findings each month thereafter, with the exception of July 2022, when the Board meeting was cancelled; and

**Whereas**, on November 3, 2022, the Board adopted Resolution No. 2022-63, which includes findings that there is a proclaimed state of emergency and that the criteria described in section 54953(e)(1) of the Brown Act have been met, including that state or local officials have imposed or recommended social distancing; and

**Whereas**, San Mateo County, Santa Clara County, and San Francisco County public health officials continue to recommend measures to promote social distancing including following the guidance of the Center for Disease Control which recommends social distancing; and

**Whereas**, staff recommends that the Board adopt findings that that there is a proclaimed state of emergency and that the criteria described in Government Code section 54953(e)(1) have been met, including that state or local officials have imposed or recommended social distancing, and authorizing the Advisory, Committee, and Regular and Special meetings of the Board to be conducted via teleconference for the next 30 days following this December 1, 2022, resolution, and that while the remote meeting resolution is in effect, individual members of the Board and members of the public may opt to participate in-person at Board meetings; and

**Whereas**, Board meetings will be held at the offices of the San Mateo County Transit District (SamTrans) in the board room, and SamTrans' workplace safety policy requires all individuals to show proof of vaccination (as defined by the California Department of Public Health) or proof of a negative COVID-19 test taken within the seven days preceding the meeting before entry into the building will be granted; and

**Whereas**, to help protect against the spread of COVID-19 and variants, and to protect the health and safety of the public, the Board of Directors wishes to take the actions necessary to comply with the Brown Act, as amended, to continue to hold its Board, Committee, and Advisory Committee meetings remotely via teleconference pursuant to AB-361 with an option for in-person attendance at Board meetings for members of the Board and the public; and

**Whereas**, the Board of Directors will continue to give notice of the meeting and post agendas as otherwise required by the Brown Act and allow members of the public to access the meeting and give ample opportunity for public comment; and

**Now, Therefore, Be It Resolved** that the Board of Directors adopts findings that the state of emergency continues to directly impact the ability of the members to safely meet in person and state or local officials continue to impose or recommend social distancing and that the conditions of Government Code section 54953 for meeting remotely have been met; and

**Be It Further Resolved** that the Board approves meeting via teleconference for all Regular and Special Board, Committee, and Advisory Committee Meetings of the JPB for the 30 days following this resolution, in accordance with Government Code section 54953 and other applicable provisions of the Brown Act.

Regularly passed and adopted this 1<sup>st</sup> day of December, 2022 by the following vote:

Ayes:

Noes:

Absent:

---

Chair, Peninsula Corridor Joint Powers Board

Attest:

---

JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Grace Martinez, Acting Chief Financial Officer  
Subject: **Accept Statement of Revenues and Expenses for the Period Ending October 31, 2022**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

Staff proposes that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) accept and enter into the record the Statement of Revenues and Expenses for October 2022.

This staff report provides a brief discussion of significant items and trends on the attached Statement of Revenues and Expenses through October 31, 2022. The statement has been designed to follow the Agency-wide line-item rollup as included in the approved budget. The columns have been designed to provide an easy comparison of year-to-date current actuals to the budget including dollar and percentage variances.

**Significance**

**Year to Date Revenues:** As of October's year-to-date actual, the Grand Total Revenue (page 1, line 16) is \$0.9 million higher than the adopted budget. This is primarily driven by the increase in Other Income (page 1, line 5) which is partially offset by Caltrain Fares (page 1, line 1).

**Year to Date Expenses:** As of October's year-to-date actual, the Grand Total Expense (page 2, line 50) is \$6.5 million lower than the adopted budget. This is primarily driven by decreases in Professional Services (page 2, line 38) due to the timing of expenses, Fuel and Lubricants (page 2, line 24) which is partially offset by the fuel hedge revenue, and Wages and Benefits (Page 2, line 35).

**Other Information:** The Agency accounts for revenue and expenditures on a modified cash basis (only material revenues and expenses are accrued) on the monthly financial statement. As such, the variance between the current year's actual and the budget may show noticeable variances due to the timing of expenditures.

**Budget Impact**

There are no budget amendments for the month of October 2022.

Prepared By:	Danny Susantin	Accountant III	650.622.8073
	Jennifer Ye	Director, Accounting	650.622.7890

<b>PENINSULA CORRIDOR JOINT POWERS BOARD</b>									
<b>STATEMENT OF REVENUE AND EXPENSE</b>									
<b>Fiscal Year 2023</b>									
<b>October 2022</b>									
							% OF YEAR ELAPSED		
							33.3%		
	JULY TO OCTOBER				ANNUAL				
	CURRENT ACTUAL	ADOPTED BUDGET	\$ VARIANCE	% VARIANCE	APPROVED BUDGET	FORECAST	\$ VARIANCE		
<b>REVENUE</b>									
<b>OPERATIONS:</b>									
1	Caltrain Fares	9,916,511	10,422,000	(505,489)	(4.9%)	30,151,000	30,151,000	-	1
2	Go Pass	5,727,277	5,420,000	307,277	5.7%	16,260,000	16,260,000	-	2
3	Parking Revenue	586,122	632,000	(45,878)	(7.3%)	1,896,000	1,896,000	-	3
4	Rental Income	411,882	311,788	100,094	32.1%	935,357	935,357	-	4
5	Other Income	1,683,957	581,440	1,102,517	189.6%	1,744,319	1,744,319	-	5
6								-	6
7	<b>TOTAL OPERATING REVENUE</b>	<b>18,325,750</b>	<b>17,367,228</b>	<b>958,522</b>	<b>215.3%</b>	<b>50,986,676</b>	<b>50,986,676</b>	<b>-</b>	<b>7</b>
8								-	8
9	<b>CONTRIBUTIONS:</b>								
10	AB434 Peninsula & TA Shuttle Funding	26,667	26,667	-	.0%	40,000	40,000	-	10
11	Operating Grants	3,762,720	3,762,720	-	.0%	11,288,161	11,288,161	-	11
12	Measure RR	38,197,949	38,267,668	(69,719)	(.2%)	114,300,000	114,300,000	-	12
13								-	13
14	<b>TOTAL CONTRIBUTED REVENUE</b>	<b>41,987,336</b>	<b>42,057,055</b>	<b>(69,719)</b>	<b>(.2%)</b>	<b>125,628,161</b>	<b>125,628,161</b>	<b>-</b>	<b>14</b>
15								-	15
16	<b>GRAND TOTAL REVENUE</b>	<b>60,313,086</b>	<b>59,424,283</b>	<b>888,803</b>	<b>1.5%</b>	<b>176,614,837</b>	<b>176,614,837</b>	<b>-</b>	<b>16</b>
17								-	17

<b>PENINSULA CORRIDOR JOINT POWERS BOARD</b>									
<b>STATEMENT OF REVENUE AND EXPENSE</b>									
<b>Fiscal Year 2023</b>									
<b>October 2022</b>									
<b>% OF YEAR ELAPSED</b>							<b>33.3%</b>		
	<b>JULY TO OCTOBER</b>				<b>ANNUAL</b>				
	<b>CURRENT ACTUAL</b>	<b>ADOPTED BUDGET</b>	<b>\$ VARIANCE</b>	<b>% VARIANCE</b>	<b>APPROVED BUDGET</b>	<b>FORECAST</b>	<b>\$ VARIANCE</b>		
18	<b>EXPENSE</b>							18	
19								19	
20	<b>DIRECT EXPENSE:</b>							20	
21	Rail Operator Service	31,931,257	32,390,924	(459,667)	(1.4%)	98,257,758	98,257,758	-	21
22	Security Services	2,264,332	2,678,456	(414,124)	(15.5%)	7,935,381	7,935,381	-	22
23	Shuttle Services	-	47,160	(47,160)	(100.0%)	121,600	121,600	-	23
24	Fuel and Lubricants*	4,505,929	5,846,408	(1,340,479)	(22.9%)	17,539,232	17,539,232	-	24
25	Timetables and Tickets	4,941	45,116	(40,175)	(89.0%)	135,350	135,350	-	25
26	Insurance	8,354,655	8,403,480	(48,826)	(.6%)	9,299,730	9,299,730	-	26
27	Claims, Payments, and Reserves	646,993	440,000	206,993	47.0%	1,320,000	1,320,000	-	27
28	Facilities and Equipment Maintenance	2,375,729	2,451,697	(75,968)	(3.1%)	7,258,788	7,258,788	-	28
29	Utilities	878,253	872,532	5,721	.7%	2,617,600	2,617,600	-	29
30	Maint & Services-Bldg & Other	347,777	497,122	(149,345)	(30.0%)	1,754,100	1,754,100	-	30
31								31	
32	<b>TOTAL DIRECT EXPENSE</b>	<b>51,309,865</b>	<b>53,672,895</b>	<b>(2,363,030)</b>	<b>(4.4%)</b>	<b>146,239,539</b>	<b>146,239,539</b>	<b>-</b>	32
33								33	
34	<b>ADMINISTRATIVE EXPENSE</b>							34	
35	Wages and Benefits	4,653,730	5,681,317	(1,027,587)	(18.1%)	13,926,330	13,926,330	-	35
36	Managing Agency Admin OH Cost	995,971	1,189,585	(193,614)	(16.3%)	3,565,453	3,565,453	-	36
37	Board of Directors	4,266	12,372	(8,107)	(65.5%)	57,275	57,275	-	37
38	Professional Services	877,937	3,082,588	(2,204,651)	(71.5%)	9,305,755	9,305,755	-	38
39	Communications and Marketing	70,529	134,576	(64,047)	(47.6%)	403,730	403,730	-	39
40	Other Office Expenses and Services	500,990	909,535	(408,545)	(44.9%)	2,762,496	2,762,496	-	40
41								41	
42	<b>TOTAL ADMINISTRATIVE EXPENSE</b>	<b>7,103,424</b>	<b>11,009,973</b>	<b>(3,906,549)</b>	<b>(35.5%)</b>	<b>30,021,039</b>	<b>30,021,039</b>	<b>-</b>	42
43								43	
44	<b>TOTAL OPERATING EXPENSE</b>	<b>58,413,289</b>	<b>64,682,868</b>	<b>(4,132,138)</b>	<b>(6.4%)</b>	<b>176,260,578</b>	<b>176,260,578</b>	<b>-</b>	44
45								45	
46	Governance	19,402	116,668	(97,266)	(83.4%)	350,000	350,000	-	46
47								47	
48	Debt Service Expense	768,062	860,584	(92,522)	(10.8%)	2,581,752	2,581,752	-	48
49								49	
50	<b>GRAND TOTAL EXPENSE</b>	<b>59,200,754</b>	<b>65,660,120</b>	<b>(6,459,366)</b>	<b>(9.8%)</b>	<b>179,192,330</b>	<b>179,192,330</b>	<b>-</b>	50
51								51	
52	<b>NET SURPLUS / (DEFICIT)</b>	<b>1,112,332</b>	<b>(6,235,838)</b>	<b>7,348,170</b>	<b>(117.8%)</b>	<b>(2,577,493)</b>	<b>(2,577,493)</b>	<b>-</b>	52
53								53	
54	Draw from FY2022 surplus	-				2,577,493	2,577,493		54
55	<b>ADJUSTED NET SURPLUS / (DEFICIT)</b>	<b>1,112,332</b>				<b>-</b>	<b>-</b>		55
56								56	
57	Reserve, Beginning Balance	16,115,624				16,115,624			57
58	FY23 Set aside	-				10,763,226			58
59	<b>Reserve, Ending Balance</b>	<b>16,115,624</b>				<b>26,878,850</b>			59
60								60	
61	<b>* Fuel and Lubricants costs were reduced by a realized gain of \$1,404,085 from the fuel hedge program.</b>							61	





BOARD OF DIRECTORS 2022

STEVE HEMINGER, CHAIR  
CHARLES STONE, VICE CHAIR  
DEVORA "DEV" DAVIS  
CINDY CHAVEZ  
JEFF GEE  
GLENN HENDRICKS  
DAVE PINE  
SHAMANN WALTON  
MONIQUE ZMUDA

**PENINSULA CORRIDOR JOINT POWERS BOARD**

**INVESTMENT PORTFOLIO**

**AS OF OCTOBER 31, 2022**

MICHELLE BOUCHARD  
ACTING EXECUTIVE DIRECTOR

TYPE OF SECURITY		MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
Local Agency Investment Fund (Unrestricted)	*	Liquid Cash	1.772%	10,120,543	10,120,543
County Pool (Unrestricted)		Liquid Cash	1.505%	563,159	563,159
Other (Unrestricted)		Liquid Cash	2.535%	117,281,288	117,281,288
Other (Restricted)	**	Liquid Cash	1.000%	54,427,185	54,427,185
				\$ 182,392,176	\$ 182,392,176

Interest Earnings for October 2022	\$	407,266.40
Cumulative Earnings FY2023	\$	1,164,931.67

\* The market value of Local Agency Investment Fund (LAIF) is calculated annually and is derived from the fair value factor as reported by LAIF for quarter ending June 30th each year.

\*\* Prepaid Grant funds for Homeland Security, PTMISEA and LCTOP projects, and funds reserved for debt repayment. The Portfolio and this Investment Report comply with the Investment Policy and the provisions of SB 564 (1995). The Joint Powers Board has the ability to meet its expenditure requirements for the next six months.

Farebox Revenues by Ticket Type	PENINSULA CORRIDOR JOINT POWERS BOARD								
	Previous Years				FY2023				
	FY2019	FY2020	FY2021	FY2022	Jul-22	Aug-22	Sep-22	Oct-22	FY2023 Total YTD
<b>REVENUE</b>									
<b>OPERATIONS:</b>									
401400 (TVM)	18,431,265	11,165,620	2,458,837	6,836,440	626,228	770,942	736,862	521,754	2,655,785
401410 (Clipper)	54,621,910	37,970,696	2,924,987	7,764,755	1,129,007	1,611,378	1,377,219	1,502,886	5,620,490
401420 (Central)	64,908	20,799	309,748	39,911	5,139	945	9,901	11,080	27,064
401430 (Mobile App)	4,716,955	5,689,776	830,051	2,808,795	346,758	354,177	342,457	322,502	1,365,893
401500 (Gilroy)	1,903,941	1,542,171	178,759	449,281	37,440	66,110	80,675	63,053	247,279
401700 (Go-Pass)	22,929,136	19,705,372	25,737,533	15,337,175	1,417,118	1,415,836	1,432,132	1,462,192	5,727,277
total Farebox Revenue	102,668,114	76,094,433	32,439,915	33,236,357	3,561,691	4,219,387	3,979,245	3,883,466	15,643,789
Less: Go-Pass									
401700 (Go-Pass)	22,929,136	19,705,372	25,737,533	15,337,175	1,417,118	1,415,836	1,432,132	1,462,192	5,727,277
Revenues without Go-Pass	79,738,978	56,389,061	6,702,382	17,899,182	2,144,573	2,803,551	2,547,114	2,421,274	9,916,511
<b>Tickets Sold</b>					Jul-22	Aug-22	Sep-22	Oct-22	Total
TVM	2,354,393	1,465,876	315,378	755,674	86,060	86,171	83,501	74,335	330,067
Clipper	3,521,066	2,620,816	339,753	1,227,757	156,994	179,840	179,105	182,481	698,420
Central	9,167	5,044	-	4,032	319	145	770	879	2,113
Mobile	543,920	661,515	111,394	381,441	42,175	43,696	41,411	39,967	167,249
# of tickets sold (without go-pass)	6,428,546	4,753,251	766,525	2,368,904	285,548	309,852	304,787	297,662	1,197,849
<b>AVG Revenue Per Ticket</b>					Jul-22	Aug-22	Sep-22	Oct-22	Total
TVM	\$ 7.83	\$ 9.05	\$ 7.80	\$ 9.05	\$ 7.28	\$ 8.95	\$ 8.82	\$ 7.02	\$ 8.05
Clipper	\$ 15.51	\$ 6.32	\$ 8.61	\$ 6.32	\$ 7.19	\$ 8.96	\$ 7.69	\$ 8.24	\$ 8.05
Central	\$ 7.08	\$ 9.90	\$ -	\$ 9.90	\$ 16.11	\$ 6.52	\$ 12.86	\$ 12.60	\$ 12.81
Mobile	\$ 8.67	\$ 7.36	\$ 7.45	\$ 7.36	\$ 8.22	\$ 8.11	\$ 8.27	\$ 8.07	\$ 8.17
Total	\$ 12.40	\$ 11.86	\$ 8.74	\$ 7.56	\$ 7.51	\$ 9.05	\$ 8.36	\$ 8.13	\$ 8.28

Farebox Revenues by Ticket Type	PENINSULA CORRIDOR JOINT POWERS BOARD						
	July to October					Annual Budget	
	FY2019	FY2020	FY2021	FY2022	FY2023	FY2023	% of Budget
<b>REVENUE</b>							
401400 (TVM)	7,549,316	6,076,030	607,580	2,236,332	2,655,785		
401410 (Clipper)	18,964,418	19,307,768	867,716	1,923,136	5,620,490		
401420 (Central)	28,429	26,293	-	25,470	27,064		
401430 (Mobile App)	1,323,288	2,754,085	206,807	808,450	1,365,893		
401500 (Gilroy)	663,805	661,193	59,792	99,340	247,279		
401700 (Go-Pass)	6,844,934	7,790,284	10,203,649	4,732,871	5,727,277		
total Farebox Revenue	35,374,191	36,615,652	11,945,545	9,825,599	15,643,789	46,411,000	34%
Less: Go-Pass							
401700 (Go-Pass)	6,844,934	7,790,284	10,203,649	4,732,871	5,727,277	16,260,000	35%
Revenues without Go-Pass	28,529,257	28,825,368	1,741,896	5,092,728	9,916,511	30,151,000	33%
<b>Tickets Sold</b>							
TVM	953,507	790,103	95,880	254,129	330,067		
Clipper	1,234,087	1,317,354	90,548	347,022	698,420		
Central	3,161	2,839	-	2,607	2,113		
Mobile	146,063	323,524	29,650	117,071	167,249		
# of tickets sold (without go-pass)	2,336,818	2,433,820	216,078	720,829	1,197,849		
<b>AVG Revenue Per Ticket</b>							
TVM	\$ 7.92	\$ 7.69	\$ 6.34	\$ 8.80	\$ 8.05		
Clipper	\$ 15.37	\$ 14.66	\$ 9.58	\$ 5.54	\$ 8.05		
Central	\$ 8.99	\$ 9.26	\$ -	\$ 9.77	\$ 12.81		
Mobile	\$ 9.06	\$ 8.51	\$ 6.97	\$ 6.91	\$ 8.17		
Total	\$ 12.21	\$ 11.84	\$ 8.06	\$ 7.07	\$ 8.28		

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: James Harrison, General Counsel  
Subject: **Award of Contract to Provide Energy Regulatory and Other Legal Services**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

Staff recommends the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB):

1. Award a contract to Davis Wright Tremaine LLP (DWT) of San Francisco, CA to provide energy regulatory and transactional and other legal services (Services) to the JPB for a not-to-exceed amount of \$300,000 for a two-year term.
2. Authorize the Executive Director, or designee, to execute a contract with DWT in a form approved by legal counsel.

**Significance**

DWT, a law firm which has expertise in the energy field, including in proceedings before the California Public Utilities Commission (CPUC) and Federal Energy Regulatory Commission (FERC), was instrumental to negotiating the settlement agreement with Pacific Gas and Electric Company (PG&E) relating to the special facilities agreement associated with the Peninsula Corridor Electrification Project (PCEP) and in obtaining approval from both the CPUC and FERC. Under the JPB's agreement with PG&E, PG&E must reimburse Caltrain for 60 percent of the costs of the construction of two substations, and a share of the taxes paid by Caltrain.

Negotiations concerning the implementation of the settlement agreement with PG&E are ongoing and likely to last at least until 2023. DWT's legal team is not only familiar with the settlement agreement, but also with PCEP and specific legal issues associated with the project. Other firms would be unable to provide the same degree of experience, qualifications, and deep understanding of Caltrain's current and future issues, and transitioning to another firm would not be cost-effective for the agency. Staff has therefore determined that it is in the JPB's best interest to contract with DWT for the Services. DWT's existing expertise and the knowledge acquired while working on the agreement with PG&E make them a major asset to the JPB. DWT has the requisite depth of experience and qualifications to deliver successful energy regulatory and transactional legal services required by the JPB in collaboration with, and under the oversight of, JPB's General Legal Counsel, Olson Remcho LLP. As such, competitive

procedures would be unavailing and would not further the purposes of either the law on competitive bidding or the JPB's Procurement Policy.

For the above reasons, staff recommends approving the award of this contract to DWT.

**Budget Impact**

Funds for the Services are available under the existing budget for PCEP. The services of DWT will be called upon on an as-needed basis. To date, DWT's fees have been paid through the JPB's former General Counsel, Hanson Bridgett LLP.

**Background**

DWT has represented the JPB since 2018 in negotiations with PG&E concerning the allocation of costs for the construction of two new substations to support an electrified railroad. The agreement requires PG&E to reimburse Caltrain for 60 percent of the costs of the construction of two substations, plus a share of the taxes paid by Caltrain. DWT has also represented the JPB in proceedings before the CPUC and FERC to seek approval of the agreement. Negotiations concerning the implementation of the agreement and proceedings before the CPUC are currently underway and are likely to continue through 2023.

DWT will also assist the JPB, on an as-needed basis regarding other issues involving PG& and in future negotiations concerning the purchase of power for PCEP. DWT has an outstanding reputation for their California and federal energy regulatory law practice and has significant experience representing public agencies in energy regulatory matters. Given DWT's expertise and experience in connection with the electrification project, DWT is best able to serve the JPB's need for continued representation in energy regulatory and transactional matters.

Transitioning these services to a new firm would increase costs and result in a loss of knowledge and expertise. DWT's existing expertise and the knowledge acquired while working on the agreement make them a major asset to PCEP. As such, staff has determined that it is in the JPB's best interests to continue to retain DWT.

Staff completed an independent cost review based on previous engagement for negotiations related to the PCEP and supplemental agreements with PG&E, as well as prior rates for similar services provided to the JPB. Staff determined the fees are within market rates for similar services and compare favorably with the fees charged to the JPB for similar services. Therefore, staff has determined that the fees are fair and reasonable, and recommends award of the contract to DWT.

Prepared By:	Anna Myles-Primakoff	Counsel	916.442.2952
	Quentin Barbosa	Law Clerk	916.442.2952

**Resolution No. 2022-**

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

\* \* \*

**Award of Contract to Davis, Wright, and Tremaine LLP to Provide Energy  
Regulatory and Other Legal Services for a Not-to-Exceed Amount of \$300,000 for  
a Two-Year Term**

**Whereas**, Davis, Wright, and Tremaine LLP (DWT) has provided the JPB with energy regulatory and transactional services (the Services) since 2018; and

**Whereas**, the Services primarily consist of the following: advice and representation on rate setting with Pacific Gas & Electric (PG&E); strategic support on legal issues involving electrification of the corridor and related agreements and documentation; representation in proceedings before the California Public Utilities Commission (CPUC) and the Federal Energy Regulatory Commission (FERC); and implementation of an agreement via negotiations with PG&E; and

**Whereas**, DWT has an outstanding reputation for their California and federal energy regulatory law practice and has a depth of experience representing public agencies in energy regulatory matters. The JPB has benefited from this wealth of experience, as DWT was instrumental to negotiating a settlement agreement with PG&E relating to the special facilities agreement associated with the Peninsula Corridor Electrification Project (PCEP). Under the agreement negotiated with PG&E and approved by the CPUC and FERC, PG&E must reimburse Caltrain for 60 percent of the costs of the construction of two substations, and DWT has represented the JPB in proceedings before the CPUC and FERC to seek approval and implementation of the agreement; and

**Whereas**, negotiations for the implementation of the agreement with PG&E are ongoing and likely to last at least until 2023; in the next two years, JPB will also require assistance with negotiations concerning the purchase of power for PCEP. DWT is not only familiar with the agreement, but also the PCEP and specific legal issues associated with the project. Other firms would be unable to provide the same degree of experience, qualifications, and deep understanding of Caltrain's current and future issues, and transitioning to another firm would not be cost-effective for the agency; and

**Whereas**, DWT has proven to have the requisite depth of experience and qualifications to deliver successful energy regulatory and transactional legal services required by the JPB. As such, competitive procedures would be unavailing and would not further the purposes of competitive bidding; and

**Whereas**, staff completed an independent cost review based on previous engagement for negotiations related to the PCEP and supplemental agreements with PG&E, as well as prior rates for similar services provided to the JPB. Staff previously conducted successful negotiations with DWT, and DWT has agreed to perform the Services at fair and reasonable prices in accordance with the terms and conditions as set forth in the negotiated agreements; and

**Whereas**, DWT will provide the Services in collaboration with, and under the oversight of, the JPB's General Legal Counsel, Olson Remcho; and

**Whereas**, staff recommends that the Board of Directors award a single source contract for provision of energy regulatory and other legal services for a two-year term to DWT of San Francisco, California.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a single source contract for Services to Davis, Wright, and Tremaine LLP for a not-to-exceed amount of \$300,000 for a two-year term; and

**Be It Further Resolved** that the Acting Executive Director or designee is authorized to execute contracts on behalf of the JPB with DWT in a form approved by legal counsel.

Regularly passed and adopted this 1<sup>st</sup> day of December, 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: Board of Directors  
Through: Michelle Bouchard  
Executive Director  
From: David Santoro  
Acting Chief Operating Officer  
Subject: **Authorize an Amendment to the On-Call Railroad Business  
Operations and Systems Support Services Contracts**

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”):

1. Authorize Amendment No. 2 to the On-Call Railroad Business Operations and Systems Support Services contracts to increase the not-to-exceed contract capacity amount of Category 1 Railroad Operations Planning Support Services by \$3,700,000, from \$8,560,000 to \$12,260,000 to be shared as a pool for authorized tasks amongst the consultant firms and contract numbers listed below:
  - a. CDM Smith, Inc. (15-J-P-031B)
  - b. HDR Engineering, Inc. (15-J-P-031C)
  - c. Hatch Associates Consultants, Inc. (15-J-P-031D, formerly LTK Engineering Services)
  - d. WSP USA, Inc. (15-J-P-031E, formerly Parsons Brinckerhoff, Inc.)
  - e. Stantec Consulting Services, Inc. (15-J-P-031F)
2. Authorize the Acting Executive Director or designee to execute the contract amendment in a form approved by legal counsel.

**Significance**

Execution of this amendment will allow the JPB to maintain uninterrupted services in connection with current and upcoming on-call operations planning efforts through the current end date of April 13, 2024. Additional contract authority of \$3.7 million is required to continue funding key railroad support positions including the CalMod Program Director<sup>1</sup>, Director of Rail Operations, Construction Coordinators, and Rail Customer Experience Coordinator. As

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<sup>1</sup> The CalMod Program Director is funded through the Railroad Business Operations and Systems Support Services contract because of the position’s focus on integrating the new elements of the upcoming electrified system with the existing operating environment.

described in more detail below, there will be no budget impact to authorize this increase in contract capacity, as Caltrain will use available funds within the approved operating and capital budgets to fund any future work directives issued under this contract.

### **Budget Impact**

There is no budget impact for the contract amendment. On-call contracts inherently do not fund activities; individual work directives are issued and must have funds identified prior to issuance. Funds for the proposed contract amendment are available in the current-year Board-approved capital and operating budgets, and any additional funding needs will be included in future year capital and/or operating budgets. A variety of funding sources is used for each project and may include Federal, State and local funds.

### **Background**

Pursuant to Resolution No. 2016-17, after a competitive procurement process, the Board awarded six-year base term contracts in an aggregate not-to-exceed amount of \$32,086,200 with two 2-year option terms for an aggregate not-to-exceed amount of \$17,990,800 to be shared as a pool among six firms for authorized tasks in four categories of services. The base term included \$5,500,000 for Category 1 support services.

In 2020, pursuant to Resolution No. 2020-26, the Board authorized Amendment 1 to increase the base contract term not-to-exceed amounts of Category 1 Railroad Operations Planning Support Services by \$1,260,000, from \$5,500,000 to \$6,760,000, to be shared as a pool for authorized tasks amongst the consultant firms. Option 1 was subsequently exercised to increase the Category 1 authority by \$1,800,000, from \$6,760,000 to \$8,560,000.

Category 1, Railroad Operations Planning Support Services, has seen increased use during the pandemic to address critical needs including preparation for electrified operations with support from seconded staff. Support provided under this category has cost \$8,522,026 to date based on current work directives issued, leaving just \$37,974 of current contract capacity remaining. Caltrain will be transitioning several seconded positions to full-time JPB employees beginning in FY24, including the Construction Coordinators and Rail Customer Experience Coordinator, which will reduce costs and preserve contract capacity under Category 1 of the on-call contract.

Future required support under Category 1 is budgeted at approximately \$3,700,000. The remaining categories of the On-Call Railroad Business Operations and Systems Support Services contract have sufficient contract capacity remaining and are not anticipated to need increased authority amounts prior to the start of the next Option period in April 2024.

Prepared By: Lawrence Leung                      Manager, Rail Contracts & Budget    650-508-6328

**Resolution No. 2022 –**

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

\* \* \*

**Authorizing Amendment of Contracts for the On-Call Railroad Business Operations and Systems Support Services to Increase Category 1 Amount by \$3,700,000**

**Whereas**, pursuant to Resolution No. 2016-17, the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) awarded contracts for on-call railroad business operations and systems support services to B&G Transportation Group, LLC , CDM Smith, Inc. , HDR Engineering, Inc., Hatch Associates Consultants, Inc. (formerly LTK Engineering Services), WSP USA, Inc. (formerly Parsons Brinckerhoff, Inc.), and Stantec Consulting Services, Inc. (collectively, the Consultants) for a six-year base term with two, two-year option terms; and

**Whereas**, the contract awards consisted of four potential separate categories of services, one of which (Category 1: Railroad Operations Planning Support Services) was awarded to five firms; and

**Whereas**, pursuant to Resolution No. 2020-26, the Board authorized Amendment 1 to increase the base contract term not-to-exceed amounts of Category 1 Railroad Operations Planning Support Services by \$1,260,000, from \$5,500,000 to \$6,760,000, to be shared as a pool for authorized tasks amongst the consultant firms. Option 1 was subsequently exercised to increase the Category 1 authority by \$1,800,000, from \$6,760,000 to \$8,560,000; and

**Whereas**, additional contract capacity in one of the contracts' scope of services categories (Category 1: Railroad Operations Planning Support Services) is required due to increased scope of services for existing and new projects, which were not anticipated when the contracts were awarded; and

**Whereas**, execution of the amendment will allow the JPB to maintain uninterrupted services in connection with current and upcoming on-call operations planning efforts through the current end date of April 13, 2024. Additional contract authority is required to continue funding key railroad support positions and services; and

**Whereas**, the proposed contract amendment has no budget impact because on-call contracts inherently do not fund activities, and individual work directives are issued and must have funds identified prior to issuance. Funds for the proposed contract amendment are available in the current-year Board-approved capital and operating budgets, and any additional funding needs will be included in future year capital and/or operating budgets; and

**Whereas**, the staff recommends, and the Staff Coordinating Council concurs, that the Board authorize amendments:

For Category 1: Railroad Operations Planning Support Services, to the contracts with CDM Smith Inc., HDR Engineering, Inc., Hatch Associates Consultants, Inc., WSP USA, Inc., and Stantec Consulting Services, Inc. to increase the contract term amounts by \$3,700,000, from \$8,560,000 to \$12,260,000, to be shared in the aggregate amongst the five firms, with the understanding that increasing the total contract authority will not obligate the JPB to purchase any specific level of services from any firm, as services are provided on an as-needed basis.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Joint Powers Board hereby authorizes amendments to the contracts for on-call railroad business operations and systems support services with CDM Smith Inc., HDR Engineering, Inc., Hatch Associates Consultants, Inc., WSP USA, Inc., and Stantec Consulting Services, Inc. for Category 1, Railroad Operations Planning Support Services, as set forth above; and

**Be It Further Resolved** that the Board of Directors of the Peninsula Joint Powers Board hereby authorize the Executive Director or designee to execute the contract amendment in a form approved by legal counsel.

Regularly passed and adopted this 1<sup>st</sup> day of December, 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: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Dahlia Chazan, Deputy Chief, Planning  
Grace Martinez, Acting Chief Financial Officer  
Subject: **Diridon Business Case: Amendment to Funding Agreements**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

The Staff Coordinating Council recommends the Board of Directors (the “Board”) of the Peninsula Corridor Joint Powers Board (“JPB”):

1. Authorize the Executive Director, or designee, to amend the Master Funding Agreement between the Metropolitan Transportation Commission (MTC) and the JPB (Planning, Programming, Transportation, Transit, Land Use or Other Projects) and the Funding Agreement between the City of San Jose and the JPB for the Diridon Integrated Station Concept Plan to receive up to \$2,000,000 and \$1,000,000, respectively, in additional funds for planning work associated with the Diridon Business Case; and
2. Authorize the Executive Director, or designee, to file any other required documentation and to take any other actions necessary to give effect to the resolution.

**Significance**

Caltrain, the City of San José, MTC, Santa Clara Valley Transportation Authority (VTA), and the California High-Speed Rail Authority (Partner Agencies) are jointly planning the future Diridon Station via the Diridon Integrated Station Concept Plan (DISC). The Partner Agencies mutually accepted a Concept Layout in 2020 that they created together to establish the vision for the future Diridon Station.

As part of the Concept Layout, the DISC program will affect several elements at and around Diridon Station including the historic train Depot, PG&E substation, VTA light rail station and alignment, and require relocation of the Caltrain maintenance facility, and elevation of the rail station platforms and tracks. Consequently, the Partner Agencies have identified a set of projects (known as the Program of Projects) that need to be advanced to realize the Concept Layout vision.

To inform decision-making and therefore DISC implementation, Caltrain is leading the Partner Agencies in a Business Case. The Business Case will identify the current status of the contingent and adjacent projects in the Program of Projects to define the scale of DISC relative to cost and schedule, priority actions, tradeoff considerations, and agreement on a DISC project for implementation. The Business Case will investigate implementing DISC compared to base case project investments (those that have been adopted by respective Boards and Councils) with the objective of presenting an accurate assessment of the costs of infrastructure elements, quantifying measurable benefits and establishing a value proposition for investment.

The Business Case will identify goals, objectives, evaluation criteria, analytical tools and decision methodologies to inform decision-making and assess investment trade-offs. The Business Case will consider value creation, return on investment and equity in the allocation of costs and benefits to users, agencies and the range of stakeholders who will be affected. The Business Case will conceptualize and evaluate investment scenarios so the Partner Agencies can consider the most effective and efficient ways to achieve DISC goals to expand and integrate rail systems and create a world class station and urban environment.

The Business Case will also include a governance/organizational component to examine the organizational structure for the DISC program to determine the appropriate structure to develop, construct, operate, and maintain Diridon Station.

**Budget Impact**

The Diridon and South Terminal (Business Case) Project was approved by the Board in FY2022, with \$1,963,825 from Member Agency VTA Measure B, which is Caltrain’s contribution to the project. An additional \$260,110 was allocated for the initial work of the project. These funds were from the \$718,734 approved by the Board in FY2022 for the Diridon Integrated Station Concept Phase 1, funded by the City of San Jose. The amended Master Funding Agreement between MTC and JPB, and Funding Agreement between the City of San Jose and JPB, will provide additional funding to the project of \$2,000,000 and \$1,000,000, respectively. This will increase the project’s funding from \$2,223,935 to \$5,223,935. The increase in project budget will be presented in a separate board item that consolidates multiple project budget amendments impacting the overall FY2023 Capital Budget.

<b>Agency</b>	<b>Fiscal Year</b>	<b>Amount</b>
Caltrain (previously approved)	FY2022	\$1,963,825
City of San Jose (previously approved)	FY2022	\$ 260,110
MTC (subject to this amendment)	FY2023	\$2,000,000
City of San Jose (subject to this amendment)	FY2023	\$1,000,000
<b>Total</b>		<b>\$5,223,935</b>

## **Background**

San Jose Diridon Station is a major transit hub located within downtown San Jose, the nation's 10th largest city. It is a historic train depot with Caltrain service, and train service provided by Amtrak, Capitol Corridor Joint Powers Authority (CCJPA), and Altamont Commuter Express (ACE), as well as VTA light rail and bus service. The JPB owns the historic station depot, the Caltrain parking lots, the bus loop area, and the tracks and platforms. As the landowner, the JPB has a vested stake in the planning process not just for potential shaping of the Station itself, but also as it relates to development in the surrounding area.

With the planned addition of Bay Area Rapid Transit (BART) and California High Speed Rail service at the Station, as well as expanded Caltrain, ACE, Capitol Corridor and Amtrak service, the Station is expected to become one of the busiest intermodal stations in North America. To effectively accommodate such planned activity and future capacity needs, the Station must be reconfigured in an integrated fashion that connects all transit services with each other and with the surrounding urban environment.

Private development of the surrounding area in conjunction with the City of San Jose is accelerating, per the City's recently approved Diridon Station Area Plan (DSAP) amendments and Google's Downtown West development, providing opportunities to fully integrate development with the Station itself. Caltrain recently submitted a formal planning application to the City of San Jose for the Diridon Plaza Transit-Oriented Development project, which proposes 1.2 million square feet of commercial space, a large plaza and other publicly accessible spaces. The project includes three acres of Caltrain's 17 acres of property at and adjacent to Diridon Station and is designed to be compliant with the City's General Plan and DSAP.

By working together, the Partner Agencies hope to deliver a world-class destination and transportation hub that provides seamless customer experience for movement between transit modes within the Station and into the surrounding neighborhoods and downtown.

Prepared By: Melissa Reggiardo      Manager, Caltrain Planning      (650) 868-9925



**Resolution No. 2022-**

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

\* \* \*

**Authorizing the Amendment of the Master Funding Agreement between the Metropolitan Transportation Commission (MTC) and the JPB and the Funding Agreement between the City of San Jose and the JPB for the Diridon Integrated Station Concept Plan to receive up to \$2,000,000 and \$1,000,000, respectively, in additional funds for planning work associated with the Diridon Business Case**

**Whereas**, Caltrain, the City of San José, MTC, Santa Clara Valley Transportation Authority (VTA), and the California High-Speed Rail Authority (Partner Agencies) are jointly planning the future Diridon Station via the Diridon Integrated Station Concept Plan (DISC) and the Partner Agencies mutually accepted a Concept Layout in 2020 that they created together to establish the vision for the future Diridon Station; and

**Whereas**, as part of the Concept Layout, the DISC program will affect several elements at and around Diridon Station and the Partner Agencies have identified a set of projects (known as the Program of Projects) that need to be advanced to realize the Concept Layout vision; and

**Whereas**, to inform decision-making and therefore DISC implementation, Caltrain is leading the Partner Agencies in a Business Case to identify the current status of the contingent and adjacent projects in the Program of Projects to define the scale of DISC relative to cost and schedule, priority actions, tradeoff considerations, and agreement on a DISC project for implementation; and

**Whereas**, the Business Case will investigate implementing DISC compared to base case project investments with the objective of presenting an accurate assessment of the costs of

infrastructure elements, quantifying measurable benefits, and establishing a value proposition for investment; and

**Whereas**, the Diridon and South Terminal (Business Case) Project was approved by the Board in FY2022 from \$1,963,825 funded by Member Agency VTA Measure B, which is Caltrain's contribution to the project; and

**Whereas**, an additional \$260,110 was allocated for the initial work of the project, which were from the \$718,734 approved by the Board in FY2022 for the Diridon Integrated Station Concept Phase 1 funded by the City of San Jose; and

**Whereas**, the amended Master Funding Agreement between MTC and JPB, and Funding Agreement between the City of San Jose and JPB, will provide additional funding to the project of \$2,000,000 and \$1,000,000, respectively; and

**Whereas**, this will increase the project's funding from \$2,223,935 to \$5,223,935; and

**Whereas**, the Staff Coordinating Council and Finance Committee recommend that the Board of Directors authorize the Executive Director, or designee, to amend the Master Funding Agreement between the Metropolitan Transportation Commission (MTC) and the JPB (Planning, Programming, Transportation, Transit, Land Use or Other Projects) and the Funding Agreement between the City of San Jose and the JPB for the Diridon Integrated Station Concept Plan to receive up to \$2,000,000 and \$1,000,000, respectively, in additional funds for planning work associated with the Diridon Business Case.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby:

1. Authorizes the Executive Director, or designee, to amend the Master Funding Agreement between the Metropolitan Transportation Commission (MTC) and the JPB (Planning, Programming, Transportation, Transit, Land Use or Other Projects) and the Funding Agreement between the City of San Jose and the JPB for the Diridon Integrated Station Concept Plan to receive up to \$2,000,000 and \$1,000,000, respectively, in additional funds for planning work associated with the Diridon Preliminary Business Case (PBC); and
2. Authorizes the Executive Director, or designee, to file any other required documentation and to take any other actions necessary to give effect to the resolution.

Regularly passed and adopted this 1<sup>st</sup> day of December, 2022 by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

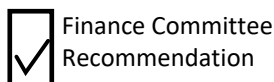
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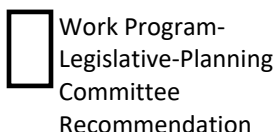
JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Rob Barnard, Deputy Chief, Rail Development  
Subject: **Authorization to Amend Funding Agreements with the California Department of Transportation for the San Mateo Grade Crossing Improvements Project**



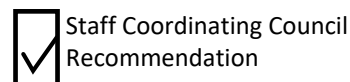
Finance Committee  
Recommendation



Work Program-  
Legislative-Planning  
Committee  
Recommendation



Staff Coordinating  
Council Reviewed



Staff Coordinating Council  
Recommendation

**Action**

Staff Coordinating Council recommends the Board of Directors (the “Board”) of the Peninsula Corridor Joint Powers Board (“JPB”):

1. Authorize the Acting Executive Director, or designee, to amend the existing funding agreements with the California Department of Transportation (Caltrans) to receive an additional \$3,471,550 in Section 130 Rail Safety Infrastructure Improvements grant funds (Section 130 Program) for grade crossing improvements at Fourth (4<sup>th</sup>) Avenue and Fifth (5<sup>th</sup>) Avenue in the City of San Mateo; and
2. Authorize the Acting Executive Director, or designee, to file any other required documentation and to take any other actions necessary to give effect to the resolution.

**Significance**

The JPB and the City of San Mateo (City) have been working cooperatively with the California Public Utilities Commission (PUC) and Caltrans to implement safety improvements including four quad crossing gates at the Fourth and Fifth Avenue grade crossings to help prevent motorists from driving around down gate arms and across the tracks when a train is approaching. These safety improvements were initially requested by the City and have been jointly agreed upon during a field diagnostic meeting between JPB, the City, PUC and Caltrans.

In November 2020, the JPB was awarded \$2,000,000 in Section 130 Program funds from the Caltrans Division of Rail and Mass Transportation to fully fund the design phase of the project, with no matching funds required. The JPB has since completed the design phase. JPB has requested and Caltrans has approved an additional \$3,471,550 to fund the construction phase of the project including installation of safety improvements for both 4th Avenue and 5th Avenue in San Mateo. To receive the funds, the JPB must execute amendments to the existing Caltrans funding agreements for the project.

**Budget Impact**

The San Mateo Grade Crossing Improvements Project was initially approved by the Board in FY2021 for a budget of \$2,000,000 funded by Section 130 Program funds. During the adoption of the FY2023 Capital Budget, \$2,066,941 was added into the project resulting in a total budget of \$4,066,941.

The recommended action to receive Section 130 Program funds in the amount of \$3,471,550 will provide additional funding that will increase the project budget by \$1,404,609, from \$4,066,941 to \$5,471,550. A separate board item in the agenda will be presented to request approval for the increase in project budget.

**Background**

The Section 130 Program provides funding for the elimination of hazards at existing at-grade railroad crossings. The goal of the program is to reduce the number and severity of accidents between trains and motorists, bicyclists, and pedestrians at crossings. Projects can be nominated by railroads or local jurisdictions and eligible projects are placed on a priority list based on accident history and the ability to improve safety. Annual funding allocations are determined and provided by Caltrans.

Prepared By:	Lisha Mai	Manager, Grants and Fund Programming	650.508.6353
	Robert Tam	Project Manager	650.508.7969

**Resolution No. 2022 –**

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

\* \* \*

**Authorization to Enter into Funding Agreements with the California Department of  
Transportation for the San Mateo Grade Crossing Improvements Project**

**Whereas**, the California Department of Transportation (Caltrans) awards grant funding, including the Section 130 Rail Safety Infrastructure Improvements program (Section 130) for grade crossing improvements to increase safety at railroad crossings; and

**Whereas**, in November 2020, Caltrans awarded the Peninsula Corridor Joint Powers Board (JPB) \$2,000,000 in Section 130 program to fund the design phase for grade crossing improvements at Fourth (4th) Avenue and Fifth (5th) Avenue in the City of San Mateo; and

**Whereas**, the grade crossing safety improvements include quad crossing gates at the 4th and 5th Avenue grade crossings to help prevent motorists from driving around down gate arms and across the tracks when a train is approaching; and

**Whereas**, Caltrans has agreed to provide an additional \$3,471,550 to fund the construction phase of the project, and to amend the existing funding agreements; and

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

1. Authorize the Acting Executive Director, or designee, to amend the existing funding agreements with Caltrans to receive an additional \$3,471,550 in Section 130 program funds for grade crossing improvements at 4<sup>th</sup> Avenue and 5<sup>th</sup> Avenue in the City of San Mateo; and
2. Authorize the Acting Executive Director, or designee, to file any other required documentation and to take any other actions necessary to give effect to the resolution.

**Now, Therefore, Be It Resolved** that the Board of Directors of the San Mateo County Transit District hereby authorizes and approves the actions enumerated above.

Regularly passed and adopted this 1<sup>st</sup> day of December 2022 by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

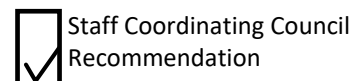
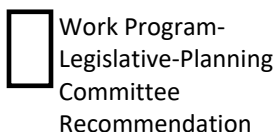
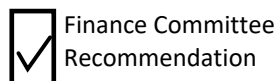
Attest:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Grace Martinez, Acting Chief Financial Officer  
Subject: **Award of Contract for Watkins Avenue Grade Crossing Improvements Project**



**Action**

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB):

1. Award a contract to the lowest, responsive, and responsible bidder, Granite Rock Company of San Jose, California (Granite Rock), for the Watkins Avenue Grade Crossing Improvements Project (Project) for a total lump sum amount of \$646,900.
2. Authorize the Executive Director or designee to execute a contract with Granite Rock in full conformity with the terms and conditions set forth in the solicitation documents and in a form approved by legal counsel.

**Significance**

As part of the Memorandum of Understanding between the JPB and the Town of Atherton approved in October 2020 regarding closure of the Atherton Caltrain Station, the JPB agreed to design and install Watkins Avenue crossing safety improvements, including four-quadrant gates, among other safety upgrades. The Project consists of installation of four-quadrant gates at the Watkins Avenue grade crossing to prevent vehicles from driving around a down gate onto the railroad tracks. The Project will also make it safer for pedestrians to cross the tracks by installing new sidewalk gates and lighting at the crosswalk. Other improvements will include installing pavement markers, pavement markings, and signage to clearly identify the railroad crossing.

**Budget Impact**

The Project has a total budget of \$4,160,613, funded by Capital Contingency Funds in the amount of \$35,613 and the San Mateo County Transportation Authority in the amount of \$4,125,000. Sufficient funds are available to fund the contract.

**Background**

On August 15, 2022, the JPB issued an Invitation for Bids (IFB), solicitation number 23-J-C-004, for the Project and advertised in a newspaper of general circulation and on the JPB's e-procurement website. Prior to releasing the IFB, extensive outreach for Small Business



Enterprises (SBEs) was conducted. Four potential bidders attended the pre-bid meeting and two bids were received by the bid due date, as follows:

<b>Company</b>	<b>Grand Total Bid Price</b>
<b>Engineer's Estimate</b>	<b>\$624,108</b>
1. Granite Rock Company, San Jose, CA	\$646,900
2. Azul Works, Inc., San Francisco, CA	\$992,000

After the bid opening and evaluation of the bids, staff determined that this contract should be awarded to Granite Rock, which submitted the lowest responsive and responsible bid.

Granite Rock submitted all required bid documentation. Staff has determined, and legal counsel concurred, that the bid submitted by Granite Rock is responsive. Staff found the price to be fair and reasonable in comparison to the independent cost estimate.

Granite Rock has committed to subcontract with two certified SBEs for an estimated SBE utilization of 25%, exceeding the contract-specific SBE participation goal of 22%.

Granite Rock is an established contractor with more than 33 years of construction experience. Staff contacted Granite Rock's references and confirmed its experience and competency. Based upon these findings, staff concludes that Granite Rock is appropriately qualified and capable of meeting the requirements of the contract and is, therefore, the lowest responsive and responsible bidder.

Prepared By:	Patrick Ng	Procurement Administrator II	650.622.8018
	Robert Tam	Project Manager	650.508.7969

**Resolution No. 2022 –**

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

\* \* \*

**Awarding a Contract to Granite Rock Company for the Watkins Avenue Grade Crossing  
Improvements Project for a Total Lump Sum Amount of \$646,900**

**Whereas**, the Peninsula Corridor Joint Powers Board (JPB) issued an Invitation for Bids (IFB), solicitation number 23-J-C-004, for the Watkins Avenue Grade Crossing Improvements Project (Project); and

**Whereas**, in response to the IFB, the JPB received two bids after conducting extensive outreach to Small Business Enterprises (SBEs), advertising in a newspaper of general circulation, and posting the IFB on the JPB's procurement website; and

**Whereas**, staff and legal counsel have reviewed the bids and determined that Granite Rock Company of San Jose, California (Granite Rock) submitted the lowest responsive and responsible bid; and

**Whereas**, Granite Rock has committed to subcontract with two certified SBEs for an estimated SBE utilization of 25%, which exceeds the JPB's contract-specific SBE participation goal of 22%; and

**Whereas**, Granite Rock's total lump sum price is found to be fair and reasonable in comparison to the independent cost estimate; and

**Whereas**, staff recommends that the Board of Directors (Board) award a contract to Granite Rock to deliver the Project for a total lump sum amount of \$646,900.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a contract to Granite Rock Company of San Jose, California for the Watkins Avenue Grade Crossing Improvements Project for a total lump sum amount of \$646,900; and

**Be It Further Resolved** that the Board authorizes the Executive Director or designee to execute a contract on behalf of the JPB with Granite Rock, in full conformity with all the terms and conditions of the solicitation documents and in a form approved by legal counsel.

Regularly passed and adopted this 1<sup>st</sup> day of December, 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: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Lawrence Leung, Manager Rail Contracts & Budget  
Alex Acenas, Senior Project Manager  
Subject: **Authorize an Amendment to Contract No. 19-J-P-073 with HDR Engineering, Inc. for Engineering Consultant Design Services**

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):

1. Approve an amendment to the Engineering Consultant Design Services contract with HDR Engineering Inc. (HDR) to extend the term of contract No. 19-J-P-073 through December 31, 2025 and increase the maximum aggregate not-to-exceed amount by \$1,150,978, from \$7,404,353 to \$8,555,331.
2. Authorize the Executive Director or designee to execute the contract amendment in a form approved by legal counsel.

**Significance**

The JPB engaged HDR to perform engineering consultant design services for a three-year term in 2019 under Contract No. 19-J-P-073. HDR's performance to date has been satisfactory and in accordance with the requirements of the contract. However, since the contract was executed, significant delays to projects within HDR's scope of work, and additions to HDR's scope of work, have used up available contract time and budget limits, resulting in a need to extend the term and increase the contract not-to-exceed amount, specifically for outstanding elements of the 25th Avenue Grade Separation Project and for the Guadalupe River Bridge Replacement Project (Projects), as detailed below.

In order to maintain continuity of engineering services on the Projects, to avoid the duplication of efforts and unnecessary expense that would be required to integrate a new engineering consultant on the Projects, and to avoid further delays, staff has determined that it is in the JPB's best interests for HDR to continue to provide engineering consultant design services for these Projects through December 31, 2025 at an additional cost of up to \$1,150,978.

### **25th Avenue Grade Separation Project**

The 25<sup>th</sup> Avenue Grade Separation Project is in the Close Out phase. However, the following two elements, which were originally components of the grade separation project, have been re-scoped and are still in progress:

#### **1. San Mateo Replacement Parking Track Project: Overhead Catenary System (OCS) Design**

The 25th Avenue Grade Separation Project initially included replacement train parking tracks in a location that was within the scope of the JPB's Peninsula Corridor Electrification Project design-build contractor, Balfour Beatty. However, the San Mateo Replacement Parking Track Project has since been moved to another area, requiring separate OCS design and engineering work to be performed by HDR. The electrification of the parking track will be completed as a separate project from design and construction of the track when funding becomes available.

#### **2. Delaware Street Sewer Relief Project: Limited Bid Support and DSDC**

Sidewalks, retaining walls, landscaping and other elements of the 25<sup>th</sup> Avenue Grade Separation Project were deferred to the City of San Mateo's (City) Delaware Street Sewer Relief Project to avoid removal and reconstruction of these project elements. To facilitate this change, HDR incorporated the required elements into the City's project and is now needed to provide Bid Support and DSDC for the Sewer Relief Project. HDR's continued involvement will help ensure that the deferred elements are built according to the JPB's plans and specifications. Bid support and DSDC work to be performed by HDR under the proposed amendment will be limited to the following elements:

- Construction of the sidewalk at the east edge of the parking lot not completed under the 25<sup>th</sup> Avenue Grade Separation Project,
- Planting and irrigation for the bioswale, and
- Construction of retaining walls 14, 15A and 15B.

Staff recommends the scope, budget and schedule of Contract No. 19-J-P-073 be expanded to include the above work.

### **DSDC and Record Drawings for the Guadalupe River Bridge Replacement Project**

Staff also recommends the scope, budget and schedule of Contract No. 19-J-P-073 be expanded to facilitate completion of the Guadalupe River Bridge Replacement Project, which is in the Construction Phase. Design Support During Construction (DSDC) and record drawings services were removed from HDR's scope of work in 2020 due to competing project needs, but are recommended to be restored, with modifications, under the proposed amendment.

HDR completed the project design and delivered the Plans, Specifications and Estimates (PS&E) for the Guadalupe River Bridge Replacement Project to the JPB on February 25, 2020.

The JPB would incur substantial cost, loss of quality, and more project delays if a different engineering design firm were to perform the required DSDC and record drawing work. Additionally, the JPB would very likely have difficulty attracting other firms to take on these tasks because HDR has already substantially completed the designs.

**Contract Budget**

Based on the expected duration and projected costs for HDR's work on outstanding elements of the 25th Avenue Grade Separation Project and for support of the Guadalupe River Bridge Replacement Project, staff proposes a new maximum aggregate not-to-exceed contract amount of \$8,555,331, allocated as follows:

<b>Current Contract Authority</b>	<b>\$7,404,353</b>
<b>Proposed Amendment</b>	
San Mateo Replacement Parking Track Project: OCS Design	\$345,488
Delaware Street Sewer Relief Project: Limited Bid Support and DSDC	\$74,017
Guadalupe River Bridge Replacement Project: DSDC and Record Drawings	\$731,473
<b>Total Proposed Contract Budget Increase</b>	<b>\$1,150,978</b>
<b>Proposed Total Contract Amount through December 31, 2025</b>	<b>\$8,555,331</b>

**Budget Impact**

For the San Mateo Replacement Parking Track Project, the OCS design scope and engineering work will be authorized when additional funding is obtained.

For City of San Mateo’s Delaware Street Sewer Relief Project, the City has confirmed that there are sufficient funds to cover the additional cost.

For the DSDC and Record Drawings for the Guadalupe River Bridge Replacement Project, there are sufficient funds in the current budget.

**Background**

On June 6, 2019, the Board of Directors, through Resolution No. 2019-23, authorized the award of an engineering consultant design services contract to HDR for a three-year term for a maximum aggregate not-to-exceed amount of \$5,640,321. On March 18, 2021, staff amended the contract with HDR under the Executive Director's authority to extend the schedule through June 30, 2022, and exercised the Executive Director's 10% contingency to increase the contract amount by \$564,032 for a total not-to-exceed amount of \$6,204,353. On October 15, 2021, the Board of Directors, through Resolution No. 2021-32, authorized Amendment #2 to increase the maximum aggregate not-to-exceed amount by \$1,200,000, from \$6,204,353 to \$7,404,353. On August 31, 2022, staff amended the contract with HDR under the Executive Director's authority to extend the schedule through December 31, 2022.

Prepared By:	Lawrence Leung	Rail Contracts & Budget Manager	650-508-6328
	Alex Acenas	Senior Project Manager	650-622-7852

**Resolution No. 2022-**

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

\* \* \*

**Authorizing an Amendment to Contract No. 19-J-P-073 with HDR Engineering, Inc. for Engineering Consultant Design Services to Increase the Total Contract Amount by \$1,150,978**

**Whereas**, pursuant to Resolution 2019-23, the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) awarded an engineering consultant design services contract to HDR Engineering, Inc. (HDR) of Walnut Creek, California, for a three-year term for a maximum aggregate not to-exceed amount of \$5,640,321 (Contract); and

**Whereas**, the JPB executed the 10% contingency to increase the Contract capacity by \$564,032, for a total not-to-exceed amount of \$6,204,353, and extended HDR's services through June 30, 2022; and

**Whereas**, pursuant to Resolution 2021-32, the Board authorized an amendment to increase the maximum aggregate not-to-exceed amount by \$1,200,000, from \$6,204,353 to \$7,404,353; and

**Whereas**, on August 31, 2022, staff amended the contract under the Executive Director's authority to extend HDR's services through December 31, 2022; and

**Whereas**, HDR has been providing engineering design services for the 25<sup>th</sup> Avenue Grade Separation Project and Guadalupe River Bridge Replacement Project (Projects), and the JPB requires ongoing and continuous engineering design services for the Projects; and



**Whereas**, due to several unanticipated factors, design changes, and project delays that developed following the award of the Contract, including conflicts with existing utilities and utility improvements projects by the City of San Mateo, the Projects increased in scope; and

**Whereas**, there is insufficient capacity in the current contract for HDR to perform this added scope; and

**Whereas**, should the JPB change design consultants on the Project, the JPB would incur substantial cost, loss of quality and further project delays, and the JPB would have difficulty attracting other firms because the Projects have been substantially designed by HDR; and

**Whereas**, in order to maintain continuity of services on the Projects, avoid the duplication of efforts and unnecessary expense required to integrate a new Engineering Design Services Consultant, and avoid additional delays, the JPB has determined that it is in the JPB's best interest for HDR to continue to provide the required services to support the Projects; and

**Whereas**, the Executive Director recommends that the Board authorize an amendment to the Engineering Consultant Design Services Contract with HDR, to extend the contract term from December 31, 2022 to December 31, 2025 and increase the maximum aggregate not-to-exceed contract amount by \$1,150,978, from \$7,404,353 to \$8,555,331.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director, or designee, to execute an amendment to the contract for Engineering Consultant Design Services with HDR Engineering, Inc. of Walnut Creek, California to extend the contract term to December 31, 2025 and increase the maximum not-to-exceed amount by \$1,150,978, from \$7,404,353 to \$8,555,331; and

Regularly passed and adopted this 1st day of December, 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: Board of Directors

Through: Michelle Bouchard, Executive Director

From: Pranaya Shrestha, PE, Caltrain Modernization Chief Officer

Subject: **Authorize Amendment to On-Call Owner’s Representative Electrification Support Services Contract 14-PCJPB-P-007 for the Caltrain Modernization Program**

Finance Committee Recommendation

Work Program- Legislative-Planning

Staff Coordinating Council Reviewed

Staff Coordinating Council Recommendation

**Action**

Staff and the Caltrain Modernization (“CalMod”) Program Change Management Board (“CMB”) recommend that the Board of Directors (“Board”) of the Peninsula Corridor Joint Powers Board (“JPB”):

1. Approve an amendment to the contract with Gannett Fleming, Inc. for On-Call Owner’s Representative Electrification Support Services for the CalMod Program to extend the contract term through December 31, 2024; and to increase the contract total not-to-exceed amount by \$8,274,897 from \$67,743,400 to \$76,018,297, within the existing budget for the Peninsula Corridor Electrification Project (PCEP).
2. Authorize the Executive Director or designee to execute the contract amendment in a form approved by legal counsel.

**Significance**

Approval of the above actions will ensure uninterrupted services within the existing PCEP budget for tasks related to owner’s representative electrification support services for PCEP. The Board approved an increased PCEP budget and re-baselined schedule as a result of the global settlement with the design-build contractor Balfour Beatty Infrastructure Inc. (“BBII”) on December 6, 2021. Accordingly, the PCEP completion date has been extended through December 2024, including project close out efforts after the revenue service date of September 2024.

### **Budget Impact**

There is no budget impact for the contract amendment. The increased Owner's Representative Electrification Support Service Gannett Fleming, Inc. contract amount is part of the total approved PCEP Budget of \$2.44 billion, which was approved by the JPB on December 6, 2021.

### **Background**

Pursuant to Resolution No. 2014-24, after a competitive procurement process, the Board awarded a contract to Gannett Fleming, Inc. for a six-year base term in an amount of \$38,575,000, with up to two, 2-year option terms for a total not-to-exceed amount of \$3,341,000, and contingency authority of up to 15 percent of the total Board-authorized contract amount to address unanticipated tasks assigned under authorized work directives.

Pursuant to Board Resolution No. 2019-13, the Board approved an amendment to the Gannett Fleming, Inc. contract, to increase the contract authority in the amount of \$12,000,000, from \$48,203,400 to \$60,203,400.

Pursuant to Board Resolution No. 2020-27, the Board approved an amendment to the Gannett Fleming, Inc. contract, to increase the contract authority in the amount of \$7,540,000, from \$60,203,400 to \$67,743,400.

Gannett Fleming, Inc. provides critical project management and technical support services for the CalMod program and works closely with JPB staff and other JPB consultants to support PCEP. The owner's representative electrification support services for CalMod include, but are not limited to: conceptual planning; development of technical standards and requirements; drafting and implementation of design built procurement documents; design reviews and approval, systems integration; and technical oversight of PCEP design built contractor's design, construction, integrated testing, commissioning, and start-up of electrification rail systems.

In order to accommodate PCEP's current program schedule, a contract term extension from April 2, 2024 through December 31, 2024 is now needed to provide the necessary time required to bring the project to completion. The time extension and contract capacity increase are needed for Gannett Fleming, Inc. to continue to provide services for the drafting and implementation of procurement documents, and the technical oversight and project management of contractor's design, construction, integrated testing, commissioning, and start-up of electrification rail systems. The increased labor costs result from:

- (1) A need to hire OCS field manager, project close out manager, additional office, and field engineers
- (2) A need to increase the level of support from systems technical leads
- (3) A need to develop OCS/TPS Operations and Maintenance request for procurement documents for upcoming solicitation
- (4) A need to develop OCS engineering standards for Caltrain
- (5) Extension from April 2, 2024, through December 31, 2024

With the extended term, additional scope and increased headcount, an increase of \$8,274,897 from \$67,743,400 to \$76,018,297 in contract authority is therefore needed to ensure that the PCEP team is able to engage Gannett Fleming, Inc. to perform owner's representative electrification support services continuously until the end of the project. Increasing the contract total will not obligate the JPB to purchase any specific level of service from Gannett Fleming, Inc. as work directives are negotiated and issued on an as-needed basis, nor will it result in an increase to the total PCEP project budget, which includes funds for this increase in contract authority.

Prepared By: Sherry Bullock

CalMod Program Director

650.622.7866

**Resolution No. 2022-**

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

\* \* \*

**Authorize Amendment to On-Call Owner's Representative Electrification Support Services  
Contract 14-PCJPB-P-007 for the Caltrain Modernization Program**

**Whereas**, the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) awarded contract 14-PCJPB-P-007 to Gannett Fleming, Inc. pursuant to Resolution No. 2014-24, for a six-year base term in an amount of \$38,575,000, with up to two, 2-year option terms for a total not-to-exceed amount of \$3,341,000, and contingency authority of up to 15 percent of the total Board-authorized contract amount to address unanticipated tasks assigned under authorized work directives; and

**Whereas**, Gannett Fleming, Inc. provides critical project management and technical support services for the Caltrain Modernization (CalMod) program and works closely with JPB staff and other JPB consultants to support the Peninsula Corridor Electrification Project (PCEP), which is scheduled to run through December 31, 2024; and

**Whereas**, Gannett Fleming, Inc. performs a variety of electrification support services for CalMod, including but not limited to conceptual planning; development of technical standards and requirements; drafting and implementation of design build procurement documents; design reviews and approval, systems integration; and technical oversight of PCEP design build contractor's design, construction, integrated testing, commissioning, and start-up of electrification rail systems; and

**Whereas**, a contract term extension from April 2, 2024, through December 31, 2024, is now needed to provide the necessary time required to bring the PCEP to completion; and

**Whereas**, Gannett Fleming, Inc. needs the time extension, as well as an accompanying increase in contract capacity, to continue to provide services for the drafting and implementation of procurement documents, and the technical oversight and project management of contractor's design, construction, integrated testing, commissioning, and start-up of electrification rail systems; and

**Whereas**, the need for increased contract capacity stems from increased labor costs associated with: a need to hire OCS field manager, project close out manager, additional office staff, and field engineers; a need to increase the level of support from systems technical leads; a need to develop OCS/TPS Operations and Maintenance request for proposal documents for an upcoming solicitation; a need to develop OCS engineering standards for Caltrain; and the extension of the term from April 2, 2024, through December 31, 2024; and

**Whereas**, the Board has previously approved amendments to the Gannett Fleming, Inc. contract, to increase the contract authority in the amounts of \$12,000,000, from \$48,203,400 to \$60,203,400 (Resolution No. 2019-13) and \$7,540,000, from \$60,203,400 to \$67,743,400 (Resolution No. 2020-27); and

**Whereas**, an increase in contract capacity of \$8,274,897 from \$67,743,400 to \$76,018,297 is necessary to ensure the PCEP team can engage Gannett Fleming, Inc. to perform owner's representative electrification support services continuously until the end of the project, in light of the extended term, additional scope, and increased labor costs; and

**Whereas**, increasing the contract total will not obligate the JPB to purchase any specific level of service from Gannett Fleming, Inc. as work directives are negotiated and issued on an as-needed basis, nor will it result in an increase to the total PCEP project budget of \$2.44 billion,

which includes funds for this increase in contract authority and was approved by the JPB on December 6, 2021; and

**Whereas**, staff and the CalMod Program Change Management Board (CMB) recommend that the Board approve an amendment to the Gannett Fleming, Inc. Contract for On-Call Owner's Representative Electrification Support Services for the CalMod Program, such that the contract term is extended through December 31, 2024, and the contract total not-to-exceed amount is increased by \$8,274,897 from \$67,743,400 to \$76,018,297. Staff and the CalMod Program CMB further recommend that the Board authorize the Executive Director or designee to execute the contract amendment in a form approved by legal counsel; and

**Whereas**, approval of the above actions will ensure uninterrupted services within the existing PCEP budget for tasks related to owner's representative electrification support services for PCEP.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby approves amendments to the Gannett Fleming, Inc. Contract for On-Call Owner's Representative Electrification Support Services for the CalMod Program, including an extension of the contract term through December 31, 2024, and an increase in the contract total not-to-exceed amount by \$8,274,897 from \$67,743,400 to \$76,018,297.

**Be It Further Resolved** that the Board authorizes the Executive Director or designee to execute the contract amendment in a form approved by legal counsel.

Regularly passed and adopted this 1<sup>st</sup> day of December, 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: Board of Director

Through: Michelle Bouchard, Executive Director

From: Pranaya Shrestha, Chief of the Caltrain Modernization Program

Subject: **Increase Contract Authority for Balfour Beatty Infrastructure Inc. (BBII) Services  
Contract No. 14-PCJPB-P-053 for Non-PCEP Work**



Finance Committee  
Recommendation



Work Program-  
Legislative-Planning



Staff Coordinating  
Council Reviewed



Staff Coordinating Council  
Recommendation

**Action**

Staff and the Peninsula Corridor Electrification Project (PCEP or Project) Change Management Board (CMB) recommend that the Board:

1. Increase the contract authority for Balfour Beatty Infrastructure, Inc. (BBII) in the amount of \$1,658,842 without affecting the approved \$2.44 billion PCEP Budget to order to perform non-PCEP work related to the Guadalupe River Bridge Project and monitoring of non-PCEP construction by a developer on parcel near Traction Power Substation 1 (TPS-1) in South San Francisco.
2. Authorize the Executive Director, or designee, to execute Change Orders with BBII in the amount of \$1,658,842 to provide funding for the non-PCEP work described above.

**Significance**

On December 6, 2021, the Board adopted Resolution No. 2021-67 and approved three change orders with BBII for a total amount of \$346,675,328, increasing the total BBII contract amount to \$1,097,149,881, to resolve outstanding commercial issues related to PCEP. The Board also adopted Resolution No. 2021-66 to increase the total capital project budget for PCEP to \$2.44 Billion.

In order to support work related to the Guadalupe River Bridge Project and to monitor construction by a developer on a lot adjacent to the TPS-1, staff recommend that the Board increase the contract authority for the JPB's contract with BBII (14-PCJPB-P-053) by \$1,658,842, from \$1,097,149,881 to \$1,098,808,723, and authorize the execution of Change Orders to fund the non-PCEP work described above.

### **Budget Impact**

- The BBII Change Order for BBII's support of the Guadalupe River Bridge Project is \$1,298,842 and will be funded from the Guadalupe Project Budget.
- The construction monitoring work is estimated to cost \$360,000 and will be reimbursed by the developer
- The increase in BBII's contract capacity of \$1,658,842 will not Impact the PCEP Budget of \$2.44 billion.

### **Background**

#### **A. Guadalupe Bridge Change Order**

On October 6, 2022, the Board adopted Resolution No. 2022-60 and awarded a contract with Walsh Construction Company for the replacement and retrofit of the Guadalupe River Bridges. The replacement and retrofit work is a State of Good Repair (SOGR) project as the bridges' current condition necessitates that the work be done as soon as possible.

In order to facilitate the Guadalupe River Bridge Project, BBII will remove OCS Wire and OCS poles between Mile Posts 47.8 and 48.3 after PCEP completes Segment 4. BBII will then reinstall OCS Wire and Poles once the work on the MT-2 Bridge over the Guadalupe River is complete before PCEP commences corridor wide integrated testing in the Fall of 2023. The reasons for BBII to perform Guadalupe Bridge OCS removal and reinstall work are:

- To maintain the integrity of full corridor (Taimen to SF) electrified system since BBII is responsible for end-to-end integrated testing and commissioning in fall of 2023.
- To mitigate interface and integration risks between the Guadalupe Bridge Project and the PCEP project through the performance by BBII of all OCS work.
- To save Guadalupe Bridge Project costs and time by utilizing existing BBII on-site resources while BBII is building the remaining OCS work under PCEP.

The Guadalupe River Bridge Project team is working closely with the PCEP team to minimize impacts to both projects. The staff has completed negotiation and BBII's work on the project will cost \$1,298,842.

#### **B. Construction Monitoring Change Order**

A developer is performing excavation and dewatering for a building located at 580 Dubuque Ave., South San Francisco, CA, which is adjacent to TPS-1. The developer and the JPB Real Estate and Engineering teams have requested assistance from the PCEP Designer of Record (EOR), PGH Wong, to perform design reviews and construction monitoring, including for settlement during excavation. Since TPS-1 will not be delivered by BBII until the overall substantial completion of the PCEP project, a change order in the amount of \$360,000 will be issued to PGH Wong through the design-build contractor BBII to monitor the third-party developer work.

Based on two change orders described above, staff recommend that BBII's contract capacity be increased to accommodate the non-PCEP project work.

Prepared By: Sherry Bullock      CalMod Program Director      [650-722-7733]

**Resolution No. 2022-**

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

\* \* \*

**Increasing Contract Authority for Balfour Beatty Infrastructure Inc. (BBII) Services Contract No. 14-PCJPB-P-053 for Non-PCEP Work**

**Whereas**, BBII is the design-builder for the Peninsula Corridor Electrification Project (PCEP); and

**Whereas**, the Peninsula Corridor Joint Powers Board (JPB) adopted Resolution No. 2021-67 on December 6, 2021, approving three change orders with BBII for a total amount of \$346,675,328, increasing the total BBII contract amount to \$1,097,149,881, to resolve outstanding commercial issues related to PCEP. The Board also adopted Resolution No. 2021-66, increasing the total capital project budget for PCEP to \$2.44 Billion; and

**Whereas**, on October 6, 2022, the Board adopted Resolution No. 2022-60 and awarded a contract with Walsh Construction Company for the replacement and retrofit of the Guadalupe River Bridges. The replacement and retrofit work is a State of Good Repair (SOGR) project, meaning the bridges' current condition requires the work to be done as soon as possible; and

**Whereas**, BBII's role in the Guadalupe River Bridge project is to remove OCS Wire and OCS poles between Mile Posts 47.8 and 48.3 after PCEP completes Segment 4. BBII will then reinstall OCS Wire and Poles once the work on the MT-2 Bridge over the Guadalupe River is complete. BBII is also responsible for end-to-end integrated testing and commissioning of the electrified system scheduled to begin in Fall 2023;

**Whereas**, the removal and reinstallation work is organized in the manner above to maintain the integrity of the full corridor and electrified system, mitigate risks between the PCEP

and Guadalupe Bridge Project through performance by BBII of all OCS work, and save costs and time on the Guadalupe River Bridge Project by utilizing existing BBII on-site resources while BBII is completing the remaining OCS work under PCEP; and

**Whereas**, the Guadalupe River Bridge Project team is working closely with the PCEP team to minimize impacts to both projects, and staff has estimated that BBII's work on the project will cost approximately \$1,298,842; and

**Whereas**, a developer is performing excavation and dewatering for a building located at 580 Dubuque Ave., South San Francisco, CA, which is located adjacent to Traction Power Substation 1 (TPS-1). The developer and the JPB Real Estate and Engineering teams have requested assistance from PGH Wong, a subcontractor to BBII on PCEP, to perform design reviews and construction monitoring, including for settlement during excavation. Since TPS-1 will not be delivered by BBII until the overall substantial completion of PCEP, a change order will need to be issued to PGH Wong through the design-build contractor BBII for the third-party developer work; and

**Whereas**, to support work related to the Guadalupe River Bridge Project and monitor the developer's work on the lot adjacent to TPS-1, staff recommend that the Board increase the contract authority for BBII contract 14-PCJPB-P-053 in the amount of \$1,658,842, from \$1,097,149,881 to \$1,098,808,723, and authorize the execution of Change Orders to fund the non-PCEP project work by BBII; and

**Whereas**, the BBII Change Order for support of the Guadalupe River Bridge Project is estimated to cost \$1,298,842 and will be funded from the Guadalupe River Bridge Project Budget. The construction monitoring work is estimated to cost \$360,000 and will be reimbursed by the developer; and

**Whereas**, the increase in BBII Contract Capacity of \$1,658,842 will not impact the PCEP Budget of \$2.44 billion; and

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes an increase in the contract authority for BBII in the amount of \$1,658,842, from \$1,097,149,881 to \$1,098,808,723, and authorizes the execution of Change Orders to fund the non-PCEP project work by BBII, including support of the Guadalupe River Bridge Project and monitoring of non-PCEP construction by a developer on parcel near Traction Power Substation 1 (TPS-1) in South San Francisco.

**Be It Further Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director, or designee, to execute Change Orders with BBII in amount of \$1,658,842 to provide funding for the non-PCEP work described above.

Regularly passed and adopted this 1<sup>st</sup> day of December, 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

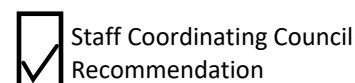
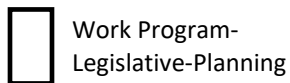
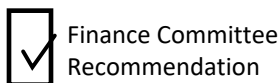
**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors

Through: Michelle Bouchard, Executive Director

From: Grace Martinez, Acting Chief Financial Officer

Subject: **Amend and Increase the Fiscal Year 2023 Caltrain Capital Budget by \$23,815,828 from \$102,593,584 to \$126,409,412 and Authorize Receipt of State Rail Assistance Program Funds**



**Action**

Staff proposes that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) amend the Fiscal Year (FY) 2023 Capital Budget, included as Attachment B, as follows:

1. Include \$9,626,655 for the Broadband Communications Project; and
2. Include \$9,784,564 for the Rengstorff Grade Separation Project; and
3. Include \$1,404,609 for the San Mateo Grade Crossing Improvements Project; and
4. Include \$3,000,000 for the Diridon Business Case Project.

Staff further recommends that the Board authorize the following in relation to the Broadband Communications Project

Submission of a project application for \$5,500,000 in State Rail Assistance (SRA) funds, including a statement that JPB agrees to comply with all conditions and requirements of the SRA program, as set forth in the certification and assurances and applicable statutes, regulations, and guidelines;

5. Execution and filing of the certifications and assurances and authorized agent form as well as any amendments, and submission of any additional information as may be required of SRA recipients; and
6. Any other actions necessary to give effect to this resolution including the execution of funding agreements and other documents required to receive the funding.



### Significance

Staff proposes an amendment to the FY2023 Caltrain Capital Budget to include an additional \$23,815,828 for the above-mentioned projects, and as further discussed below. This budget increase is the result of agreements to provide funding toward the FY2023 Caltrain Capital Budget.

### Broadband Communications Project

This project was originally approved by the Board in FY2019 for a budget of \$14,000,000. During the adoption of the FY2023 Capital Budget, \$5,193,586 has been added to this project, increasing the project budget to \$19,193,586.

Per updated estimates, the project cost has increased by \$9,626,655 due to scope additions and “trenching allowance” that accounts for risk associated with varying lengths of additional trenching that may be required at particular locations. The additional cost is proposed to be funded by SRA funds in the amount of \$5,500,000 and unconfirmed SRA or State Broadband Grant funds amounting to \$4,126,655. With the rise in project cost, the project budget will increase from \$19,193,586 to \$28,820,241.

### Rengstorff Grade Separation Project

This project was originally approved by the Board in FY2019 for a budget of \$3,500,000. During the adoption of the FY2023 Capital Budget, \$8,715,436 was added resulting in a total project budget of \$12,215,436. The execution of the Cooperative Agreement between JPB, Santa Clara Valley Transportation Authority (VTA), and the City of Mountain View will provide additional funding of \$9,784,564 from VTA Measure B funds. This additional funding will increase the total project budget from \$12,215,436 to \$22,000,000.

### San Mateo Grade Crossing Improvements Project

In FY2021, a budget of \$2,000,000 was approved by the Board for this project. In FY2023, \$2,066,941 was added, increasing the project budget to \$4,066,941. The execution of the amendment to the existing Caltrans Section 130 Funding Agreements will provide additional funding of \$1,404,609, increasing the project budget to \$5,471,550.

### Diridon Business Case Project

This project was originally approved by the Board in FY2022 for a budget of \$2,223,935. The execution of the amendment to the Master Funding Agreement between JPB and Metropolitan Transportation Commission (MTC) and the Funding Agreement between JPB and the City of San Jose will provide additional funding of \$2,000,000 and \$1,000,000, respectively. These additional funds will increase the project budget from \$2,223,935 to \$5,223,935,

**Budget Impact**

The funding for this budget amendment shall be as follows:

<b>Project</b>	<b>Funding Source</b>	<b>Amount</b>
Broadband Communications	State Rail Assistance (\$5.5M) Unconfirmed State Rail Assistance or State Broadband Grant (\$4.127M)	\$9,626,655
Rengstorff Grade Separation	VTA Measure B	\$9,784,564
San Mateo Grade Crossing Improvements	Section 130 Program Funds	\$1,404,609
Diridon Business Case	MTC (\$2.0M) City of San Jose (\$1.0M)	\$3,000,000
<b>TOTAL</b>		<b>\$23,815,828</b>

To receive the SRA funding, the California State Transportation Agency (CalSTA) requires a formal request from the Board and the required actions to receive the funds are included in the staff recommendation.

**Background**

The Board adopted the FY2023 Capital Budget on June 2, 2022 for a total amount of \$90,956,662. On October 6, 2022, the Board approved the first amendment to the FY2023 Capital Budget to increase the total budget to \$102,593,584. The proposed amendments described above would increase the FY2023 Capital Budget from \$102,593,584 to \$126,409,412.

Prepared By:      Claudette Valbuena      Manager, Budgets  
                         Ladi Millard-Olmeda      Director, Budgets

**Resolution No. 2022-**

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

\* \* \*

**Amend and Increase the Fiscal Year 2023 Caltrain Capital Budget by \$23,815,828 from \$102,593,584 to \$126,409,412 and Authorize Receipt of State Rail Assistance Program Funds**

**Whereas**, pursuant to Resolution No. 2022-32 adopted on June 2, 2022, the Peninsula Corridor Joint Powers Board (JPB) adopted Fiscal Year (FY) 2023 Capital Budget for a total authorized budget of \$90,956,662; and

**Whereas**, pursuant to Resolution No. 2022-57 adopted on October 6, 2022, the Peninsula Corridor Joint Powers Board (JPB) adopted Fiscal Year (FY) 2023 Capital Budget Amendment 1 for a total authorized budget of \$102,593,584; and

**Whereas**, additional costs of \$9,626,655 have been identified for the Broadband Communications Project, which are proposed to be funded by State Rail Assistance (SRA) in the amount of \$5,500,000 and unconfirmed SRA and State Broadband Grant funds amounting to \$4,126,655, as referenced in a separate board agenda item; and

**Whereas**, additional funding of \$9,784,564 from Santa Clara Valley Transportation Authority (VTA) Measure B funds is available to the Rengstorff Grade Separation Project pursuant to the execution of a Cooperative Agreement between the JPB, VTA, and the City of Mountain View, as referenced in Board Resolution 2022-58 adopted on October 6, 2022; and

**Whereas**, additional Section 130 Program funding of \$1,404,609 from the amended Caltrans Section 130 Funding Agreements is available for the San Mateo Grade Crossing Improvements Project, as referenced in a separate board agenda item; and

**Whereas**, additional funding of \$2,000,000 from the amended Master Funding Agreement between JPB and Metropolitan Transportation Commission (MTC), and \$1,000,000 from the amended Funding Agreement between JPB and City of San Jose, will be available to the Diridon Business Case Project, as reference in a separate board agenda item;

**Whereas**, Staff recommends that the Board increase the total project authority for the Broadband Communications Project from \$19,193,586 to \$28,820,241.

**Whereas**, Staff recommends that the Board increase the total project authority for the Rengstorff Grade Separation Project from \$12,215,436 to \$22,000,000.

**Whereas**, Staff recommends that the Board increase the total project authority for the San Mateo Grade Crossing Project from \$4,066,941 to \$5,471,550.

**Whereas**, Staff recommends that the Board increase the total project authority for the Diridon Business Case Project from \$2,223,935 to \$5,223,935.

**Whereas**, the Board of Directors wishes to authorize the Executive Director, or designee, to:

1. Submit the following project application to the California State Transportation Agency

(CalSTA) for State Rail Assistance (SRA) funds:

- Project Name: Broadband Communications
- Amount of SRA funds requested: \$5,500,000
- Project Description: The project will design a broadband wireless communication system along the Caltrain corridor for the wayside train maintenance diagnostics and passenger Wi-Fi service. It entails assessment of existing infrastructure and the construction of the broadband system.

2. Affirm that the Peninsula Corridor Joint Powers Board agrees to comply with all conditions and requirements of the SRA Program as set forth in the certification and assurances and applicable statutes, regulations, and guidelines; and
3. Execute and file Certifications and Assurances and Authorized Agent form as well as any amendments and furnish any additional information as CalSTA may require of SRA recipients.

**Now, Therefore, Be It Resolved** that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board hereby approves an amendment to the FY2023 Capital Budget for a total authorized capital budget increase of \$23,815,828, from \$102,593,584 to \$126,409,412.

**Now, Therefore, Be It Further Resolved** that the Executive Director, or designee, is authorized to:

1. Submit the following project application to the California State Transportation Agency (CalSTA) for State Rail Assistance (SRA) funds:
  - Project Name: Broadband Communications
  - Amount of SRA funds requested: \$5,500,000
  - Project Description: The project will design a broadband wireless communication system along the Caltrain corridor for the wayside train maintenance diagnostics and passenger Wi-Fi service. It entails assessment of existing infrastructure and the construction of the broadband system.
2. Affirm that the Peninsula Corridor Joint Powers Board agrees to comply with all conditions and requirements of the SRA Program as set forth in the certification and assurances and applicable statutes, regulations, and guidelines; and

3. Execute and file Certifications and Assurances and Authorized Agent form as well as any amendments and furnish any additional information as CalSTA may require of SRA recipients.
4. Take any other actions necessary to give effect to this resolution.

Regularly passed and adopted this 1<sup>st</sup> day of December 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



FY2023 AMENDED CAPITAL BUDGET

Item #	PROJECT NAME	FY2023 ADOPTED CAPITAL BUDGET	Amendment 2	FY2023 AMENDED CAPITAL BUDGET	Federal Funds	STA SOGR	Unrestricted Funds	Member Agency Funds					Others			FY2023 AMENDED CAPITAL BUDGET
								San Francisco	San Mateo	Santa Clara (Gen Funds)	Santa Clara (Measure B)	Total	Others	Externally Funded	Total	
<b>i. SOGR</b>																
<b>Bridges</b>																
1	Guadalupe Bridges Replacement <sup>1</sup> Total Project Budget (Post-Amendment): \$27,312,250	10,959,443		10,959,443	6,353,943	-	-					-	4,605,500	-	4,605,500	10,959,443
2	San Francisquito Creek Bridge Replacement	60,000		60,000	48,000		12,000					-	-	-	-	60,000
<b>Total Bridges</b>		<b>11,019,443</b>	<b>-</b>	<b>11,019,443</b>	<b>6,401,943</b>	<b>-</b>	<b>12,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4,605,500</b>	<b>-</b>	<b>4,605,500</b>	<b>11,019,443</b>
<b>Right of Way</b>																
3	SOGR Track	7,000,000		7,000,000	5,600,000	736,744	63,256	600,000	-	-	-	600,000	-	-	-	7,000,000
4	Track Tie Replacement	500,000		500,000	400,000	-	-	-	-	-	100,000	100,000	-	-	-	500,000
5	SOGR ROW	800,000		800,000	-	800,000	-	-	-	-	-	-	-	-	-	800,000
6	ROW Fencing	1,500,000		1,500,000	-	-	50,000	1,450,000	-	-	-	1,450,000	-	-	-	1,500,000
<b>Total Right of Way</b>		<b>9,800,000</b>	<b>-</b>	<b>9,800,000</b>	<b>6,000,000</b>	<b>1,536,744</b>	<b>113,256</b>	<b>2,050,000</b>	<b>-</b>	<b>-</b>	<b>100,000</b>	<b>2,150,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>9,800,000</b>
<b>Signal &amp; Communications</b>																
7	SOGR Signal & Communications	3,000,000		3,000,000	2,400,000	-	600,000	-	-	-	-	-	-	-	-	3,000,000
8	SOGR Fiber Optic	2,585,300		2,585,300	2,068,240	-	517,060	-	-	-	-	-	-	-	-	2,585,300
<b>Total Signal &amp; Communications</b>		<b>5,585,300</b>	<b>-</b>	<b>5,585,300</b>	<b>4,468,240</b>	<b>-</b>	<b>1,117,060</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>5,585,300</b>
<b>Rolling Stock</b>																
9	SOGR Locomotive FY23	1,500,000		1,500,000	-	-	650,000	-	-	850,000	-	850,000	-	-	-	1,500,000
<b>Total Rolling Stock</b>		<b>1,500,000</b>	<b>-</b>	<b>1,500,000</b>	<b>-</b>	<b>-</b>	<b>650,000</b>	<b>-</b>	<b>-</b>	<b>850,000</b>	<b>-</b>	<b>850,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,500,000</b>
<b>Station &amp; Intermodal Access</b>																
10	SOGR Facilities	1,000,000		1,000,000	-	-	1,000,000	-	-	-	-	-	-	-	-	1,000,000
11	SOGR Historical Stations	1,000,000		1,000,000	-	-	-	-	-	1,000,000	-	1,000,000	-	-	-	1,000,000
<b>Total Station &amp; Intermodal Access</b>		<b>2,000,000</b>	<b>-</b>	<b>2,000,000</b>	<b>-</b>	<b>-</b>	<b>1,000,000</b>	<b>-</b>	<b>-</b>	<b>1,000,000</b>	<b>-</b>	<b>1,000,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,000,000</b>
<b>Total SOGR</b>		<b>29,904,743</b>	<b>-</b>	<b>29,904,743</b>	<b>16,870,183</b>	<b>1,536,744</b>	<b>2,892,316</b>	<b>2,050,000</b>	<b>-</b>	<b>1,850,000</b>	<b>100,000</b>	<b>4,000,000</b>	<b>4,605,500</b>	<b>-</b>	<b>4,605,500</b>	<b>29,904,743</b>
<b>ii. LEGAL MANDATES AND ELECTRIFIED SERVICE RAIL PROGRAM INTEGRATION</b>																
12	CCTV End of Life Equipment	75,000		75,000	-	-	75,000	-	-	-	-	-	-	-	-	75,000
<b>Total</b>		<b>75,000</b>	<b>-</b>	<b>75,000</b>	<b>-</b>	<b>-</b>	<b>75,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>75,000</b>
<b>iii. OPERATIONAL IMPROVEMENTS/ENHANCEMENTS</b>																
13	PADS Replacement	1,060,000		1,060,000	-	-	1,060,000	-	-	-	-	-	-	-	-	1,060,000
14	Next Generation Visual Messaging Sign (VMS)	2,700,000		2,700,000	-	-	2,700,000	-	-	-	-	-	-	-	-	2,700,000
15	BCCF Virtualization Project	1,200,000		1,200,000	-	-	1,200,000	-	-	-	-	-	-	-	-	1,200,000
16	<b>Broadband Communications<sup>4</sup></b> Total Project Budget (Post-Amendment): \$28,820,241	<b>5,193,586</b>	<b>9,626,655</b>	<b>14,820,241</b>	<b>-</b>	<b>-</b>	<b>5,193,586</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>9,626,655</b>	<b>-</b>	<b>9,626,655</b>	<b>14,820,241</b>
17	Caltrain VoIP	222,000		222,000	-	-	222,000	-	-	-	-	-	-	-	-	222,000
18	Technology Refresh Assessment	325,000		325,000	-	-	325,000	-	-	-	-	-	-	-	-	325,000
19	GIS System - Update & Upgrade	2,000,333		2,000,333	-	-	2,000,333	-	-	-	-	-	-	-	-	2,000,333
20	Enterprise Asset Management Software System	1,048,000		1,048,000	-	-	1,048,000	-	-	-	-	-	-	-	-	1,048,000
21	Backup Central Control Facility (BCCF) Office Remodel	1,000,000		1,000,000	-	-	1,000,000	-	-	-	-	-	-	-	-	1,000,000
22	Support for Property Mapping	500,000		500,000	-	-	500,000	-	-	-	-	-	-	-	-	500,000
23	South Linden & Scott Grade Separation*	5,500,000		5,500,000	-	-	-	-	-	-	-	-	5,500,000	5,500,000	-	5,500,000
24	Mary Ave/Sunnyvale Ave Grade Separation*	18,898,000		18,898,000	-	-	-	-	-	-	-	-	18,898,000	18,898,000	-	18,898,000
25	<b>Rengstorff Grade Separation*<sup>5</sup></b> Total Project Budget (Post-Amendment): \$22,000,000	<b>8,715,436</b>	<b>9,784,564</b>	<b>18,500,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>18,500,000</b>	<b>18,500,000</b>	<b>-</b>	<b>18,500,000</b>
26	Middle Ave Undercrossing*	400,000		400,000	-	-	-	-	-	-	-	-	400,000	400,000	-	400,000
27	Bernardo Ave Undercrossing*	4,990,000		4,990,000	-	-	-	-	-	-	-	-	4,990,000	4,990,000	-	4,990,000
28	<b>San Mateo Grade Crossing Improvements*<sup>6</sup></b> Total Project Budget (Post-Amendment): \$5,471,550	<b>2,066,941</b>	<b>1,404,609</b>	<b>3,471,550</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,471,550</b>	<b>3,471,550</b>	<b>-</b>	<b>3,471,550</b>
42	Mountain View Transit Grade Separation <sup>2</sup> Total Project Budget (Post-Amendment): \$18,200,000	7,000,000		7,000,000	-	-	-	-	-	-	-	-	7,000,000	-	7,000,000	7,000,000
<b>Total</b>		<b>62,819,296</b>	<b>20,815,828</b>	<b>83,635,124</b>	<b>-</b>	<b>-</b>	<b>15,248,919</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>16,626,655</b>	<b>51,759,550</b>	<b>68,386,205</b>	<b>83,635,124</b>
<b>iv. PLANNING/STUDIES</b>																
29	DTX Support <sup>3</sup> Total Project Budget (Post-Amendment): \$4,130,874	3,819,545		3,819,545	-	-	500,000	-	-	-	-	-	3,319,545	-	3,319,545	3,819,545
30	Redwood City Corridor Planning	1,000,000		1,000,000	-	-	25,000	975,000	-	-	-	975,000	-	-	-	1,000,000
31	Rail Network and Operations Planning	200,000		200,000	-	-	200,000	-	-	-	-	-	-	-	-	200,000



FY2023 AMENDED CAPITAL BUDGET

Attachment B  
Amendment 2  
December 2022

Item #	PROJECT NAME	FY2023 ADOPTED CAPITAL BUDGET	Amendment 2	FY2023 AMENDED CAPITAL BUDGET	Federal Funds	STA SOGR	Unrestricted Funds	Member Agency Funds					Others			FY2023 AMENDED CAPITAL BUDGET
								San Francisco	San Mateo	Santa Clara (Gen Funds)	Santa Clara (Measure B)	Total	Others	Externally Funded	Total	
32	Transit-Oriented Development Studies	750,000		750,000	-		750,000					-	-	-	-	750,000
33	Electric Multiple-Unit (EMU) Hybridization	350,000		350,000	-		-				350,000	350,000	-	-	-	350,000
34	San Francisco Corridor and Stations Planning	250,000		250,000	-		-	250,000				250,000	-	-	-	250,000
35	SF Railyards Preliminary Business Case	250,000		250,000	-		250,000					-	-	-	-	250,000
36	Caltrain Access Policy Update	100,000		100,000	-		100,000					-	-	-	-	100,000
37	Capital Planning Technical Support	250,000		250,000	-		250,000					-	-	-	-	250,000
43	<i>Diridon Business Case<sup>7</sup></i> <i>Total Project Budget (Post-Amendment): \$5,223,935</i>	-	3,000,000	3,000,000	-		-					3,000,000	-	-	3,000,000	3,000,000
<b>Total</b>		<b>6,969,545</b>	<b>3,000,000</b>	<b>9,969,545</b>	<b>-</b>	<b>-</b>	<b>2,075,000</b>	<b>250,000</b>	<b>975,000</b>	<b>-</b>	<b>350,000</b>	<b>1,575,000</b>	<b>6,319,545</b>	<b>-</b>	<b>6,319,545</b>	<b>9,969,545</b>
<b>v. DTX FUNDING</b>																
38	DTX Funding	1,500,000		1,500,000	-		1,500,000					-	-	-	-	1,500,000
<b>Total</b>		<b>1,500,000</b>	<b>-</b>	<b>1,500,000</b>	<b>-</b>	<b>-</b>	<b>1,500,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,500,000</b>
<b>vi. CAPITAL/CONTINGENCY FUNDS</b>																
39	Capital Contingency Funds - Engineering	330,000		330,000	-		-			330,000		330,000	-	-	-	330,000
40	Capital Contingency Funds - Rail	660,000		660,000	-		-		660,000			660,000	-	-	-	660,000
41	Capital Project Development	335,000		335,000	-		-		335,000			335,000	-	-	-	335,000
<b>Total</b>		<b>1,325,000</b>	<b>-</b>	<b>1,325,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,325,000</b>	<b>-</b>	<b>-</b>	<b>1,325,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,325,000</b>
<b>Total</b>		<b>102,593,584</b>	<b>23,815,828</b>	<b>126,409,412</b>	<b>16,870,183</b>	<b>1,536,744</b>	<b>21,791,235</b>	<b>2,300,000</b>	<b>2,300,000</b>	<b>1,850,000</b>	<b>450,000</b>	<b>6,900,000</b>	<b>27,551,700</b>	<b>51,759,550</b>	<b>79,311,250</b>	<b>126,409,412</b>

\* Project is externally funded and relies on separate, project-specific funding plan.

<sup>1</sup> \$1,317,377 is funded by Local Partnership Program (LPP) funds

<sup>2</sup> \$7,000,000 is funded by Valley Transportation Authority (VTA) Measure B through an Amended Cooperative Agreement between JPB, VTA, and City of Mountain View

<sup>3</sup> \$3,319,545 is funded by Transbay Joint Powers Authority (TJPA) through a Letter of Agreement (LOA) between JPB and TJPA

<sup>4</sup> \$5,500,000 is funded by State Rail Assistance (SRA) funds; \$4,126,655 is proposed to be funded by unconfirmed SRA or State Broadband Grant funds

<sup>5</sup> \$9,784,564 is funded by VTA Measure B through a Cooperative Agreement between JPB, VTA, and City of Mountain View

<sup>6</sup> \$1,404,609 is funded by Section 130 Program funds through an amendment to the existing Caltrans Funding Agreement

<sup>7</sup> \$2,000,000 is funded by Metropolitan Transportation Commission (MTC) through an Amended Master Funding Agreement between JPB and MTC; \$1,000,000 is funded by the City of San Jose through an Amended Funding Agreement between JPB and City of San Jose



**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard  
Executive Director  
From: Grace Martinez,  
Acting Chief Financial Officer  
Subject: **Adopt Caltrain Monthly Pass Product Proposed Changes**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

Staff recommends the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) adopt a Caltrain monthly pass dynamic zone product to allow customers to purchase a monthly pass that is valid for a defined number of zones to replace the current defined zone product and update the Caltrain Fare Structure to reflect the fare product change.

**Significance**

Below are the proposed changes to the Monthly Pass that will be implemented with the Clipper Next Generation upgrade:

Current Monthly Pass

Currently Caltrain's monthly pass is administered on Clipper and only requires customers to tap on and off once per month to activate the pass. The monthly pass is valid only for the defined zones for which it is purchased. Travel outside of those zones requires additional action by the customer. A customer may either purchase paper zone upgrade ticket(s) via a ticket vending machine (TVM), purchase a ticket via the Caltrain Mobile app, or use their Clipper card and pay a full e-cash fare for the zones travelled outside of the month pass zones (there is no credit given for the monthly pass purchased if traveling outside of monthly pass defined zones).

Since customers only tap on and off once per month, Caltrain does not have data on monthly pass customers' ridership, which impacts both reporting and planning. Under the current system, fare enforcement officials must check to ensure that month passes are valid within zones and customers have the correct zone upgrade(s) if applicable.

### Monthly Pass Clipper Next Generation Recommendation

To simplify the monthly pass product and provide Caltrain's customers with a better value proposition, staff recommends that the monthly pass be changed to a dynamic zone structure. The dynamic zone structure would allow customers to purchase a monthly pass that is valid for a defined number of zones (1-6). Customers would then be able to travel the purchased number of zones anywhere within the Caltrain service area at no additional cost. If a monthly pass customer needs to travel more zones than they had purchased, they would automatically be charged the appropriate zone upgrade fee via their Clipper card upon tap off. For example, a customer who purchases a (2) zone pass could travel between zones 1-2 or 2-3 at no cost, and if they traveled between zones 1 and 3 they would be charged a one zone upgrade fee upon tap off of their trip.

These enhanced features of the monthly pass would require all monthly pass users to tap on and off for each trip. This is now possible due to the increased number of stand-alone validators allowing more customers to tap their Clipper cards at Caltrain stations, and the addition of the zone upgrade product to the Clipper system. These changes will also streamline fare enforcement operations as it would only require a pass be present on the Clipper card. In addition, the requirement to tap on and off for each trip will provide Caltrain with monthly pass ridership data.

Staff will need to provide guidance to the Metropolitan Transportation Commission (MTC) to program the change into the Clipper system in December 2022. The execution of the change will not be until deployment of the Clipper next generation system which is expected in Summer/Fall of 2023. The effective date of the fare structure changes will reflect the date of Clipper next generation customer transition and the enablement of the features.

### Public Outreach

- 1) A survey was conducted in 5 languages (English, Spanish, Chinese, Tagalog, and Vietnamese), with the results indicating a high level of support for the proposed changes. The survey was available open from 10/19/2022-11/7/2022 and received approximately 1600 responses.
  - Respondents were presented with background and proposal information and asked whether they agreed, disagreed, or had no opinion about dynamic zones, zone upgrade changes, and tap on and tap off changes.
  - Results of the survey showed 87% of respondents favor having the zone upgrade on Clipper and 82% of respondents favor a change to dynamic zones.
  - 65% of respondents were in favor of tapping on and off for every ride if it allowed them to utilize the dynamic zones and zone upgrade functionality, even though this represents a requirement to change current practice  
Many negative respondents were concerned that the low number of standalone validators would be an issue with this change; however Caltrain is currently increasing the number of validators from 170 to over 300 to address this concern.
- 2) Staff held a community meeting on 11/9/2022 to solicit customer feedback
- 3) Staff presented the changes to the Citizens Advisory Committee (CAC) on 11/16/2022.

- 4) The Finance Committee held a Public Hearing on 11/21/2022. Public notices were provided at all stations and paper notices for passengers were made available no later than 11/7/2022. Notices were also made available in three local newspaper publications (English, Spanish, and Chinese) prior to the public hearing and via a Caltrain press release.

### Title VI Analysis

A Title VI Fare Analysis is required within six months of the actual change. Staff will conduct and present a Title VI Analysis to the Board before the implementation of the change to incorporate survey data being used for outreach for the public hearing. Given the proposed fare change overall benefits, it is unlikely that there will be a disparate impact to minority communities or disproportionate burden to low-income communities

### Budget Impact

Potential budget impact for implementing this change include:

- 1) Operation and maintenance Clipper costs range from \$100-\$250k annually\*; however this increase represents Caltrain paying its fair share of these costs. Clipper ridership is used to allocate Clipper costs to agencies, and Caltrain's ridership is artificially low due to month pass users not tapping for each trip.
- 2) Outreach and marketing expenses are estimated at \$20-\$30k; however MTC has offered to potentially provide financial support for this effort.
- 3) Reprogramming of TVM's is estimated at \$10k-\$20k.
- 4) While the potential revenue impact is unknown, staff estimates the increased value proposition and automatic zone upgrade charges have strong potential to increase overall revenue and ridership.

**\*Cost estimates fluctuate based on regional proportion of ridership. Analysis assumes 22% of overall ridership utilizes Go Pass, and then excluding institutional ridership on Go Pass**

### Background

The Clipper automated fare payment system is currently used by twenty-three transit agencies in the San Francisco Bay Area. MTC extended its contract with Cubic Transportation Systems Inc. for the current Clipper card-based fare payment system through November 2, 2024, and entered into a separate contract in September 2018 with Cubic to design, develop, test, install, transition, operate and maintain the Clipper Next Generation account-based fare payment system.

Prepared By: Bruce Thompson	Fare Operations Manager	650-551-6106
Ryan Hinchman	Director FP&A	650-551-7733

**Resolution No. 2022-**

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

\* \* \*

**Authorize Changes to Caltrain Monthly Pass Product and Adopt Revised Fare Structure**

**Whereas**, Caltrain's monthly pass is currently administered on Clipper, only requires customers to tap on and off once per month to activate the pass and is valid only for the defined zones for which it is purchased. Travel outside of those zones requires additional action by the customer; and

**Whereas**, to simplify the monthly pass product and provide Caltrain's customers with a better value proposition, staff has designed a monthly pass with a dynamic zone structure. The dynamic zone structure would allow customers to purchase a monthly pass that is valid for a defined number of zones (1-6). Customers would then be able to travel the purchased number of zones anywhere within the Caltrain service area at no additional cost. If a monthly pass customer needs to travel more zones than they had purchased, they would automatically be charged the appropriate zone upgrade fee via their Clipper card upon tap off.

**Whereas**, these enhanced features of the monthly pass would require all monthly pass users to tap on and off for each trip. This is now possible due to the increased number of stand-alone validators allowing more customers to tap their Clipper cards at Caltrain stations, and the addition of the zone upgrade product to the Clipper system; and

**Whereas**, this change cannot be executed until the deployment of the Clipper Next Generation system, and staff will need to provide guidance to the Metropolitan Transportation Commission (MTC) to program the change into the Clipper system in December 2022. The new fare structure will not take effect until deployment of the Clipper Next Generation System, which is expected in Quarter 3 or 4 of 2023. The effective date of the fare structure changes will reflect the date of Clipper Next Generation customer transition and the enablement of the new features; and

**Whereas,** staff have conducted significant public outreach on the change and staff plan to conduct and present a Title VI Fare Analysis, as required, within six months of the actual change; and

**Whereas,** potential budget impacts for implementing this change include an increase of \$100,000 to \$250,000 annually in operation and maintenance costs for Clipper, outreach and marketing expenses of approximately \$20,000 to \$30,000, and approximately \$10,000 to \$20,000 for reprogramming ticket vending machines; and

**Whereas,** staff recommends the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) adopt a Caltrain monthly pass dynamic zone product to allow customers to purchase a monthly pass that is valid for a defined number of zones to replace the current defined zone product and update the Caltrain Fare Structure to reflect the fare product change.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby directs staff to provide guidance to the Metropolitan Transportation Commission to program a change to Caltrain monthly pass to create dynamic zone product to replace the current defined zone product for deployment of the Clipper Next Generation System and adopts a revised Caltrain Fare Structure to reflect the fare product change, effective upon the implementation of the Clipper Next Generation System.

Regularly passed and adopted this 1<sup>st</sup> day of December, 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

Adopted – May 6, 1992  
Last Revised – August 4, 2022  
Effective – August 4, 2022

**PENINSULA CORRIDOR JOINT POWERS BOARD  
STATE OF CALIFORNIA**

\* \* \*

**CALTRAIN FARE STRUCTURE**

This document establishes the fare structure for use of Caltrain passenger rail service, which operates between San Francisco and Gilroy, California. For pricing, refer to Section V, Fare Chart.

**I. FARE CATEGORIES**

**A. Full Fare**

Full Fares apply to all customers except those who qualify for an Eligible Discount Fare or the Means-Based Fare Pilot Program.

**B. Eligible Discount Fare**

Customers qualifying for the Eligible Discount Fare pay one-half of the Full Fare, rounded to increments of approximately \$0.25. A customer qualifies for the Eligible Discount Fare by meeting or possessing any one or more of the requirements below. Proof of age or appropriate identification may be necessary when ticket is requested by the conductor or fare inspector.

1. Aged 65 years or older.
2. Aged 18 years or younger.
3. Disabled Person Placard Identification Card issued by the California State Department of Motor Vehicles (DMV).
4. Medicare Card.
5. Regional Transit Connection (RTC) Discount Card for persons with disabilities, including Clipper® cards that are designated as RTC Discount Cards. A personal care attendant travelling with an RTC Discount Card holder can pay the Eligible Discount Fare if the RTC Discount Card is marked with an attendant symbol.
6. Valid transit discount card issued by another California transit agency, which is equivalent to the RTC Discount Card.

**C. Means-Based Fare Pilot Program**

The Regional Means-Based Fare Pilot Program (Pilot Program), administered by the Metropolitan Transportation Commission (MTC), will run for 18 months starting July 15, 2020. Pending MTC's approval in summer 2021, the Pilot Program may be extended an additional 18 months (for a total duration of 36 months) through June 30, 2023. For the duration of the Pilot Program approved by MTC, Caltrain will offer a 50 percent discount off of One-way Clipper Card Fares to adults enrolled in the Pilot Program.

The Means-Based Fare is available only to participants who apply, are accepted and enroll in the Pilot Program. Participation is limited to adults aged 19 through 64, who are current residents in one of the nine San Francisco Bay Area counties, and who have an annual household income level at or below 200 percent of the Federal Poverty Level.

**D. Regional All Agency Pass**

Available to passengers who are selected to participate in Regional Fare Coordination and Integration Study administered by the Bay Area Integration Task Force, managed by Metropolitan Transportation Commission and Bay Area Rapid Transit

**E. Sworn Peace Officers**

Uniformed and non-uniformed, sworn peace officers showing proper identification are allowed to ride Caltrain without paying a fare.

**F. Children Four Years or Younger**

One child aged four years or younger accompanied by a paying adult, including Go Pass users, may ride Caltrain without paying a fare. Additional children traveling with the same adult are required to pay a fare.

**G. Special Promotional Fares**

From time to time, the Executive Director may authorize the establishment of special or promotional fares.

**H. Group Travel Discount**

A 10 percent discount on regular cash fares is provided to fare-paying groups of 25 or more passengers that pre-purchase through the Caltrain Group Travel program.

**II. FARE TYPES**

**A. One-Way Ticket**

Valid for use within four hours of the date and time sold. One-way Tickets are honored for one-way passage away from the point of origin, including stopovers/transfers, within the zone(s) indicated on such tickets.

**B. Day Pass**

Valid for use on a single day, through the last train on the service day on which sold. Day passes are honored for unlimited travel within the zone(s) indicated on the ticket.

**C. Monthly Pass**

Valid for use for the calendar month for which issued. Monthly Passes are honored for unlimited weekday trips for the number of zones purchased. On Saturdays, Sundays and holidays, Monthly Passes are honored for unlimited trips between all zones. The Monthly Pass multiplier is 15 days per month (30 x One-way Ticket fare). Purchasers of Monthly Passes are eligible to purchase a Monthly Parking Pass. Temporary reduction of the multiplier to 12 days per month (24 x One-way Ticket fare) will be in effect through June 30, 2023.

**D. Zone Upgrade Ticket**

Valid for use within four hours of the date and time sold. Paper Zone Upgrade Tickets are valid only when accompanying a valid paper One-way Ticket or Day Pass, and cannot be used alone. The Zone Upgrade Ticket will be honored for one-way passage for additional zones purchased beyond the original ticket's zone limits. The Zone Upgrade Ticket's validity period does not supersede the original ticket's validity period. Zone Upgrade tickets on Clipper will be available for use with a valid Clipper monthly pass.

**E. Go Pass**

Valid for use within the calendar year for which issued. The Go Pass is an annual transit pass sold to universities and other employers for all of their students and/or employees that work more than 20 hours per week, with an option to have employees that work 20 hours or less per week and interns participate. The Go Pass also is sold to residential complexes for all residents aged five years and older. Go Passes are subject to the terms of agreements between the JPB and each participating university/employer/residential complex. The Go Pass is administered via a Clipper Card accompanied by a valid university, employer, or residential complex-issued photo identification card or a sticker affixed to the above mentioned identification cards. The Go Pass is honored for unlimited trips between all zones. Go Pass participants are eligible to purchase a Monthly Parking Permit

**III. FARE PAYMENT**

**A. Ticket Vending Machines**

Customers may purchase the following fare products at Caltrain stations via the ticket vending machines: (i) One-way Ticket; (ii) Day Pass; and (iii) Zone Upgrade. Cash, credit and debit cards are accepted.

**B. Mobile Ticketing Application Pilot Program**

Customers may purchase the following fare products via the Caltrain Mobile App: (i) One-way Ticket; (ii) Day Pass; and (iii) Zone Upgrade. Credit and debit cards, PayPal, Google Pay and Apple Pay are accepted.

**C. Clipper**

Customers may purchase the following fare products via the Clipper regional transit fare payment system: (i) One-way Ticket; (ii) Monthly Pass (iii) Zone Upgrade. Customers paying with Clipper for a One-way ride receive a 55-cent discount (Full Fare) or 15-cent discount (Eligible Discount Fare) compared to paper and mobile tickets.

The Zone Upgrade is only available for use with a valid month pass.

The Clipper card, which is issued and administered by the Metropolitan Transportation Commission (MTC), is valid for use on public transit services throughout the San Francisco Bay Area. MTC may establish fees and a cash minimum associated with the use of a Clipper card.

JPB staff is empowered to distribute fare media through other means (e.g. a website) without amendment of this document.



**IV. DESCRIPTION OF ZONES**

The zone designations for Caltrain service are:

<u>Zone 1</u> San Francisco 22 <sup>nd</sup> Street Bayshore South San Francisco San Bruno	<u>Zone 2</u> Millbrae Broadway* Burlingame San Mateo Hayward Park Hillsdale Belmont San Carlos Redwood City	<u>Zone 3</u> Menlo Park Palo Alto Stanford Stadium^ California Avenue San Antonio Mountain View Sunnyvale
<u>Zone 4</u> Lawrence Santa Clara College Park# San Jose Diridon	<u>Zone 5</u> Capitol# Blossom Hill#	<u>Zone 6</u> Morgan Hill# San Martin# Gilroy#

\* Weekend service only

^ Football/Other Select Levy Stadium events only

# Weekday service only

**V. GENERAL CONDITIONS**

**A. Conditions of Use**

Tickets and passes are non-transferable. Tickets mutilated, altered or changed in any way, or used in any manner other than in accordance with the provision of this Fare Structure shall be forfeited.

**B. Enforcement**

Passengers must have a valid ticket before boarding to ride Caltrain. Fares will be enforced by a Proof-of-Payment system as adopted and amended from time to time by the JPB. Proof of fare payment must be carried at all times while on Caltrain and must be presented for inspection upon request. Passengers without valid fare are subject to written warnings and citations with monetary penalties as authorized by California law.

**C. Stopovers/Transfers**

Stopovers and transfers are permitted within zones indicated on tickets provided travel is completed within the ticket's validity period. For One-way Tickets, travel can only continue and be completed in the original direction of travel. One-way Tickets cannot be used to reverse direction.

**D. Delays**

When a customer holding a valid ticket is delayed because of washout, wreck or other obstruction to tracks, public calamity, an act of God or of the public enemy so that the validity

period of a passenger's ticket has expired, such ticket's validity may be extended by the conductor or fare inspector to the extent of such delay.

**E. Refunds**

1. One-way, Day Pass, and Zone Upgrade Tickets

One-Way, Day Pass and Zone Upgrade Tickets are not subject to refund.

2. Go Passes

Fees paid for Go Passes are subject to refund only in case of termination of a contract between the JPB and the Go Pass employer/university/ residential complex. The JPB will refund the pro-rated portion of the Go Pass fee paid by the participating agency (equivalent to the number of unused months), less an administration fee, within 30 days of the contract termination date, provided that within 10 working days of the effective termination date, all undistributed Go Passes issued to the participating agency are returned to the JPB and the participating agency verifies in writing that it has made every good faith effort to collect or destroy all Go Passes that it distributed.

3. Monthly Passes

Unused Monthly Passes may be returned for a full refund prior to the date the passes first become valid.

Monthly Passes returned for a refund during the validity period will be refunded for the difference between the fare paid and the value of the transportation furnished. The value of transportation furnished will be considered to be the value of two one-way fares per weekday up to the date the pass is returned.

**VI. FARE PRICES**

Zones Travelled	Fare Type	Payment Option	Category	Current	Eff 7/1/2023	Eff 7/1/2025	Eff 7/1/2027	Eff 7/1/2028	
1	One-way	Ticket Machine, Mobile App	Adult	\$3.75	\$4.25	\$4.25	\$4.75	\$4.75	
			Eligible Discount	\$1.75	\$2.00	\$2.00	\$2.25	\$2.25	
		Clipper	Adult	\$3.20	\$3.70	\$3.70	\$4.20	\$4.50	
			Adult Means-based <sup>^</sup>	\$1.60					
	Day Pass	Ticket Machine, Mobile App	Adult	\$7.50	\$8.50	\$8.50	\$9.50	\$9.50	
			Eligible Discount	\$3.75	\$4.00	\$4.00	\$4.50	\$4.50	
	Monthly Pass	Clipper	Adult	\$76.80	\$111.00	\$111.00	\$126.00	\$135.00	
			Eligible Discount	\$38.40	\$55.50	\$55.50	\$63.00	\$63.00	
	2	One-way	Ticket Machine, Mobile App	Adult	\$6.00	\$6.50	\$6.75	\$7.25	\$7.25
				Eligible Discount	\$2.75	\$3.00	\$3.25	\$3.50	\$3.50
Clipper			Adult	\$5.45	\$5.95	\$6.20	\$6.70	\$7.00	
			Adult Means-based <sup>^</sup>	\$2.70					
Day Pass		Ticket Machine, Mobile App	Adult	\$12.00	\$13.00	\$13.50	\$14.50	\$14.50	
			Eligible Discount	\$6.00	\$6.00	\$6.50	\$7.00	\$7.00	
Monthly Pass		Clipper	Adult	\$130.80	\$178.50	\$186.00	\$201.00	\$210.00	
			Eligible Discount	\$62.40	\$85.50	\$93.00	\$100.50	\$100.50	
3		One-way	Ticket Machine, Mobile App	Adult	\$8.25	\$8.75	\$9.25	\$9.75	\$9.75
				Eligible Discount	\$3.75	\$4.00	\$4.50	\$4.75	\$4.75
	Clipper		Adult	\$7.70	\$8.20	\$8.70	\$9.20	\$9.50	
			Adult Means-based <sup>^</sup>	\$3.85					
	Day Pass	Ticket Machine, Mobile App	Adult	\$16.50	\$17.50	\$18.50	\$19.50	\$19.50	
			Eligible Discount	\$8.25	\$8.00	\$9.00	\$9.50	\$9.50	
	Monthly Pass	Clipper	Adult	\$184.80	\$246.00	\$261.00	\$276.00	\$285.00	
			Eligible Discount	\$86.40	\$115.50	\$130.50	\$138.00	\$138.00	
	4	One-way	Ticket Machine, Mobile App	Adult	\$10.50	\$11.00	\$11.75	\$12.25	\$12.25
				Eligible Discount	\$4.75	\$5.00	\$5.75	\$6.00	\$6.00
Clipper			Adult	\$9.95	\$10.45	\$11.20	\$11.70	\$12.00	
			Adult Means-based <sup>^</sup>	\$4.95					
Day Pass		Ticket Machine, Mobile App	Adult	\$21.00	\$22.00	\$23.50	\$24.50	\$24.50	
			Eligible Discount	\$10.50	\$10.00	\$11.50	\$12.00	\$12.00	
Monthly Pass		Clipper	Adult	\$238.80	\$313.50	\$336.00	\$351.00	\$360.00	
			Eligible Discount	\$110.40	\$145.50	\$168.00	\$175.50	\$175.50	
5		One-way	Ticket Machine, Mobile App	Adult	\$12.75	\$13.25	\$14.25	\$14.75	\$14.75
				Eligible Discount	\$5.75	\$6.00	\$7.00	\$7.25	\$7.25
	Clipper		Adult	\$12.20	\$12.70	\$13.70	\$14.20	\$14.50	
			Adult Means-based <sup>^</sup>	\$6.10					
	Day Pass	Ticket Machine, Mobile App	Adult	\$25.50	\$26.50	\$28.50	\$29.50	\$29.50	
			Eligible Discount	\$12.75	\$12.00	\$14.00	\$14.50	\$14.50	
	Monthly Pass	Clipper	Adult	\$292.80	\$381.00	\$411.00	\$426.00	\$435.00	
			Eligible Discount	\$134.40	\$175.50	\$205.50	\$213.00	\$213.00	
	6	One-way	Ticket Machine, Mobile App	Adult	\$15.00	\$15.50	\$16.75	\$17.25	\$17.25
				Eligible Discount	\$6.75	\$7.00	\$8.25	\$8.50	\$8.50
Clipper			Adult	\$14.45	\$14.95	\$16.20	\$16.70	\$17.00	
			Adult Means-based <sup>^</sup>	\$7.20					
Day Pass		Ticket Machine, Mobile App	Adult	\$30.00	\$31.00	\$33.50	\$34.50	\$34.50	
			Eligible Discount	\$15.00	\$14.00	\$16.50	\$17.00	\$17.00	
Monthly Pass		Clipper	Adult	\$346.80	\$448.50	\$486.00	\$501.00	\$510.00	
			Eligible Discount	\$158.40	\$205.50	\$243.00	\$250.50	\$250.50	

<sup>^</sup> Adult Means-base fare (Clipper START program) is a pilot program.

<sup>^ ^</sup> Customers with a two-zone or greater Caltrain Monthly Pass get free local rides or free local ride credits on SamTrans and receive free transfers on Santa Clara Valley Transportation Authority (VTA) local, limited stop bus, bus rapid transit and light rail.

Zone Upgrade			
Payment Option	Category	Current	Eff. 7/1/2025
Ticket Machine, Mobile App, Clipper	Adult	\$2.25	\$2.50
	Eligible Discount	\$1.00	\$1.25

Go Pass			
	Current	Eff. 1/1/2024	Eff. 1/1/2026
Minimum Cost	\$28,728.00	\$30,156.00	\$31,584.00
Per Eligible Rider*	\$342.00	\$359.00	\$376.00
* In 2022 a 25% renewal discount was provided to customers participating as of July 1, 2021, in 2023 a 20% renewal discount was provided to customers participating as of July 1, 2022			

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Grace Martinez, Acting Chief Financial Officer  
Subject: **Accept Quarterly Fuel Hedge Update**



Finance Committee  
Recommendation



Work Program-  
Legislative-Planning  
Committee  
Recommendation



Staff Coordinating  
Council Reviewed



Staff Coordinating Council  
Recommendation

**Action**

Staff proposes the Board to review, accept, and enter into the record the presentation providing an update on the implementation of a fuel hedging strategy for Caltrain.

**Significance**

The purpose of this presentation is to provide an update on the implementation and performance status of the Fuel Hedging Program (Program) established for Caltrain.

Under this Program, the staff will continue to work with Linwood Capital, LLC in order to:

- Purchase new fuel hedge contracts for the upcoming fiscal year as market conditions allow
- Maintain the size of the hedge in order to protect Caltrain's fuels budget against volatile price movements in the diesel fuel market

**Budget Impact**

There is no impact on the budget.

**Background**

The Program implemented for Caltrain is designed to minimize large budget variances resulting from the volatility of diesel fuel prices. An effective hedging strategy can increase budget certainty and facilitate a more effective utilization of budgetary resources. The purpose of the Program is not to speculate on the price of fuel but to manage risk, particularly as it relates to Caltrain's annual budget.

- As of September 30<sup>th</sup>, the fuel hedging program had realized net gains of \$932,279.58 for the time period July 2022 through September 2022 – the first quarter of FY 2023.
- Additionally, the hedge currently reflects unrealized loss of \$498,208.20 (-\$0.15/gallon on all gallons through June 2023). This assumes projected remaining consumption of 3,404,499 gallons for FY 2023.
- Approximately 91% (83% after tax) of the anticipated fuel usage through June 2023 is hedged at an average price of \$3.23/gallon, excluding taxes and fees (\$4.11 with taxes and fees) (versus a currently planned budget estimate of \$3.12/gallon, excluding taxes and fees) based on a 104 train/day schedule.
- The remaining un-hedged gallons through June 2023 have a projected cost of \$3.07/gallon as of 9/30/22 excluding taxes and fees (\$3.93 with tax and fees).
- Weighted average projected cost of all gallons through June 2023 net of hedging excluding taxes and fees is \$3.22/gallon and including taxes and fees is \$4.08/gallon as of 9/30/2022.

Prepared By:	Ashok Deshmukh	Acting Manager, Treasury	650-508-6405
	Connie Mobley-Ritter	Director, Treasury	650-508-7765

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Dahlia Chazan, Deputy Chief, Caltrain Planning  
Subject: **Adopt Caltrain Short-Range Transit Plan for Fiscal Years 2023 to 2028**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

It is recommended that the Peninsula Corridor Joint Powers Board (JPB) adopt the Caltrain Short Range Transit Plan for Fiscal Years 2023 – 2028.

**Significance**

The Metropolitan Transportation Commission (MTC), in cooperation with the Federal Transit Administration (FTA), regularly requests that transit agencies under its purview update their Short Range Transportation Plans (SRTP) to remain eligible for State and federal funding. MTC establishes a schedule for when the SRTPs must be updated, as well as guidelines for required elements that must be included. The JPB adopted its prior Fiscal Years 2018 – 2027 SRTP in June 2019, and an updated SRTP document is now required by MTC for Fiscal Years 2023 – 2028, with Board adoption required by December 29, 2022.

The attached SRTP is proposed for Board adoption and is in compliance with SRTP guidelines in MTC's Resolution 4512, the most recent guidelines for SRTPs. The Caltrain SRTP for Fiscal Years 2023 – 2028 (FY23-28) provides an overview of Caltrain, summaries of Caltrain's pre-pandemic and current states of service, scenario planning concepts, and associated operating information in scenario data request tables.

**Budget Impact**

There is no budget impact associated receiving this presentation or adopting the SRTP. Development of the proposed SRTP has been funded through MTC (\$40,000) with a local match requirement of 11.47 percent, funded through the FY2023 Operating Budget.

**Background**

MTC requires that each Bay Area transit operator prepare an updated SRTP every two to four years, depending on the size of the operator, to remain eligible for State and federal funding.

MTC's updated guidelines for the FY23-28 SRTP differ significantly from previous SRTP requirements, as a result of the changed operating environment for the region's transit agencies due to the COVID-19 pandemic. Whereas previous guidelines required production of an extensive planning document with 10-year, detailed operating and capital plans, MTC's "Reimagined SRTP" guidelines focus exclusively on operations in the next five years for FY23-28 for prescribed operating "scenarios." Caltrain staff has prepared a SRTP that compares and contrasts the effects of these scenarios on topics such as ridership, revenue hours, fleet, and total operating budget, as required by MTC. The SRTP draws upon the substantial scenario planning and analysis work that Caltrain staff completed and shared with the Board in 2020 and 2021.

The Reimagined SRTP guidelines provide three operating budget "scenarios" for each transit agency to use to understand trade-offs and benefits for different levels of operating funding in the region. For each of these three scenarios, the document shows the operating budget prescribed by MTC for each scenario and describes the service Caltrain could afford to provide within that constrained budget each year. Additionally, Caltrain has added one additional scenario – Caltrain Electrified Service – to show the railroad's anticipated operating costs and revenues for its planned service in the next five years. It is important to note that none of the scenarios include information about the agency's capital needs, which are separate and significant.

The following operating scenarios are included in the SRTP:

- **Scenario 1: Robust Recovery Scenario:** Funding returns to pre-pandemic levels with escalation to reflect growth in service identified in the Caltrain Business Plan. Caltrain would provide 168 trains per weekday starting in FY25 with mixed diesel and electric operations.
- **Scenario 2: Revenue Recovery with Fewer Riders Scenario:** Farebox revenues remain substantially below pre-pandemic levels due to a lagging ridership recovery, and federal relief funds are exhausted. Caltrain would reduce service to pre-pandemic levels of 92 trains per weekday starting in FY25 with mixed diesel and electric operations.
- **Scenario 3: Some Progress Scenario:** Revenues recover to 85 percent of pre-pandemic levels as ridership returns. Caltrain would operate 116 trains per weekday starting in FY25 with mixed diesel and electric operations.
- **Scenario 4: Caltrain Electrified Service Scenario:** Caltrain operates 116 trains per weekday starting in FY25 with mixed diesel and electric operations. This scenario presents the agency's forecasted operating costs and revenues for future years, drawing on the agency's best estimates as of September 2022.

It is critical to note that for this SRTP, MTC provided Caltrain with an operating budget for each of its scenario planning concepts for FY24-28 and asked the agency to describe the service it would provide in that scenario within those operating budget maximums; therefore, these scenarios do not present Caltrain's anticipated costs and revenue for the levels of service in each scenario for FY24-28. For example, these three MTC scenarios will not show Caltrain's anticipated deficits and future financial challenges in FY24-28 because the exercise from MTC



asked the agency to share how much train service could be provided within the operating budgets it prescribed for each scenario. The FY24-28 information for the first three MTC scenarios presented in the SRTP should therefore only be understood and used within the context of this SRTP exercise and should not be extrapolated to reflect Caltrain's operating plans for the future or its financial situation.

Importantly, through separate planning and budget efforts that have been shared with the Caltrain Board, the railroad has determined that revenues from existing available sources are anticipated to be significantly lower than operating costs, leading to forecasted operating deficits in the years to come. In other words, Caltrain's future reality is anticipated to present significant financial challenges for the agency. This forecasted operating deficit is demonstrated in the fourth scenario included in this SRTP, Caltrain Electrified Service.

It is also important to note that these scenarios do not address the railroad's capital needs, which are separate and significant. This is the case even in Scenario 4 – Caltrain Electrified Service, which sets aside \$25 million of Measure RR revenue (approximately 20 percent of the total amount of Measure RR annual revenue) for Caltrain's capital budget each year while acknowledging that this contribution is not sufficient to fully fund the railroad's significant annual and long-term capital program needs.

The scenarios in this SRTP are consistent with the anticipated timing and fleet composition of the Caltrain Electrification project (mixed operation of EMU and diesel locomotive service starting in the third quarter of 2024, or the second quarter of FY25). For the amount of service provided in FY25, however, only two of MTC's scenarios (Robust Recovery and Some Progress) provide Caltrain with operating budget amounts that would allow the agency to afford running train service that is consistent with its FFGA commitment to operate a minimum of 116 trains per day. In FY25, Caltrain's own scenario shows the agency's estimated operating cost of providing train service with 116 trains per day, as well as the anticipated revenue, which leads to a projected deficit.

After Board adoption, Caltrain's SRTP will be used by MTC to inform the development of the Regional Transportation Plan and the Transportation Improvement Program and will fulfill key regulatory requirements by the Federal Transit Administration.

It is also anticipated that it will be used to inform ongoing regional discussions regarding transit funding. The three MTC scenarios included in the agencies' SRTPs will provide some information to assist these regional funding conversations; however, the SRTPs of agencies that opted to include their own scenarios, such as Caltrain's with its own fourth scenario, will provide key information about planned operations and finances that can enhance these regional discussions. **Caltrain is actively involved in regional transportation measure discussions and bridge funding for operations and capital expenditures with MTC and other regional transit operators.**

**While MTC executive staff has stated that a regional transportation measure is not likely until 2026 or later, a State funding and advocacy strategy has developed with significant Caltrain and other operator input. This month, MTC executive staff will present to the Bay Area Partnership**

Board and Joint MTC ABAG Legislation Committee on a State funding strategy that proposes a five-year Transit Recovery Program starting in FY2023-2024 to ensure the solvency of Bay Area transit operators, while providing competitive funding to address customer-focused improvements that may attract new transit customers. Caltrain staff will provide more detail on the State funding strategy in the coming months.

As part of these discussion, in addition to key statistics about operations that are already included in the SRTPs, MTC could share additional information agencies' planned operations, as documented in the fourth scenarios, to help facilitate regional conversations about challenges in funding transit. Examples of additional key statistics include: percentage change in operating funding sources compared to pre-pandemic sources; percentage of federal assistance dollars in annual operating funding sources; annual operating deficit as a percentage of overall operating budget; cumulative operating deficit over the five-year period; planned future service levels as a percentage of pre-pandemic service levels; annual ridership change as a percentage of pre-pandemic ridership; and anticipated staffing vacancies in future years as a percentage of total staffing.

Prepared By: Melissa Jones, Deputy Director, Caltrain Policy Development, 650-295-6852

**Resolution No. 2022-**

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

\* \* \*

**Adopting the Caltrain Short Range Transit Plan for Fiscal Years 2023 to 2028**

**Whereas**, the Metropolitan Transportation Commission (MTC) requires transit agencies in the Bay Area to periodically complete and submit Short Range Transit Plans (SRTPs) to comply with federal and State requirements and to inform the development of the Regional Transportation Plan and the Transportation Improvement Program; and

**Whereas**, the Peninsula Corridor Joint Powers Board (JPB) last updated the Caltrain SRTP in 2019 and is now required by MTC to submit an updated, Board-adopted SRTP by December 31, 2022; and

**Whereas**, in compliance with SRTP guidelines in MTC's Resolution 4512, the Caltrain SRTP for Fiscal Years (FY) 2023 – 2028 provides an overview of Caltrain, summaries of Caltrain's pre-pandemic and current states of service, scenario planning concepts, and associated operating information in scenario data request tables;

**Whereas**, the Staff Coordinating Council recommends, and the Executive Director concurs, that the Board adopt the Caltrain SRTP for FY2023 – 2028 for submission to MTC.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby adopts the final draft of the Caltrain Short Range Transit Plan for FY2023 – 2028 attached and incorporated by this reference.

Regularly passed and adopted this 1<sup>st</sup> day of December, 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: Board of Directors

Through: Michelle Bouchard  
Executive Director

From: Nathaniel Kramer  
Chief People and Culture Officer General Manager, San Mateo County  
Transit District

Subject: **Adoption of the 2022 Title VI Program** (added 11.29.22 6pm)



Finance Committee  
Recommendation



Work Program-  
Legislative-Planning



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):

1. Approve the 2022 Title VI Program provided to the Board via online link, which demonstrates the Peninsula Corridor Joint Powers Board's (JPB) compliance with Title VI of the Civil Rights Act of 1964, and the Federal Transit Administration's (FTA) implementing guidance.

**SIGNIFICANCE**

Pursuant to Federal guidelines issued in October 2012 (the FTA-issued Circular FTA C 4702.1B), the FTA requires the governing body of each Federal funding recipient to adopt a Title VI Program every three years. This will be the JPB's fourth program under these guidelines and is due to the FTA by December 15, 2022. A link to the draft program can be found <https://www.caltrain.com/rider-information/title-vi> on Monday, 11/28/2022.

The JPB's Title VI Program includes the following updated documentation of JPB policies, procedures, and activities:

- Contents and placement of public notices regarding the public's rights under Title VI of the Civil Rights Act of 1964
- Title VI complaint form and procedures

- List of transit-related Title VI investigations, complaints, and lawsuits pending within the last three years
- Public Participation Plan and summary of public engagement processes undertaken in past three years and future strategies to engage diverse stakeholders
- Limited English Proficiency Plan/Language Assistance Plan, which identifies 9 most frequently encountered languages- Spanish, Chinese (Mandarin and Cantonese), Vietnamese, Tagalog, Korean, Arabic, French and German. These 9 languages will be utilized for outreach material and other federally required materials.
- Demographic information on membership of non-elected committees, such as the Citizens Advisory Committee, and discussion of encouragement of minority involvement
- Results of equity analyses for any facilities constructed over the last three years
- Service area description and demographic profile, including ridership survey results to identify minority and low-income communities along the Corridor.
- Service Standards and Policies (adopted by the JPB in 2013), as well as results of service monitoring under these standards and policies
- Results of equity analyses for fare and service changes made in past three years, based upon the JPB's Major Service Change, Disparate Impact and Disproportionate Burden policies, also adopted in 2013
- Record of Board consideration and adoption of the Title VI Program

Staff recommends the Board adopt the 2022 Title VI Program so that it may be submitted to the FTA for review and acceptance by the FTA before the JPB's 2019 Title VI Program expires on January 21, 2023. The FTA's guidelines require that agencies submit the Title VI program 60 days before the existing Program's expiration date. However, an extension was granted by the FTA Region IX Office to submit the Title VI Program by December 15, 2022.

The Title VI Program provides guidelines and information to ensure the impacts of service and fare changes are not discriminatory and are distributed equitable to minority and low-income populations. In addition, the Language Access Plan ensures that limited English proficient, minority, and low-income communities have equal opportunity to participate in the public involvement process and are made aware of upcoming changes.

Caltrain's goal for equitable service is foundationally built on the federal requirements under Title VI of the Civil Rights Act and the American with Disabilities Act. The Title VI Program analyses ridership data on which communities may be more reliant on transit for essential travel and what communication methods are used to find Caltrain information. In response to a request from Director Chavez at the WPLP meeting, staff plan to provide a report in 3-6 months on how the Title VI Program will continue to support specific equity actions. The 2019 Title VI Program was used in the past three years to support the following Caltrain's priority of enhancing equity.

- 1) Identify the most relevant languages for outreach in service changes and promotions;
- 2) Analyze the September 2020 Sunday Service Weekend service changes based on its Major Service Change threshold;
- 3) Increase translated materials for vital documents such as Title VI complaint forms;

- 4) Ensure public meeting and public hearing opportunities for major service and major fare changes; and
- 5) Translation of non-elected committee applications and their place in non-English media.

**BUDGET IMPACT**

The proposed Title VI Program revisions will have no impact on the budget.

**BACKGROUND**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), issued in 1994, mandates that Federal agencies take steps to address disproportionately high and adverse human health or environmental effects of their programs and activities on minority and low-income populations. Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency), issued in 2000, requires recipients of Federal financial assistance to provide meaningful access to persons with limited proficiency in English.

Prepared By: Wendy Lau      Office of Civil Rights, Manager      650.622.7864

**Resolution No. 2022 –**

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

\* \* \*

**Adopting the Peninsula Corridor Joint Powers Board's 2022 Title VI Program**

**Whereas**, Title VI of the Civil Rights Act of 1964, 42 U.S.C 2000d *et seq.*, (Title VI) prohibits recipients of Federal financial assistance from subjecting any person to discrimination based on race, color or national origin under any programs and activities receiving federal financial assistance; and

**Whereas**, the Peninsula Corridor Joint Powers Board (JPB) receives a variety of grants and other forms of federal financial assistance from the Federal Transit Administration (FTA); and

**Whereas**, the FTA issued Circular FTA C 4702.1B, effective October 1, 2012 (Circular), setting forth requirements and guidelines for Title VI compliance; and

**Whereas**, the Circular details required elements of a Title VI Program, which each recipient of FTA financial assistance must submit to the FTA every three years to demonstrate compliance with Title VI; and

**Whereas**, the JPB received an extension from the FTA Region IX Title VI Officer to submit the JPB's 2022 Title VI Program by December 15, 2022; and

**Whereas**, the JPB's Title VI Program must include numerous elements, including but not limited to:

1. Information on numerous agency policies, procedures and activities undertaken over the last three years;
2. A public participation plan;



3. Information on public outreach undertaken by the JPB over the past three years;
4. A plan for engaging persons with limited English proficiency;
5. Major Service Change, Disparate Impact, and Disproportionate Burden policies, and System-wide service standards and policies, which this Board adopted pursuant to Resolution No. 2013-21;
6. Results of service monitoring analysis; and
7. Results of fare and service change equity analyses conducted over the past three years; and

**Whereas**, staff has developed a proposed Title VI Program (provided to the Board via online link), including the above-referenced items and demonstrating the JPB's compliance with Title VI, for Board consideration and approval; and

**Whereas**, Staff Coordinating Council recommends, that the Board approve the Title VI Program for submittal to the FTA.

**Now, Therefore, Be It Resolved** the Board of Directors of the Peninsula Corridor Joint Powers Board hereby adopts the JPB's 2022 Title VI Program; and

**Be It Further Resolved** the Board of Directors authorizes the Executive Director, or designee, to:

1. Include evidence of the Board's consideration and approval of the final JPB Title VI Program;
2. Submit the final JPB Title VI Program to the FTA; and
3. Take any other steps necessary to give effect to this Resolution, including responding to any follow-up inquiries from the FTA.

Regularly passed and adopted this 1st day of December, 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: Board of Directors  
Through: Michelle Bouchard, 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



Letter submitted

November 7, 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 – December 2022**

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### **General Update**

As noted in last month's report, the Legislature adjourned for final recess on August 31 and the bill signing deadline closed on September 30. The Governor signed around 85.5% of the bills put on his desk at the end of session this year.

As we look into next session, it is worth noting that the Governor had a higher veto rate than his last two years, frequently referencing lower than anticipated revenue projections for 2023 in his veto messages. We anticipate the Governor's proposed January Budget will reflect these lower revenue projections, leading to a very different budget scenario than last year.

Now that session has come to a close, legislators have turned their focus to the November 8 election. After the votes are finalized in the days after the November 8th election, there will be more than 30 new members coming to the Legislature, including some new faces in the Caltrain state legislative delegation. While not final as this was written before the election, below is a breakdown of legislators already in Caltrain's delegation or are in races to represent part of Caltrain's service area on November 8:

Senators: Scott Wiener, Dave Cortese, John Laird, Josh Becker, Aisha Wahab or Lily Mei

Assemblymembers: Phil Ting, Matt Haney, Marc Berman, Ash Kalra, Alex Lee, Evan Low, Robert Rivas, Diane Papan, Gail Pellerin

In early December, the new class of legislators will return to Sacramento for an organizational session where they will elect leadership and introduce legislation before returning back to their district until session reconvenes in early January.

**TIRCP Draft Guidelines.** The draft Transit and Intercity Rail Capital Program (TIRCP) guidelines were released late September, with public comments due by November 7. Caltrain submitted public comments on the draft guidelines in time for this deadline and is the process of preparing the application and accompanying advocacy materials for the Peninsula Corridor Electrification Project (PCEP).

### **Bills with Action Taken**

Below are bills that Caltrain took a position on this that were signed by the Governor at the end of the 2022 Legislative Session:

**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 Governor signed this bill on September 30.

**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 Governor signed this bill on September 30.

### **Proposed Regulation**

#### **California Air Resources Board (CARB) Proposed In-Use Locomotive Regulation.**

This proposed regulation is intended to speed the transition to zero-emission vehicles away from diesel locomotives for rail operators in the state. As written, the proposed regulation would impact Caltrain and other passenger rail operators in the state by requiring a Spending Account which would encumber funds to be spent only on zero-emissions rail vehicles and not used for operating or maintenance costs. While Caltrain supports the goal of a zero-emissions future, the timing, specific provisions, retirement mandates, and technology availability in the regulation are all of concern. Caltrain submitted a comment letter on November 7 that details these issues. Caltrain has been meeting with CARB staff and sent letters to CARB in September 2021, December 2021, and September 2022 regarding this issue. Caltrain will continue to work with CARB staff in advance of the CARB hearing on this issue on November 18.

### **Grants**

***Transit and Intercity Rail Capital Program (\$900 million - \$1.2 billion in Cycle 6 for Existing Projects outside Southern California)*** The draft Transit and Intercity Rail Capital Program guidelines were released in late September. The Caltrain team is reviewing to formulate a plan for the application process.

**Status:** Guidelines released for comment. Caltrain submitted comments November 7.

**Funding:** This cycle, funding is regionally subdivided with \$1,831,500,000 available for Southern California, inclusive of the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura, and \$1,498,500,000 available for the rest of the state. The funding for the rest of the state is broken down in the following ways:

- Existing TIRCP Projects Leveraging Federal and Local Funds Reserve: \$900 million to \$1.20 billion
- New Projects: \$148.5 million to \$598.5 million
- Major Projects Project Development Reserve: up to \$150 million
- High Priority Grade Crossing Improvement and Separation Projects: \$70 million to \$210 million

Earlier this year, the CTC hosted 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, Local Partnership Program, and the Trade Corridor Enhancement Program.

**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. The breakdown of the funding for this cycle is described above.

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

Item #5.r.  
12/1/2022

November 7, 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 Dead	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. 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.  Chaptered: 9/30/2022	Senate Chaptered	Supported 4/7/2022
<a href="#">SB 942</a> (Newman D)  Low Carbon Transit Operations Program: free or reduced fare transit program.	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 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	Senate Chaptered	Supported 4/7/2022

	<p>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, asThis 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>Chaptered: 9/30/2022</p>		<p>Item #5.r. 12/1/2022</p>
<p><a href="#">AB 1944</a> (Lee D)</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>Amended: 5/25/2022</p>	<p>Senate Dead</p>	<p>Supported 5/5/2022</p>
<p><a href="#">SB 917</a> (Becker D)</p>	<p>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</p>	<p>Assembly Dead</p>	<p>Watch</p>



<p>Seamless Transit Transformation Act.</p>	<p>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.</p> <p>Amended: 6/20/2022</p>		<p>Item #5.r. 12/1/2022</p>
<p><a href="#">AB 1919 (Holden D)</a></p> <p>Youth Transit Pass Pilot Program: free youth transit passes.</p>	<p>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.</p> <p>Vetoed: 9/13/2022</p>	<p>Assembly Vetoed</p>	<p>Watch</p>

**OTHER LEGISLATION**

<p><a href="#">AB 1938</a> (Friedman D)</p> <p>Traffic safety: speed limits.</p>	<p>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 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>Chaptered: 9/19/2022</p>	<p>Assembly Chaptered</p>	<p>Item #5.r. 12/1/2022</p> <p>Watch</p>
<p><a href="#">AB 2061</a> (Ting D)</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. Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law requires the PUC, in consultation with the Energy Commission and the state board, to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to, among other things, reduce dependence on petroleum and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050. The PUC is required to approve, or modify and approve, programs and investments in transportation electrification, including those that deploy charging infrastructure, through a reasonable cost recovery mechanism, if certain requirements are met. 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</p>	<p>Assembly Chaptered</p>	<p>Watch</p>

	<p>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. This bill contains other related provisions and other existing laws.</p> <p>Chaptered: 9/16/2022</p>		Item #5.r. 12/1/2022
<p><a href="#">AB 2237 (Friedman D)</a></p> <p>Transportation planning: regional transportation improvement plan: sustainable communities strategies: alternative planning strategy: state transportation funding.</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 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</p>	Senate Dead	Watch

	<p>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>		Item #5.r. 12/1/2022
<p><a href="#">AB 2357</a> (Ting D) 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>	Senate Dead	Watch
<p><a href="#">AB 2438</a> (Friedman D) Transportation funding: guidelines and plans.</p>	<p>Existing law provides for the funding of projects on the state highway system and other 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>	Assembly Vetoed	Watch

	Vetoed: 9/29/2022		Item #5.r. 12/1/2022
<p><a href="#">AB 2441</a> (<a href="#">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>Vetoed: 9/29/2022</p>	Assembly Vetoed	Watch
<p><a href="#">AB 2449</a> (<a href="#">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 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</p>	Assembly Chaptered	Watch

	<p>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. This bill contains other related provisions and other existing laws.</p> <p>Chaptered: 9/13/2022</p>		<p>Item #5.r. 12/1/2022</p>
<p><a href="#">ACA 1 (Aguir-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><a href="#">SB 1121 (Gonzalez D)</a></p> <p>State and local transportation</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</p>	<p>Senate Chaptered</p>	<p>Watch</p>

<p>system: needs assessment.</p>	<p>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>Chaptered: 9/23/2022</p>		<p>Item #5.r. 12/1/2022</p>
<p><a href="#">SB 1161 (Min D)</a></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>Chaptered: 9/13/2022</p>	<p>Senate Chaptered</p>	<p>Watch</p>
<p><a href="#">SB 1410 (Caballero D)</a></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</p>	<p>Assembly Dead</p>	<p>Watch</p>

	<p>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 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>		<p>Item #5.r. 12/1/2022</p>
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## Caltrain Federal Report As of November 9, 2022

### *Congressional Update*

#### Lame Duck Session Preview

- After the midterm elections, members will return to Washington, D.C., on November 14 to begin the final legislative session of the 117th Congress. Congressional leadership has several priorities to finish before Congress departs for the winter holidays.
- Democrats are intent on finishing work on the FY 2023 appropriations bills before the beginning of the 118th Congress. These bills represent several months of work and contain millions of dollars for community project funding. In addition, Congress is set to vote on the National Defense Authorization Act, a bill providing funding for the Department of Defense. Lastly, members are hopeful for the passage of a year-end tax extender package.
- The Senate is also set to consider the Respect for Marriage Act (H.R. 8404), legislation that would enshrine protections for marriage equality. While several Senators tried to pass the legislation before the midterm elections, they ultimately failed to gather enough Republican support to override a legislative filibuster. In addition, the Senate will act on the Electoral Count Reform and Presidential Transition Improvement Act of 2022 (S. 4573), a bill clarifying the Vice President's role in certifying presidential elections and making other revisions to the electoral count process.
- Senate Majority Leader Chuck Schumer (D-NY) has expressed interest in advancing the SAFE Banking Act of 2021 (H.R. 1996), a bill that would grant cannabis businesses access to banking services. The likelihood of the bill's passage is unclear, given the packaged schedule for the lame duck session and Republicans' positions on the issue.

### *Administration Update*

#### White House Releases Action Plan For Accelerating Infrastructure

- On October 13, the White House released its [Action Plan for Accelerating Infrastructure](#). The plan outlines the federal government's strategy to accelerate infrastructure projects through new and current initiatives.
- The Action Plan to Accelerate Infrastructure is a whole-of-government approach to delivering infrastructure projects on time. The comprehensive document lists measures several federal agencies took on IJA implementation. In the Action Plan, the Federal Highway Administration (FHWA) announced the expansion of its [Every Day Counts Program](#) to include transit. Every Day Counts is a partnership between the federal and state governments to streamline infrastructure projects by introducing underutilized innovations, such as including multiple projects under one contract.
- DOT will launch a Project Delivery Center of Excellence to enhance project capacity. The Center will work to educate localities on best practices associated with all stages of project

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implementation. Information on best practices will be centralized within the Center, including webinars and other materials to assist localities.

## DOT Releases Public Involvement Guide

- On October 13, DOT released a [public involvement guide](#) to assist communities with implementing infrastructure projects. The guide provides best practices for engagement with communities impacted by infrastructure projects. DOT released the guide to foster new cooperation between grant recipients and the affected areas throughout the project implementation cycle.
- The guide outlines several features of meaningful public engagement for readers to consider. Understanding community demographics, ensuring community representation, and proper documentation are critical to DOT's public engagement strategy. In addition, DOT notes that awardees should be mindful of community-preferred engagement techniques. This includes options for virtual discussions to assist community members who may have a disability or be without transportation. For those intending to build virtual engagement capacity, DOT recommends interested parties use FHWA's [Virtual Public Involvement Guide](#).
- Public engagement is a crucial requirement of DOT's selection criteria for grant programs. This initiative emphasizes correspondence with historically underserved communities. DOT hopes that the public engagement guide will enable local communities to have a meaningful impact on infrastructure projects.

## Thriving Communities Program Released

- On October 6, the U.S. Department of Housing and Urban Development (HUD) and DOT announced a joint effort to assist underserved communities with accessing and implementing federal infrastructure funds. Funded at \$25 million through the FY 2022 omnibus, the program provides technical assistance and other aid to accomplish program goals.
- The Thriving Communities Program will provide technical assistance to eligible recipients, such as transit agencies, that require support with infrastructure planning, applications, and implementation. The technical assistance is free, and the federal government will select entities that [submit a letter of interest](#) by December 6.
- Funding is also available for those who wish to provide technical assistance through the program. The federal government will award cooperative agreements to organizations, local governments, and other bodies. Applicants can submit proposals through the [notice of funding opportunity](#) until November 22.

## FTA Announces 2021 National Transit Database Report

- On November 1, the Federal Transit Administration (FTA) announced the [2021 Federal Transit Database Report](#). The NTD collects information from FTA-funded transit agencies, displaying trends and other information that stakeholders can analyze.
- Along with raw data, FTA published a [2021 National Transit Summaries and Trends](#)

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[document](#) that provides a high-level analysis of transit in the United States. While ridership for transit bus, heavy rail, and other modes declined by 80% in 2020, the FTA reported that 2021 ridership rebounded to about 50% of pre-pandemic ridership.

- The report also stated that in 2021, federal aid accounted for 36% of transit funding. The FTA specified that transit agencies spent approximately \$13.1 in federal aid through the Coronavirus Aid, Relief and Economic Security Act (CARES), Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA), and the American Rescue Plan (ARP).

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

- [FY 2022 and FY 2023 Competitive Funding Opportunity: Competitive Grants for Rail Vehicle Replacement Program \(Rail Program\)](#). \$600 million available. All applications due by January 5, 2023.
- [FY 22 Consolidated Rail Infrastructure and Safety Improvements Grant Program](#). \$1.4 billion available. All applications due by December 1, 2022.
- [Strengthening Mobility and Revolutionizing Transportation \(SMART\) Grants Program](#). \$100 million available. All applications due by November 18, 2022.
- [Advanced Transportation Technologies and Innovative Mobility Deployment \(ATTIMD\) Program](#). \$60 million available. All applications due by November 18, 2022.
- [Notice of Funding Opportunity to Establish Cooperative Agreements with Technical Assistance Providers for the Fiscal Year 2022 Thriving Communities Program](#). \$21 million available. All applications due by November 29, 2022.

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Dahlia Chazan, Deputy Chief, Caltrain Planning  
Subject: **Corridor Crossings Strategy** (updated 11/30/22 4pm)

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

Staff Coordinating Council recommends the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB or Caltrain) receive a project introduction and quarterly updates on the Caltrain Corridor Crossings Strategy (CCS) starting in December 2022.

No action required.

**Significance**

Staff will prepare quarterly presentation materials for the Board with updates on the CCS.

**Budget Impact**

There is no impact on the budget.

**Background**

The CCS has been discussed as an agency priority since 2019, when it was first identified within the Caltrain Business Plan Process. This strategy was first funded in 2019 but was delayed due to the COVID-19 pandemic. As Caltrain and other operators plan to increase rail services, Caltrain understands that a coordinated approach to grade separations or closures is needed to unlock regional mobility and safety benefits.

The Caltrain Business Plan acknowledges that grade separation projects are costly, complex and challenging. The CCS strives to identify areas for enhancement in the current process and develop a potential strategic approach to deliver corridor-wide consensus on delivery of grade separation projects. Based on initial stakeholder engagement, the CCS will include the development of a user-friendly, website-based Crossings Delivery Guide to communicate roles and responsibilities, key design standards, and processes for grade crossing separation and closure projects. In addition to the Crossings Delivery Guide and in close partnership with the

cities and stakeholders, the strategy will gather the ambitions of stakeholders to clarify and define a vision that balances the complex web of organizational, technical, and funding challenges that must be addressed for the vision to be realized. As part of the vision development, research will be conducted to identify how other agencies (national and international) approach grade separation or other similar large-scale infrastructure projects to provide a better understanding of the various available programs or applications.

Prepared By: Dahlia Chazan                      Deputy Chief, Caltrain Planning                      650-730-6115

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Dahlia Chazan, Deputy Chief, Caltrain Planning  
Subject: **Caltrain Go Pass Donation Program Update**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

This item is for information only.

**Significance**

Staff will provide an informational update on the Go Pass Donation Program at the December meeting of the Peninsula Corridor Joint Powers Board.

**Background**

Approved by the Caltrain Board in January 2021 and May 2022, the Go Pass Donation Program (GPDP) is part of a larger package of significant, limited-time incentives to encourage continued Go Pass subscriber participation since the start of the pandemic. In addition to incentivizing ongoing subscriber participation in the regular Go Pass program, the GPDP is also specifically intended to rebuild Caltrain ridership in a manner that advances the railroad's equity goals. Caltrain is continuing to accept donations of unused 2022 and 2023 passes from regular Go Pass participants; this will continue to support the GPDP, provide a financial benefit for donors (who may receive a letter acknowledging the donation for tax write-off purposes), and offer a positive publicity benefit for donors (who may be recognized publicly for the donation if desired).

The attached presentation provides an update on the implementation of the Go Pass Donation Program (GPDP) and plans for the program in 2023. The GPDP was split into phases for ease of implementation, with Phase 1 launched in September 2021, Phase 1.5 launched for 2022, and Phase 2 planned for 2023.

**Budget Impact**

There is no budget impact associated with the Go Pass Donation Program informational update.

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

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Robert Barnard, Deputy Chief, Rail Development  
Subject: **Capital Projects Quarterly Status Report – 1<sup>st</sup> Quarter Fiscal Year 2023**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

Staff Coordinating Council recommends the Board receives the Capital Projects Quarterly Status Report. The full report and a summarized version are in the following link:

<https://www.caltrain.com/about-caltrain/statistics-reports/quarterly-capital-program-status-report>

**Significance**

The Capital Projects Quarterly Status Report is submitted to keep the Board advised as to the scope, budget and progress of current ongoing capital projects.

**Budget Impact**

There is no impact on the budget.

**Background**

Staff prepares the Capital Projects Quarterly Status Report for the Board on a quarterly basis. The report is a summary of the scope, budget and progress of capital projects. It is being presented to the Board for informational purposes and is intended to better inform the Board of the capital project status.

Prepared By: Robert Cheung Deputy Director, Project Controls (650) 730-0296





# Capital Program

## Quarterly Status Report Summary and DBE Status Report



### 1st Quarter Fiscal Year 2023 (July to September 2022)

Prepared for the December 01, 2022 Caltrain Board Meeting

## Projects in Focus

**Concerning** (projects with red status lights)

### 1. 002146 - South San Francisco Station Improvement Project

- **Schedule:** Portions of Ramp 1 and Ramp 2 were rebuilt and tested and they meet ADA requirements. Ramps were opened to public on 1/13/2022. Will request rebaseline when the project goes to the Management Committee for the next phase. The date to submit the request is still TBD.

### 2. 100233 - MP-36 Locomotive Mid-Life Overhaul

- **Funding:** Additional funding will be required to cover the administrative cost, change orders and other unknown risk. Request funds at October Mgmt. Committee meeting.

### 3. 100240 - Ticket Vending Machines (TVM) Rehab

- **Schedule:** Phase 4 completion date has been delayed as the vendor is waiting on certain parts and material for the upgrades. New delivery and installation date is end of November 2022. It is still the intent of the project to meet the overall project schedule.

### 4. 100403 - Broadband Wireless Communications System

- **Schedule:** The proposal evaluation period has been extended due to the complexity of the proposals, live demonstration and negotiation of a best & final offer. Project Manager plans to re-baseline the schedule & budget once team have selected and negotiate with the best proposer in November 2022.

- **Budget:** Project EAC is higher due to the construction cost. Project team is re-evaluating the total cost for the project and will report the updated EAC in next quarterly report. Seek for the budget approval from the Management Committee and the Board.

### 5. 100410 - Whipple Avenue Grade Separation Study

- **Schedule:** Project schedule extended due to the complexity of alternatives being examined in combination with a potential four-track station and new development occurring in close proximity to the potential grade separations. COVID-19 also required a more extensive and time-intensive public outreach strategy than initially envisioned. It is still to be determined when the project goes to the Management Committee to request a re-baseline.

### 6. 100445 - Automatic Passenger Counters at San Francisco 4th & King Station

- **Schedule:** The COVID-19 Pandemic caused delay in development and logistics. The schedule issue was escalated within Centum Adetel and Caltrain. The Centum Team provided a revised Schedule to complete installation, commissioning and training by 10/30/2022. Project Manager to request schedule re-baseline at October 2022 Management Committee meeting.

### 7. 100482 - Rengstorff Grade Separation

- **Schedule:** The schedule has been delayed due to the delay in 35% design submittal. The 35% design (preliminary engineering) will be completed by October 2022. A cooperative agreement between the VTA, the City of Mountain View and the JPB is under review. VTA has allocated \$42 million towards the final design and right-of-way acquisition. The City of Mountain View will be contributing \$8 million towards the same. Next step is to issue an RFP to select a final design consultant and to evaluate various delivery methods such as Construction Manager/General Contractor (CMGC), Progressive Design-Build and the traditional Design-Bid-Build to select an optimal method. The project will request Management Committee rebaseline in November 2022.

### 8. 100684 - Mini High Platforms

- **Schedule:** The Project is in the process of hiring a designer to prepare plans and specifications for the project and this delayed the total project schedule. Project Manager to request a schedule re-baseline at November 2022 Management Committee meeting.

### 9. 100667 - Bernardo Avenue Undercrossing

- **Schedule:** The schedule has been delayed due to the extensive analysis and review of the concept alternatives provided by the City to help them decide the path forward. The City has decided to move ahead with the preparation of 35% plans using their consultant. The schedule will be fine-tuned and submitted to management committee for re-

**10. 100685 - Verizon Sink Hole Repair San Jose**

- **Schedule:** Project Schedule is extended due to delay in agreements between the parties. Request the Management Committee to re-baseline the schedule. The date to submit the request is November 2022.

**11. 100616 - Caltrain Fiber Connectivity to Passenger Stations and Digital Voice**

- **Schedule:** The project has been delayed for one year due to a budget shortfall. Request funds in FY24.

**Watching** (projects with yellow status lights)**1. 002113 - Guadalupe River Bridges Replacement and Extension**

- **Funding:** Prior fiscal years funded only design and some construction. There are sufficient funds to support the first year of construction. Obligating financial resources one year at a time to support construction on a cashflow basis is not a preferred approach. Given the bridge's conditions and funding levels for SOGR this is the current plan. Staff will evaluate a range of alternatives as it prepares the FY2024 and FY2025 Budgets for Board consideration. Agency has not received and/or activated the entire fiscal year 2022 appropriation by the JPB Board. The remainder of the approved funds will be activated in November 2022.

**2. 100426 - Churchill Avenue Grade Crossing**

-**Schedule:** Main Contract Award delayed as the City of Palo Alto is still waiting on the approval of the GO88-B form from the California Public Utilities Commission (CPUC). Approval of the GO88-B form is required to advertise the Invitation For Bid (IFB). It is the intention to still meet the overall project schedule.

**3. 100427 - San Francisquito Creek Bridge Replacement**

- **Funding:** There are 3 options. First option is to strengthen the bridge and second option is to replace the bridge. If either of the two build alternatives are selected by senior management, then additional funding is required to complete the 35% design phase. The third option is a viable no build option to restrict train traffic to one freight train at a time. However, with this no build option, current funding would be used to support required special inspections and monitoring of the bridge. In addition, Phase Gate meeting is required to obtain Management Committee approval to proceed with the next phase of the project, and approval to use existing funds.

**4. 100439 - Bayshore Station Overpass Pedestrian Bridge Rehab**




- **Schedule:** Schedule is delayed due to revisions to Scaffolding and Containment Plan and approval of Site-Specific Work Plan. Approval of the Scaffolding and Containment plan required numerous revisions to accommodate PCEP wire installation, and structural calculations required to verify the temporary structure per contract specifications. Approval of the Site Specific Work Plan required numerous coordination meetings with Rail Operations, and customer access to path of travel, platform closures, and signage. Contractor is working to add multiple shifts to meet the original completion date.

**5. 100676 - San Mateo Replacement Parking Track**

- **Funding:** \$4.045M already transferred to this project from 25th Avenue Grade Separation project. Additional \$622K pending transfer. Seek 50% match from MTC's Local Partnership Program funding to support spring 2023 construction.

**Performance Summary**

**Table S1. Projects in each status light by performance category**

Status Light	Safety	Schedule	Budget	Funding
 Green	100.0%	67.6%	94.6%	89.2%
 Yellow	0.0%	5.4%	0.0%	8.1%
 Red	0.0%	27.0%	5.4%	2.7%

(Percentage of projects in each status light by performance category)

**Table S2. Summary of project changes from previous quarter**

Status Changes	Projects	Pct. Projects
All green	16	43.2%
Improved	6	16.2%
Got worse	5	13.5%
Stayed the same (except all green)	10	27.0%
<b>Total Projects</b>	<b>37</b>	

**Table S3. Individual Projects**

Project Number	Title	Safety		Schedule		Budget		Funding		Page
		Q4	Q1	Q4	Q1	Q4	Q1	Q4	Q1	
<b>CONSTRUCTION/IMPLEMENTATION</b>										
<b>Grade Separations</b>										
002088	25th Avenue Grade Separation	●	●	●	●	●	●	●	●	7
<b>Stations</b>										
002146	South San Francisco Station Improvement	●	●	●	●	●	●	●	●	13
<b>ROW Bridges</b>										
100439	Bayshore Station Overpass Pedestrian Bridge Rehab	●	●	●	●	●	●	●	●	19
<b>ROW Communications &amp; Signals</b>										
100278	Mary Avenue Traffic Signal Preemption	●	●	●	●	●	●	●	●	25
<b>Fare Collection</b>										
100240	Ticket Vending Machines (TVM) Rehab	●	●	●	●	●	●	●	●	30
100574	Clipper Next Generation Validators Site Preparations	●	●	●	●	●	●	●	●	35
<b>Miscellaneous</b>										
100233	MP-36 Locomotive Mid-Life Overhaul Project		●		●		●		●	40
100430	CCF BCCF Virtualization	●	●	●	●	●	●	●	●	44
100445	Automatic Passenger Counters at San Francisco 4th & King Station	●	●	●	●	●	●	●	●	48
<b>DESIGN (includes Preliminary and Final Design, and Procurement)</b>										
<b>Grade Separations</b>										
002152	South Linden & Scott Grade Separation	●	●	●	●	●	●	●	●	53
100244	Burlingame Broadway Grade Separation	●	●	●	●	●	●	●	●	56
100482	Rengstorff Grade Separation	●	●	●	●	●	●	●	●	60
100617	Mountain View Transit Center Grade Separation & Access Project	●	●	●	●	●	●	●	●	65
<b>ROW Bridges</b>										
002113	Guadalupe River Bridges Replacement and Extension	●	●	●	●	●	●	●	●	70
100427	San Francisquito Creek Bridge Replacement	●	●	●	●	●	●	●	●	76
<b>ROW Grade Crossings</b>										
100426	Churchill Avenue Grade Crossing	●	●	●	●	●	●	●	●	81
100522	Watkins Ave Grade Crossing Safety Improvements	●	●	●	●	●	●	●	●	84
100563	FY21-22 Grade Crossing Improvements	●	●	●	●	●	●	●	●	87
100566	San Mateo Grade Crossing Improvements	●	●	●	●	●	●	●	●	90
<b>ROW Communications &amp; Signals</b>										
100403	Broadband Wireless Communications System	●	●	●	●	●	●	●	●	94
100432	Migration to Digital Voice Radio System	●	●	●	●	●	●	●	●	97
100449	Next Generation Visual Messaging Sign (VMS)	●	●	●	●	●	●	●	●	100
100572	Communication System SOGR	●	●	●	●	●	●	●	●	103
100614	Predictive Arrival/Departure System (PADS) Replacement	●	●	●	●	●	●	●	●	106
100616	Caltrain Fiber Connectivity to Passenger Stations and Digital Voice	●	●	●	●	●	●	●	●	109
<b>Miscellaneous</b>										
100676	San Mateo Replacement Parking Track	●	●	●	●	●	●	●	●	113
100684	Mini-High Platforms	●	●	●	●	●	●	●	●	116

**Table S3. Individual Projects (Continued)**

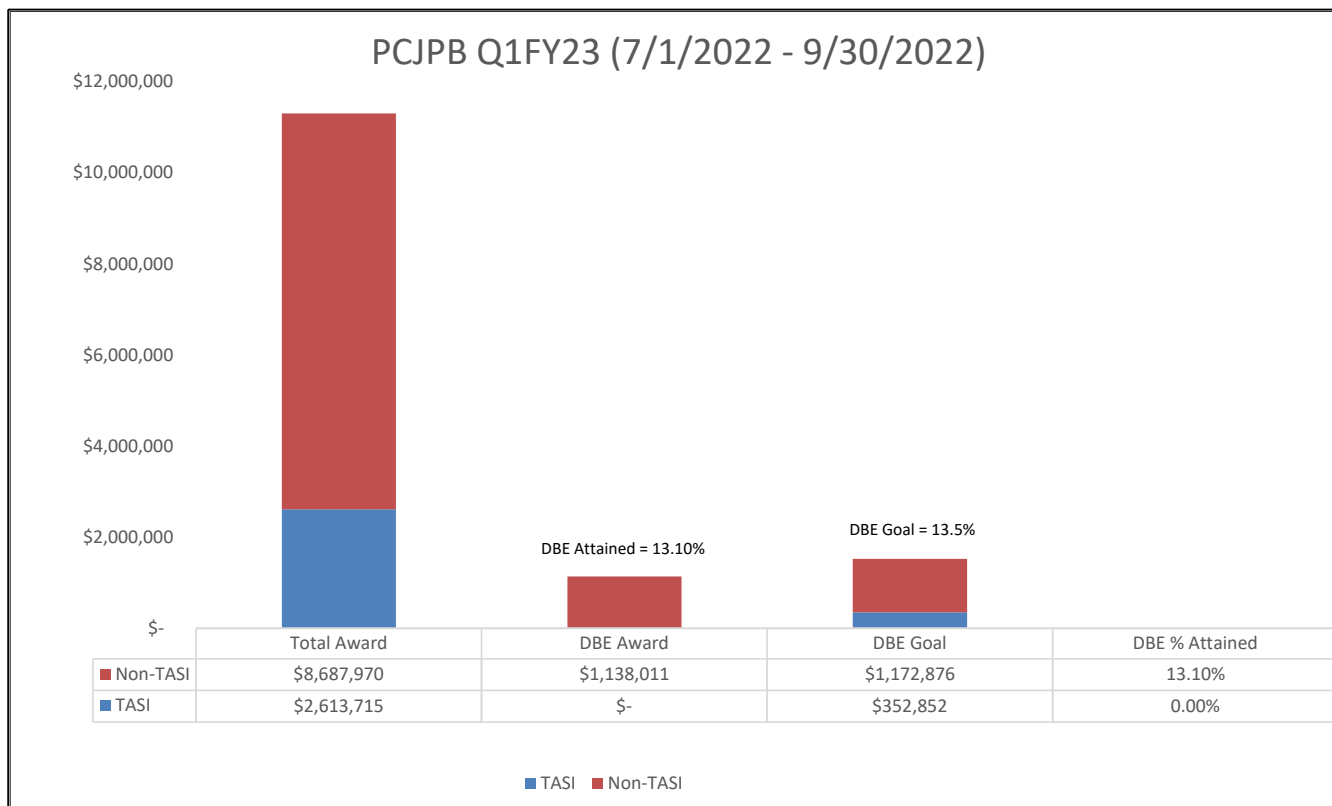
Project Number	Title	Safety		Schedule		Budget		Funding		Page
		Q4	Q1	Q4	Q1	Q4	Q1	Q4	Q1	
<b>PLANNING (includes Initiation and Design to 15%)</b>										
<b>Grade Separations</b>										
100410	Whipple Avenue Grade Separation Study	●	●	●	●	●	●	●	●	120
100667	Bernardo Avenue Undercrossing	●	●	●	●	●	●	●	●	123
100668	Sunnyvale Grade Separation		●		●		●		●	126
100686	Middle Avenue Undercrossing		●		●		●		●	129
<b>Miscellaneous</b>										
100564	Enterprise Asset Management (EAM) Software System	●	●	●	●	●	●	●	●	133
100565	Update and Upgrade GIS System	●	●	●	●	●	●	●	●	136
100673	CCTV Study-Assessment		●		●		●		●	140
100685	Verizon Sink Hole Repair San Jose	●	●	●	●	●	●	●	●	143
100687	Downtown Rail Extension (DTX)	●	●	●	●	●	●	●	●	146
<b>CLOSEOUT (includes Start-up/Turnover and Closeout)</b>										
<b>ROW Bridges</b>										
002080	Marin and Napoleon Bridge Replacement	●	●	●	●	●	●	●	●	150

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**Appendix A - Disadvantaged Business Enterprise (DBE)**

Disadvantaged Business Enterprise (DBE)

# PCJPB Award



Note: The overall triennial DBE goal for Federal Fiscal Year 2020-22 is 13.5%.



**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors

Through: Michelle Bouchard, Executive Director

From: Grace Martinez, Acting Chief Financial Officer

Subject: **Award Contracts to Nomad Digital, Inc. for Broadband Communications Services**

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):

1. Award two contracts to Nomad Digital, Inc. of Hayward, California (Nomad) for Broadband Communications Services for 1) Contract for System Implementation and Deployment of a lump sum, fixed-price amount of \$20,941,685 for a 30-month term and 2) Contract for Operations and Maintenance Support Services (O&M Services) for a not-to-exceed amount of \$5,668,665 for a four-year base term, subject to yearly economic price adjustments.
2. Authorize the Executive Director or designee to execute contracts with Nomad in full conformity with the terms and conditions set forth in the solicitation documents and negotiated agreements, and in a form approved by legal counsel.
3. Authorize the Executive Director or designee to exercise any or all of these options: a two-year first option term, a four-year second option term, a technology refresh option, and a diesel fleet upgrade option for a lump sum amount (subject to yearly economic price adjustments) of \$13,294,400 under the Contract for O&M Services, if deemed to be in the best interest of the JPB and subject to the availability of funds.

**Significance**

Approval of the above actions will provide the JPB the ability to engage with a qualified firm to provide a turnkey wireless broadband connectivity solution for Caltrain's new fleet of Electric Multiple Units (EMUs) and obtain critical state funding for the Broadband Communications Project. The connectivity will serve as a foundation for monitoring key train systems as well as provide passenger amenities, such as public Wi-Fi. The System Implementation and O&M Service contracts are part of the JPB's Broadband Communications Project to benefit Caltrain riders and Caltrain rail operations by providing wireless broadband connections along the 52-route miles of rail corridor between San Francisco and San Jose.

The two proposed contracts include:

1. **Contract for System Implementation and Deployment:** Procurement of equipment, installation, and commissioning of the proposed system, and a one-year warranty period to begin after the JPB's acceptance of substantial completion. This includes required construction, power and fiber connections to deliver end-to-end connectivity between the train and control facilities.
2. **Contract for Operations and Maintenance Support Services:** Operations and support services post-deployment for a four-year base term (Years 1-4), with a two-year first option term (Years 5-6) and a four-year second option term (Years 7-10). Nomad also provided options for a technology refresh/upgrade in Year 7 and a diesel fleet upgrade. A Notice-to-Proceed for the Contract for O&M Services will be provided upon staff's determination that Nomad has substantially completed the Contract for System Implementation and Deployment. Pricing for the Operations and Maintenance Support Services Contract has been provided in fixed, October 2022 U.S. Dollars and is subject to yearly economic escalation according to an agreed-upon index contained in the Operations and Maintenance Support Services Agreement.

### **Budget Impact**

#### **1. System Implementation and Deployment Contract**

The initial funding for the Broadband Communications Project (Project) was provided in Fiscal Year (FY) 2019 through a grant from the State Transit and Intercity Rail Capital Program of \$14 million. As a one-time extension for the grant was allowed, the Project contracts must be awarded by the end of Calendar Year 2022 to receive these grant funds. Based on projections at the beginning of the procurement process, additional unrestricted funds were added in the FY 2023 Capital Budget. A total of \$8.311 million was requested, of which \$5.194 million was approved.

The Estimate at Completion (EAC) for the Project as of July 2022, and following receipt of initial proposals from suppliers, was \$24.99 million, with a known funding shortfall at that time of \$5.796 million.

Following an extensive negotiation period with the highest-scoring proposer and the inclusion of certain scope additions, as well as a thorough internal budget review, a new EAC was calculated at \$28.82 million, inclusive of increases in the following areas:

- a. \$1.541 million in Nomad's Best and Final Offer price, based on scope additions, including an increase to the amount of known trenching required to install cabling to trackside radios, the addition of fiber patch panels, and material and labor cost escalation experienced over the last several months.

- b. \$1.500 million “trenching allowance” to account for risk associated with varying lengths of additional trenching that may be required at particular locations where trackside radios will be mounted and connected in the Caltrain fiber network.
- c. \$0.789 million of additional Construction Management and TASI support to account for increased scope and to ensure safety during installation activities.

Based on the revised EAC, additional Project funding in the amount of \$9.626 million is required.

Staff proposes that \$5.5 million of FY22 State Rail Assistance Funds that are currently available be used for the proposed Implementation Contract, which provides sufficient financial resources to support implementation until May 2024, or approximately 16 months into the Implementation period, with revenue service slated to begin two months later.

Staff further proposes to apply for at least \$4.126 million in State Broadband Grant funding to fill the remaining funding gap for the Project. As a backstop if such Grant funding is not received, staff proposes to use an additional \$4.126 million of the available \$5.6 million in FY 2023 State Rail Assistance Funds, or other funds identified in the FY 2024-25 budget process that may be allocated to the Project.

## 2. Operations and Maintenance Support Services Contract and Contract Options

Following negotiations, Nomad submitted a Best and Final Offer with the following pricing for O&M Services and the associated options (with all O&M Services and option pricing subject to yearly economic price adjustment per an agreed formula in the O&M Services Agreement):

<b>Contract Structure</b>	<b>Year</b>	<b>Amount</b>	<b>Total</b>
<b>Base Contract (4 years)</b> (1 <sup>st</sup> year lower due to warranty coverage) (Year 1 is expected to start July 2024)	1	\$778,317.60	<b>\$5,668,664.61</b>
	2	\$1,630,115.67	
	3	\$1,630,115.67	
	4	\$1,630,115.67	
<b>First Option Term</b>	5	\$1,501,927.89	<b>\$3,003,855.78</b>
	6	\$1,501,927.89	
<b>Second Option Term</b>	7	\$1,529,756.48	<b>\$6,119,025.92</b>
	8	\$1,529,756.48	
	9	\$1,529,756.48	
	10	\$1,529,756.48	
<b>Technology Refresh Option</b>	<b>7</b>		<b>\$1,506,526.01</b>

<b>Diesel Fleet Upgrade Option</b> (Exercise of this option is expected to start in July 2023)		<b>Based on unit prices for 70 vehicles to be kept in service</b>	<b>\$2,664,992.29</b>
<b>Total (base and all options)</b>			<b>\$18,963,064.61</b>

O&M Services costs will need to be considered as part of the Caltrain Operating Budget beginning in FY 2025. Exercise of options would be subject to future funding availability.

**Background**

A key Project objective is to have a qualified technology partner deploy a turnkey technology solution to provide Wi-Fi on the Caltrain’s new fleet of EMU Vehicles, in Zones 1-4, located between San Francisco and San Jose. Beyond connectivity, a key outcome is to provide a best-in-class passenger experience as it relates to speed, latency, and ease of connectivity, including continuous connectivity through challenging landscapes, underground tunnels, and densely-populated areas. The JPB seeks to deliver a Wi-Fi solution that attracts riders to Caltrain as their first and best solution for traveling through the Peninsula. The Wi-Fi service will be offered at no additional charge to riders so that they do not have to use their personal cellular plans for internet connectivity. This is seen as an important offering, especially as Caltrain migrates its service to a broader range of travelers and not just to morning and afternoon commuters. To reflect the importance of this goal, staff thoroughly reviewed and evaluated the rider experience, technical proposal, and project approach to identify the best solution during the Request for Proposals (RFP) process.

A "turnkey" solution is defined as consisting of all required elements of Internet connectivity for riders and for the Caltrain system to connect to its centralized and backup command and control facilities. Beyond providing connectivity, the Project is aligned with the Caltrain 2040 vision and associated business plan. Key components of the business plan include equity, connectivity, recovery and growth, and the implementation of this technology is a key step toward Caltrain achieving these goals.

Nomad has also offered options to equip legacy Caltrain trains with on-board Broadband equipment so that Wi-Fi services can be provided south of San Jose utilizing 5G cellular services. The proposed Board action does not include implementation of these options at this time.

**RFP Process**

On October 8, 2021, the JPB issued a Request for Proposals (RFP), solicitation number 21-J-T-057, for the Broadband Communications Services and advertised it on the JPB's e-procurement website. Staff held a pre-proposal conference on October 20, 2021, and 33 total participants from 14 firms attended. On October 21, 2021, the JPB conducted a site visit and six firms attended. By the proposal due date of December 30, 2021, four firms submitted proposals as follows:

- Icomera US, Inc., Bethesda, MD
- Nokia of America Corporation, Dallas, TX
- Nomad Digital, Inc., Hayward, CA
- RL Controls, LLC, Woburn, MA

A Selection Committee (Committee) comprised of qualified JPB staff from the Rail Division - Capital Program Delivery and Rail Development Systems Engineering departments, supported by technical advisors and subject matter experts, reviewed and scored these proposals in accordance with the following weighted criteria:

• Project Approach, Technical Proposal, and Rider Experience	35 points
• Company Qualifications, Experience, References	15 points
• Qualifications and Experience of Key Personnel	15 points
• Financial Viability	15 points
• Cost Proposal	20 points
• Small Business Enterprise (SBE) Preference	<u>5 points</u>
<b>Total Maximum Points</b>	<b>105 points</b>

After review and evaluation of proposals, the JPB determined two firms to be within the competitive range. The JPB selected the following firms to continue to the next step in the selection process and invited each to participate in an oral interview and system demonstration:

- Icomera
- Nomad Digital

After participating in the oral interviews and system demonstrations, the Committee re-reviewed, re-evaluated, and re-scored the proposals in accordance with the evaluation factors listed in the RFP. Staff completed reference checks and a financial review of each shortlisted proposer. The Committee reached consensus scoring and determined Nomad to be the highest-ranked firm.

### **Negotiations**

The JPB requested revised proposals and completed negotiations with Nomad on contractual terms, conditions, and price. In accordance with the best value process, staff concludes that Nomad's negotiated costs are fair and reasonable.

Nomad's price proposal for O&M Services was evaluated in conjunction with the proposal evaluation process and considered in determining that Nomad's overall proposal presented the best value to the JPB.

Terms of the proposed contracts give the JPB the right to terminate for convenience at any time, with the option of taking over responsibilities directly or identifying another contractor for the subject work.

Nomad, a wholly-owned subsidiary of Alstom, has more than 20 years of experience providing on-board internet connectivity and passenger experience services including for national operators such as Amtrak, Via Rail, ÖBB (Austrian Federal Railways), Eurostar, GWR (British Great Western Railway), NS (Nederlandse Spoorwegen), Vygruppen (Norway), Translink (Queensland), Queensland Rail and DSB (Danish State Railway). Staff concludes that Nomad is qualified and capable of meeting the requirements of the contract to provide the services.

Prepared By:	Alice Cho, Procurement Manager	650.508.6442
Project Manager:	Robert Tam, Manager, Technology Research & Development	650.508.7969

**Resolution No. 2022 –**

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

\* \* \*

**Awarding Contracts to Nomad Digital, Inc. for Broadband Communications Services  
for a Lump Sum, Fixed-Price Amount of \$20,941,685 for System Implementation and  
Deployment for a 30-Month Term and \$5,668,665 for Operations and Maintenance Support  
Services for a Base Term of Four Years**

**Whereas**, the Peninsula Corridor Joint Powers Board (JPB) requires broadband communications services for Caltrain’s new fleet of Electric Multiple Unit Vehicles, which provide access to wireless broadband connections along the 52 route-miles of railroad corridor from San Francisco to San Jose; and

**Whereas**, on October 8, 2021, the JPB issued a Request for Proposals (RFP), solicitation number 21-J-T-057, for Broadband Communications Services (Services); and

**Whereas**, staff conducted extensive outreach to vendors and posted the RFP on the JPB's e-procurement website; and

**Whereas**, in response to the RFP, the JPB received a total of four proposals; and

**Whereas**, a Selection Committee (Committee) evaluated and scored these proposals in accordance with the evaluation criteria set forth in the RFP, and determined two proposers to be in the competitive range; and

**Whereas**, the two short-listed proposers participated in an oral interview and a system demonstration; and

**Whereas**, the Committee re-evaluated and re-scored these proposals in accordance with the evaluation criteria set forth in the RFP and reached consensus scoring, determining that Nomad Digital, Inc. of Hayward, California (Nomad) to be the highest-ranked proposer; and

**Whereas**, in accordance with the RFP, the JPB would execute two separate contracts with the successful proposer: 1) a Contract for System Implementation and Deployment of a Broadband Communications System for a 30-month term; and 2) a Contract for Operations and Maintenance Support Services of Broadband for a four-year base term, with a two-year first option term and a four-year second option term; and

**Whereas**, the Committee determined Nomad possesses the necessary qualifications and requisite experience to successfully perform the Services; and

**Whereas**, staff negotiated with Nomad on contractual terms, conditions, and prices for both agreements, and determined Nomad will perform the services at fair and reasonable prices; and

**Whereas**, staff recommends that the Board of Directors (Board) award two separate contracts to Nomad for: 1) System Implementation and Deployment for a lump sum, fixed-price amount of \$20,941,685 for a 30-month term; and 2) Operations and Maintenance Support Services (O&M Services) for a lump sum amount of \$5,668,665 for a four-year base term, subject to yearly economic price adjustments, with a two-year first option term, a four-year second option term, a technology refresh option, and diesel fleet upgrade option, provided that such options are in the best interest of the JPB and funding is available, for a lump sum amount of \$13,294,400, subject to yearly economic price adjustments.



**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards two contracts to Nomad Digital, Inc. for: 1) System Implementation and Deployment a lump sum, fixed-price amount of \$20,941,685 for a 30-month term; and 2) Operations and Maintenance Support Services for a lump sum amount of \$5,668,665 for a four-year base term, subject to yearly economic price adjustments; and

**Be It Further Resolved** that the Board authorizes the Executive Director or designee to execute the above-referenced contracts with Nomad in full conformity with the terms and conditions of the Request for Proposals and negotiated agreements, in a form approved by legal counsel; and

**Be It Further Resolved** that the Board authorizes the Executive Director or designee, pursuant to the Contract for Operations and Maintenance Support Services, to exercise any or all of these options: a two-year first option term, a four-year second option term, a technology refresh option in Year 7, and a diesel fleet upgrade option for a lump sum amount (subject to yearly economic price adjustments) of \$13,294,400, if deemed to be in the best interest of the JPB and subject to the availability of funds.

Regularly passed and adopted this 1st day of December, 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

**Resolution No. 2022-**

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

\* \* \*

**Adopting Findings Rejecting the Protest of Intent to Award Contract for Broadband  
Communication Services (RFP No. 21-J-T-057)**

**Whereas**, on October 8, 2021, the Peninsula Corridor Joint Powers Board (JPB) issued a Request for Proposals (RFP) for broadband communications services, RFP No. 21-J-T-057 (the Project). The JPB received four proposals and selected Nomad Digital (Nomad) as the highest ranked proposer who presented the best value to the JPB following a rigorous evaluation process, including a system demonstration; and

**Whereas**, the Selection Committee was composed of qualified Agency staff from the Rail Division, including the Capital Program Delivery and Rail Development Systems Engineering departments, supported by technical advisors and subject matter experts. Selection Committee members reviewed and scored the proposals in accordance with the weighted criteria in the RFP; and

**Whereas**, the JPB issued a Notice of Intent to Award the contract to Nomad on November 9, 2022, which was received by all the proposers who had submitted proposals to the RFP; and

**Whereas**, Icomera US Inc. (Icomera), the second-highest ranked proposer, submitted a timely letter of protest to the JPB on November 14, 2022. The letter offered six separate grounds for the protest. In his response on November 18, 2022, Kevin Yin, Director of Contracts and Procurement, rejected Icomera's protest and to address Icomera's concerns, JPB

staff offered to meet with Icomera representatives. This meeting occurred on November 18, 2022.; and

**Whereas**, following this meeting, Icomera submitted a second letter on Saturday, November 19th, more than five days after the issuance of the Notice of Intent to Award, and offered additional “evidence” in support of its protest. Mr. Yin responded on Monday, November 21st, before the Finance Committee meeting. Mr. Yin explained that Icomera’s submission of additional information was not timely, but nonetheless responded to each of Icomera’s points on the merits; and

**Whereas**, Icomera chose to appeal the response and to pursue its protest at the JPB Finance Committee meeting on Monday, November 21, 2022. Chair Monique Zmuda, Director Glenn Hendricks, and Director Jeff Gee were all present at the Committee meeting. Mr. Robert Barnard, Deputy Chief, Rail Development, presented on the contract award. Following his presentation, Mr. Yin carefully walked the Committee through each point raised by Icomera and the JPB’s response. Gabriel Lopez-Bernal, President of Icomera US Inc., spoke on behalf of Icomera. Mr. Lopez-Bernal repeated the grounds for Icomera’s protest, as described in Icomera’s letters dated November 14 and 19, 2022; and

**Whereas**, after consideration of the facts presented, the Committee determined that there was no evidence supporting the protest and unanimously recommended that the Board reject the proposal and award contracts for broadband services to Nomad.

**Now, therefore, be it resolved** that the Board of Directors finds no evidence supporting the grounds for protest put forth by Icomera; and

**Be it further resolved** that the Board adopts the attached findings in support of the Board's determination to reject Icomera's protest to the Intent to Award Contracts for Broadband Services.

Regularly passed and adopted this 1<sup>st</sup> day of December 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

## **Proposed Findings of the Peninsula Corridor Joint Powers Board Regarding the Protest of the Intent to Award Contracts for Broadband Communication Services (RFP No. 21-J-T-057)**

On October 8, 2021, the Peninsula Corridor Joint Powers Board (JPB) issued a Request for Proposals (RFP) for broadband communications services, RFP No. 21-J-T-057 (the Project) and received four proposals. The JPB issued a notice of intent to award the contract on November 9, 2022 and received a timely protest from Icomera US Inc. (Icomera) on November 14, 2022.

The JPB responded on November 18, 2022 and rejected the protest. The JPB further rejected Icomera's November 19, 2022 counter-response, which contained additional evidence in support of its protest. The Finance Committee met on November 21, 2022 and heard presentations from the Deputy Director, Rail Development, the Director of Contracts and Procurement, and after considering all of the facts presented, unanimously recommended that the protest be rejected.

Based on the record before them, the Board of Directors makes the following findings regarding the protest filed by Icomera:

- 1. No absence of transparency:** The Selection Committee was composed of qualified Agency staff from the Rail Division, including the Capital Program Delivery and Rail Development Systems Engineering departments, supported by technical advisors and subject matter experts, and the Committee had reviewed and scored the proposals in accordance with the weighted criteria in the RFP.

The JPB released information regarding the positions and affiliations of the members of the Selection Committee but did not release their full names, as per the agency policy, as described in the RFP. There is therefore no evidence to support Icomera's claim that there was an absence of transparency throughout the full Selection Process.

- 2. The Committee's composite score constitutes the official record:** Section L (Evaluation of Proposals and Selection Process), Subsection 1 (Selection Committee) of the RFP, states, "The Committee's composite scores for all steps of the evaluation process will comprise the official record for the proposal evaluation process; individual evaluation records will not be available for public inspection at any point during or after the evaluation process. By submitting a proposal, Proposers agree to be bound by these terms and will not later challenge said terms."

The Board finds that, consistent with the obligations stated in the RFP, the JPB disclosed the composite scores from the Selection Committee and the members' affiliations and positions to Icomera and that Icomera had agreed to be bound by these terms.

- 3. Consistent with the process described in the RFP, the System Demonstration was used to validate the information provided by Proposers:** Icomera suggested that the JPB

had departed from the agreed intent of the System Demonstration, which was to validate the Proposed Solution's ability to meet the minimum requirements as set forth in the RFP, and argued that the technical evaluation was based on criteria other than those set forth in the RFP. Icomera argued that the evaluation criteria did not account for the revision of scores after the system demonstration. The Selection Committee had the opportunity under the RFP to re-score the applications following the system demonstration but chose not to do so because the demonstration confirmed the Selection Committee's views. The Board has considered the presentation of facts and determined that the System Demonstration was used appropriately and as described in the RFP.

- 4. There was no evidence of bias or conflict of interest on the part of the Selection Committee or other Caltrain representatives involved in the selection process:** The Board has reviewed Icomera's allegations of bias and conflict and found no evidence to support the allegations.
  - a. Icomera complained of a perceived bias and/or potential conflict of interest on the part of staff assumed to be part of the Broadband Communications Services Selection Committee, but the Board found no evidence of this bias or conflict.
  - b. Icomera stated its perception that the Selection Committee favored a specific technology and did not adhere to the requirements of the RFP. The Board rejects this claim as well, as Icomera has presented no evidence of bias.
  - c. Icomera complained that Caltrain representatives had voiced doubts to Icomera regarding the viability of Wi-Fi Technology to serve as the backbone of the Broadband Communications Solution and had expressed a preference towards mmWave-based technologies operating in the 57-71 Ghz spectrum. The Board finds that Icomera has failed to show evidence of bias.
  - d. Icomera argued that the JPB had deviated from the RFP by evaluating the proposers against one another rather than based on their individual merit. The Board has reviewed the evaluations process and finds that the Selection Committee evaluated each proposal based on its individual merit, but that an RFP process necessarily entails a determination based on scores that one proposal exceeded the others.
- 5. Staff did not err in deciding to request a Best and Final Offer (BAFO) from only one proposer:** The JPB included a reservation of rights in Section N of RFP, which included the right to seek a BAFO from one or more proposers, including on a serial basis; therefore, the Board finds no error or issue with staff's decision to seek a BAFO only from the top-ranked proposer.
- 6. Meeting the minimum requirement of system performance did not entitle proposers to a contract award:** Icomera suggested that the JPB did not adhere to the required minimum system performance of 100 Mbps as specified in the RFP. The Board finds that the fact that Icomera demonstrated that it could meet the minimum requirement

did not entitle Icomera to a contract award; it simply meant that Icomera's bid was responsive.

Based on these findings, the Board of Directors of the Peninsula Corridor Joint Powers Board hereby rejects the November 14, 2022, Protest of Intent to Award filed by Icomera US, Inc. regarding an award of contracts for broadband communication services pursuant to the Request for Proposals (RFP) for broadband communications services, RFP No. 21-J-T-057.



**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors

Through: Michelle Bouchard  
Executive Director

From: James C. Harrison  
General Counsel

Subject: **Adopt Policy Regarding New Brown Act Remote Meetings Exceptions**



Finance Committee  
Recommendation



Work Program-  
Legislative-Planning



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) adopt the attached policy for all Regular and Special Board, Committee, and Advisory Committee meetings, effective February 28, 2023, to address the new remote meetings exceptions recently added to the Ralph M. Brown Act (the Brown Act) and the anticipated expiration of the COVID-19 state of emergency.

**Significance**

Meetings of the JPB and its Committees are subject to the Brown Act, which requires that meetings of local legislative bodies be open to the public. Cal. Gov. Code § 54950 *et seq.* Assembly Bill 361 (AB 361), enacted in 2021, amended the Brown Act to permit local agencies to meet remotely during a proclaimed state of emergency without having to notice the remote locations from which members participate or make those locations accessible to the public, provided the legislative body makes certain findings regarding health and safety. Gov't Code § 54953(e)(3). AB 361 will remain in effect until January 1, 2024.

On October 17, 2022, the Governor announced his intent to withdraw the COVID-19 state of emergency on February 28, 2023. Until the Governor withdraws the state of emergency, the JPB and its Committees may continue to meet remotely or in a hybrid remote/in-person format, if the Board continues to make the requisite findings pursuant to AB 361 regarding public health guidance and safety recommendations. After the Governor withdraws the state of emergency, the exceptions afforded by AB 361 will no longer be available to the JPB and its Committees.

In August 2022, the California Legislature passed Assembly Bill 2449 (AB 2449), amending the Brown Act to limit the scope of remote meeting exceptions, and Governor Gavin Newsom signed the bill into law on September 13, 2022. The law goes into effect on January 1, 2023.

AB 2449 permits legislative bodies to use teleconferencing for the benefit of the public and the legislative body for any meeting or proceeding authorized by law, even when there is no declared state of emergency. Gov. Code § 54953(b)(1). When using teleconferencing, legislative bodies are required to post agendas at all teleconference locations and the locations must be identified in the agenda and be accessible to the public, unless a member is teleconferencing pursuant to AB 361 or one of the exceptions (just cause or emergency circumstances) identified in AB 2449 (and discussed in further detail below).

When using teleconferencing, including when board members are permitted to use teleconferencing pursuant to one of the exceptions in AB 2449, the legislative body must provide a means for the public to remotely hear and visually observe the meeting and remotely address the legislative body, either by use of (i) a two-way audiovisual platform; or (ii) a two-way telephonic service and a live webcasting of the meeting. Gov. Code §54953(f)(1)(A). The agenda for any meeting using teleconferencing must identify how the public may address the legislative body either via a call-in option, via an internet-based service option, or at the in-person location of the meeting. Gov. Code §54953(f)(1)(C).

Pursuant to AB 2449, a member of a local legislative body may participate in a meeting remotely without having to identify the member's location in the agenda or make the location accessible to the public if: (1) a quorum of members participate in person from a singular physical location; (2) the singular location is clearly identified on the agenda, open to the public, and situated within the local agency's jurisdiction; and (3) the member has notified the legislative body of the member's need to participate remotely for "just cause", or the member has made a request to participate remotely based on "emergency circumstances" and the legislative body has approved the request.

AB 2449 defines "just cause" as one or more of the following: (i) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely; (ii) a contagious illness that prevents a member from attending in person; (iii) a need related to a physical or mental disability as defined by statute; or (iv) travel while on official business of the legislative body or another state or local agency. "Emergency circumstances" is defined as a physical or family medical emergency that prevents a member from attending in person. A member must provide a description of the just cause or emergency circumstances warranting remote participation. If participating remotely because of emergency circumstances, the member must also obtain the legislative body's approval prior to participating remotely.

For legislative bodies, such as the JPB and its Committees, that meet more than 10 times per year, members may not participate remotely for a period of more than three consecutive

months or 20% of the regular meetings within a calendar year. In addition, a member may rely upon the just cause exception no more than two times per calendar year. These limitations apply separately for each legislative body.

Any time a member participates remotely pursuant to AB 2449, the member must use both audio and visual technology and must publicly disclose whether any individual over the age of 18 is present at the remote location, and the board must also provide the public with the means to participate in the meeting remotely and post information regarding how to do so on the agenda for the meeting.

If members participate remotely under the traditional Brown Act requirements, including noticing the location from which they will be participating and making the location accessible to the public, the agency would not be required to provide members of the public with a remote meeting option. However, to avoid confusion about the options for public participation and to promote transparency, staff recommend that the Board authorize remote public participation, regardless of whether the meeting is conducted under AB 361, AB 2449, or under traditional Brown Act requirements.

When the Governor withdraws the state of emergency on February 28, 2023, members of the JPB and its Committees will have the following options for participating in meetings:

- 1) Members may participate remotely pursuant to AB 2449 without noticing their location if: (a) the member has just cause; or (b) the member is experiencing emergency circumstances and the member requests and obtains the Board or Committee's approval.
- 2) Members may participate remotely pursuant to traditional Brown Act teleconference requirements, including providing notice of their location and making the location accessible to the public; or
- 3) Members may participate in-person at the noticed location of the meeting in San Carlos.

In order to prepare for the expiration of the state of emergency, staff has prepared a draft policy to establish clear rules for remote participation in Board and Committee meetings, including a process for members to provide notice of just cause or to request permission to participate remotely because of emergency circumstances under AB 2449. In addition, the proposed policy clarifies the role of staff to ensure efficiency, maintain transparency in public meetings, and provide the public with adequate notice of the proposed change to meeting formats. Finally, the proposed policy affords the public with the opportunity to participate in future meetings of the Board and its Committees either remotely or in person. With the Board's approval, the proposed policy would take effect on February 28, 2023.

**Budget Impact**

There is no budget impact associated with adopting this policy.

**Background**

The Brown Act was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies. The Act protects the public’s right to participate in government meetings, including by requiring notice of meetings and publication of meeting agendas and materials and by prohibiting registration or payment of a fee as a condition of attendance.

Under the Brown Act, members of legislative bodies may participate in public meetings from remote locations via teleconferencing. Gov. Code § 54953(b). Prior to the pandemic and the enactment of AB 361, the following requirements applied to remote participation: (1) the remote location must be connected to the main meeting location by telephone, video, or both; (2) the notice and agenda of the meeting must identify the address of remote location; (3) the remote location must be accessible to the public; (4) all votes must be by roll call; and (5) the meeting must comply with the Brown Act, which includes providing an opportunity for the public to address the legislative body and allowing participation by members of the public present in remote locations. A quorum of the legislative body must participate from locations within the jurisdiction, but other members may participate from outside the jurisdiction.

Once the Governor withdraws the state of emergency on February 28, 2023, members will be required to comply with the Brown Act requirements for remote participation (i.e., identify the address from which they are participating on the meeting agenda and allow public access to that location), participate in person, or participate remotely under AB 2449. Therefore, it is imperative that the JPB establish clear policies and procedures to facilitate the conduct of future meetings.

The proposed policy, which is attached to the Resolution, complies with the requirements of the Brown Act by setting forth rules for remote participation in both Board and Committee meetings under both the traditional Brown Act posting and access requirements and under the exceptions provided in AB 2449.

Prepared By:	Anna Myles-Primakoff	Counsel	916-442-2952
	Quentin Barbosa	Law Clerk	916-442-2952

**Resolution No. 2022-**

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

\* \* \*

**Adopting Policy Regarding Remote Meeting Participation for Board, Committee, and Advisory  
Committee Meetings**

**Whereas**, the Board of Directors (the Board) of the Peninsula Corridor Joint Powers Board (JPB) is committed to the principles of government transparency and the promotion of public participation; and

**Whereas**, the Brown Act permits members of legislative bodies to participate remotely in public meetings via teleconferencing, so long as: (1) the remote location is connected to the main meeting location by telephone, video, or both; (2) the notice and agenda of the meeting identify the remote location; (3) the remote location is accessible to the public; (4) all votes are conducted by roll call; and (5) the meeting otherwise complies with the Brown Act, including providing an opportunity for the public to address the legislative body and allowing participation by members of the public present in remote locations; and

**Whereas**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency and suspended certain provisions of the Brown Act to allow local government agencies to meet remotely during the COVID-19 pandemic. On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361) into law, amending the Brown Act to permit local agencies to meet remotely without having to notice the remote location from which a member participates or make it accessible to the public if state of emergency is in effect and the agency makes certain findings; and

**Whereas**, the JPB has relied upon AB 361 to conduct remote meetings of the Board and its Committees during the COVID-19 Pandemic without noticing the locations of the members or making the remote meeting locations accessible to the public; and

**Whereas**, the Governor has announced his intent to withdraw the COVID-19 state of emergency on February 28, 2023, after which the JPB will no longer be able to rely on the remote meeting exceptions in AB 361, and instead, members will have to attend Board and Committee meetings in person, comply with the Brown Act requirements for noticing remote meeting locations and making them accessible to the public, or participate remotely pursuant to an exception under Assembly Bill 2449 (AB 2449); and

**Whereas**, the California Legislature adopted AB 2449, which limited the scope of the current remote meeting exceptions to situations in which a member of a local agency legislative body has just cause or is experiencing an emergency circumstance; and

**Whereas**, the attached policy is intended to (1) provide the Board and staff with clear guidelines to follow when a member notifies the Board or Committee that the member intends to participate in a meeting remotely for just cause or when a member requests to participate remotely in a meeting because of emergency circumstances under AB 2449, and (2) ensure the processes and procedures for meeting remotely promote transparency, public participation, and efficiency in the administration of public meetings, including by allowing members of the public to participate remotely or in person; and

**Whereas**, Staff recommends that the Board adopt the attached policy for all Regular and Special Board, Committee, and Advisory Committee meetings, and that the policy become effective on February 28, 2023; and

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby adopts the attached meeting policy for all Regular and Special Board, Committee, and Advisory Committee meetings.

Regularly passed and adopted this 1<sup>st</sup> day of December, 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

## **Policy Regarding Remote Participation in Meetings of the Board of Directors of the Peninsula Corridor Joint Powers Board**

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### **Principles and Purpose**

The Board of Directors of the Peninsula Corridor Joint Powers Board (“Board”) is committed to the principles of government transparency and the promotion of public participation. The purpose of this policy is to establish clear guidance for members of the Board and Committees, staff of the JPB, and the public regarding remote participation in Board and Committee meetings by members and the public. This policy applies to all Regular and Special Board, Committee, and Advisory Committee Meetings.

### **I. In-Person Participation in Meetings**

- A. Members of the Board and Committees may participate in public meetings from the auditorium at 1250 San Carlos Ave, subject to the health and safety policies of the San Mateo County Transportation District.
- B. Members of the public may participate in Board and Committee meetings from the auditorium at 1250 San Carlos Ave., subject to the health and safety policies of the San Mateo County Transportation District, or from any location that is noticed on the agenda for the meeting.

### **II. Remote Participation Under the Brown Act**

- A. Members of the Board and Committees may participate remotely in Board and Committee meetings provided that the members:
  - 1. Provide the address for the location from which they will be participating in the meeting to the Board Secretary at least four days in advance of the scheduled meeting.
  - 2. Ensure that the location is accessible to the public throughout the meeting.
- B. Members of the public may participate remotely via a teleconferencing link provided on the Board or Committee Agenda.

### **III. Remote Participation Due to Just Cause or Emergency Circumstances**

- A. **Just Cause:** A member of the Board or a Committee may participate remotely in a meeting of the Board or Committee without noticing the location from which they are participating or making the location accessible to the public if the member notifies the Board or Committee Chair and the Board Secretary of the member’s need to participate remotely due to just cause and provides a general description of the circumstances relating to the member’s need to appear remotely in the meeting.
  - 1. “Just cause” is defined as: childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires remote



participation; a contagious illness that prevents a member from attending in person; a need related to a physical or mental disability; and travel while on official business of the legislative body or another state or local agency. Government Code § 54953(j).

- B. Emergency Circumstances:** A member of the Board or a Committee may participate remotely in a meeting of the Board or Committee without noticing the location from which they are participating or making the location accessible to the public if the member submits a request to participate remotely due to emergency circumstances to the Board or Committee Chair and Board Secretary in advance of the meeting, and the Board or Committee approves the request.
1. "Emergency circumstances" is defined as a physical or family medical emergency that prevents a member from attending in person. Government Code § 54953(j).
  2. Members shall notify the Board Chair or Committee Chair and Board Secretary as soon as practicable if requesting to participate in a meeting remotely due to emergency circumstances and provide a general description of the emergency circumstances related to the need to appear remotely. The member's general description need not exceed 20 words nor need it disclose any medical diagnosis or disability, or any personal identifying medical information regarding a patient's medical history, mental or physical condition, or treatment already exempt from disclosure under existing law.
  3. Members requesting permission to participate remotely due to emergency circumstances must make separate requests for each meeting in which they seek to participate remotely
  4. The Board or Committee may act on a request to participate remotely due to emergency circumstances at the beginning of the meeting before considering other items of business even if the proposed action on the request is not placed on the posted agenda for the meeting.
  5. When the Board or Committee votes to approve the request at a noticed public meeting held prior to the meeting for which the member has requested to participate remotely due to emergency circumstances, the Board Secretary shall post an updated agenda that notes the Board or Committee approved the member's request and that the meeting is a hybrid remote meeting for emergency circumstances in compliance with Government Code § 54953(j).
- C.** The Board Secretary shall alert the Chair of the Board or Committee and members if it appears that a quorum of members will not be physically present at a meeting for which a member or members have provided notice of their intent to participate remotely for just cause, in which case the meeting shall be cancelled, or in the event of a meeting for which a member or members have requested approval to participate remotely due to emergency circumstances, the Board or Committee shall either deny the request(s) or cancel the meeting.
- D.** Immediately upon receipt of a notification or request for remote participation due to just cause or emergency circumstances, the Board Secretary shall post a revised agenda including a link to a teleconferencing platform to allow the public and the board

member to participate remotely. The revised agenda will also include the proposed action to permit a member to meet remotely for emergency circumstances if there is sufficient time to do so given the nature and timing of the emergency request. It is the intent of the JPB in adopting this policy to provide notice of remote participation due to just cause or emergency circumstances as soon as practicable.

- E. Limits on the Remote Participation Due to Just Cause or Emergency Circumstances:
1. A member may rely on the just cause exception to participate remotely in no more than two meetings of a legislative body per calendar year. Government Code § 54953(f)(2)(A)(i). For purposes of these limits, the Board and each Committee are considered separate legislative bodies.
  2. A member may rely on both the emergency circumstances and just cause exceptions for no more than three months in a row or 20 percent of the Board or a Committee's regular meetings in a calendar year. Government Code § 54953(f)(3).
  3. Should the Board or a Committee ever regularly meet less than 10 times in a given calendar year, a member may not rely on either exception more than 2 times total in that year. Government Code § 54953(f)(3).

#### **IV. Voting on a Request to Meet Remotely Due to Emergency Circumstances**

- A. When the Board or a Committee receives a member's request to participate remotely due to emergency circumstances, the Board or Committee shall vote on whether to approve the request.
1. The Board or Committee may act on a request to participate remotely at the beginning of the meeting before considering other items of business even if the proposed action on the request is not placed on the posted agenda for the meeting.
  2. When the Board or Committee votes to approve the request at a noticed public meeting held prior to the meeting for which the member has requested to participate remotely due to emergency circumstances, the Board Secretary shall post an updated agenda that notes the Board or Committee approved the member's request and that the meeting is a hybrid remote meeting for just cause or emergency circumstances in compliance with Government Code § 54953(j).
- B. In the event that a quorum of members will not be physically present at the Board or Committee meeting, the Board or Committee will be barred from approving requests to participate remotely due to emergency circumstances and must either deny the request(s) or cancel the meeting.

#### **Contact:**

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Public comments may be sent via email to [publiccomment@caltrain.com](mailto:publiccomment@caltrain.com). Please indicate in your email the agenda item to which your comment applies. Public comments received will be included in the board's weekly correspondence, which is posted to the Caltrain website.

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Dahlia Chazan, Deputy Chief, Caltrain Planning  
Subject: **San Francisco Downtown Rail Extension Update**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

This report includes an informational update that will be supplemented by a presentation and which requires no action by the Board of Directors (“Board”) of the Peninsula Corridor Joint Powers Board (“JPB” or “Caltrain”).

**Significance**

Caltrain and the Transbay Joint Powers Authority (“TJPA”) are negotiating a Master Cooperative Agreement (“MCA”) for the San Francisco Downtown Rail Extension Project (“DTX”) to be included in the TJPA’s August 2023 application for entry into the engineering phase of the Federal Transit Administration (“FTA”) Capital Investment Grants Program. The MCA will address key topics, including design support and coordination; procurement and construction coordination; financial commitments; operations, maintenance and rehabilitation; and asset disposition.

Over the course of the next nine months, Caltrain staff will engage the Work Program – Legislative – Planning Committee (“WPLP”), the Advocacy and Major Projects Committee (“AMP”) once launched in February 2023, and the Board to provide background on the contents of the MCA, followed by review of a draft term sheet and ultimately a request to approve the final MCA.

**Budget Impact**

This informational item has no impact on the budget.

## **Background**

The completion of DTX will have a major positive impact on Caltrain service and ridership. It completes the final element of the Transbay Program, which includes the Salesforce Transit Center, completed in 2018, and the creation of a transit-oriented neighborhood around the multi-modal transit hub. A regional priority since 1988, the DTX project will deliver the vision of the program by bringing Caltrain and California High Speed Rail into downtown San Francisco. The environmentally cleared DTX will extend Caltrain's rail line from the Fourth and King station by approximately 1.6 miles and will provide significantly improved access for Peninsula riders to the North and East Bays, with a nearby connection to BART and San Francisco Municipal Transportation Agency rail services.

In April 2020, Caltrain entered into a Memorandum of Understanding (the "2020 MOU") with the TJPA, Metropolitan Transportation Commission ("MTC"), California High Speed Rail Authority ("CHSRA"), City and County of San Francisco ("CCSF"), and the San Francisco County Transportation Authority ("SFCTA") (the project partners). Pursuant to the MOU, these six agencies have agreed to take part in a multi-year effort to ready the DTX for procurement, including activities related to governance, oversight, management, funding, and project delivery.

In 2021, the project executed an accelerated master schedule to support a potential 2025 Full Funding Grant Agreement ("FFGA") through the FTA's Capital Improvement Grant ("CIG") process. The project was accepted into the FTA's initial Project Development Phase in December 2021. In 2022, the DTX project continues to pursue major milestones related to project development, funding, and public outreach and engagement.

To support and formalize Caltrain's role in the project, Caltrain and TJPA have commenced negotiating an MCA that will outline and confirm each party's responsibility for planning, designing, procuring, constructing, operating, and maintaining DTX. The MCA will also meet the FTA requirement that TJPA, as Project Sponsor, completes and secures all critical third-party agreements necessary to facilitate the financing, design, permitting, construction, and operation and maintenance of a federally funded capital transit project. Therefore, the MCA must be complete prior to the scheduled commencement of FTA's CIG Engineering Phase in August 2023. The MCA will address key topics including design support and coordination, right of way, temporary encroachment, permitting, procurement and construction coordination, operations maintenance and rehabilitation, and asset disposition.

In August 2022 the Caltrain Board approved a Letter of Agreement ("LOA") between the parties to cover the interim period before the MCA is executed. The LOA authorizes the reimbursement of the consultant costs incurred by Caltrain in FY22 and the anticipated agency staff and consultant costs for FY23.

Prepared By: Gwen Buckley

Principal Planner

650-722-6827

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Sam Sargent, Director, Strategy and Policy  
Subject: **Metropolitan Transportation Commission (MTC)/Regional Update**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

None.

**Significance**

The Metropolitan Transportation Commission (MTC) provides planning, funding, coordination, and technical assistance to cities, counties, transit agencies, and other partners to bring the region together. The California Legislature created the MTC in 1970 to plan and provide a cohesive vision for the Bay Area's transportation system.

The Commission's scope over the years has expanded to address other regional issues, including housing and development. MTC is actively considering several key policy and funding decisions that affect Caltrain, and staff wants to ensure the Joint Powers Board (JPB) is apprised of these discussions.

**Budget Impact**

No budget impact.

**Key Regional Items this Month**

1. Regional Network Management (RNM) Progress Update
2. Plan Bay Area 2050+ Lookahead

**1. Regional Network Management Progress Update – Informational**

On November 14, the Network Management Business Case Advisory Group (AG) received an update from MTC staff and consultants on a governance framework and operating

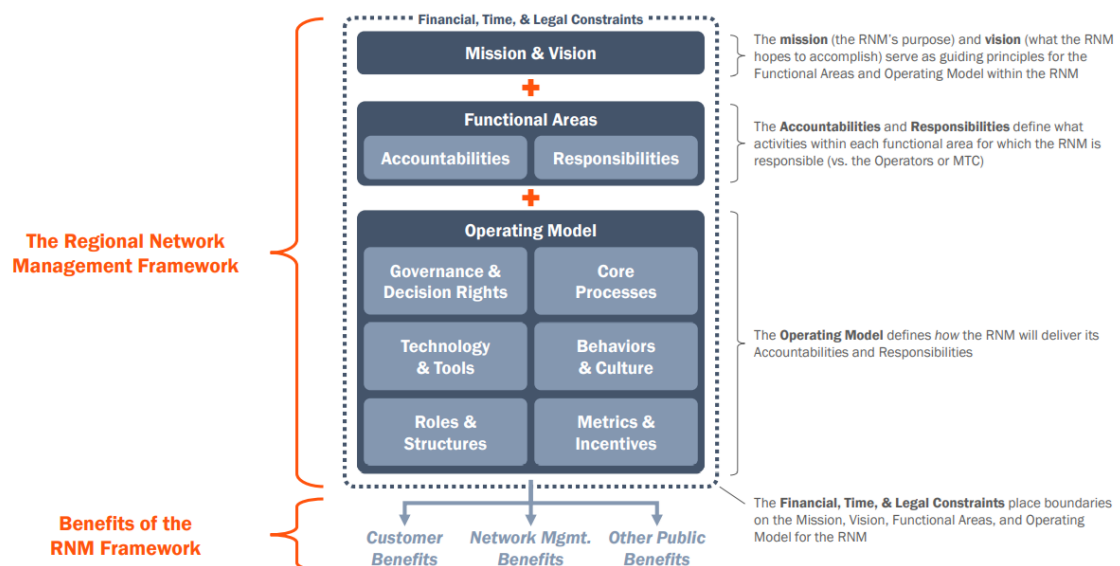
model for Regional Network Management (RNM). Following months of input from the AG, which includes Executive Director Bouchard as the Caltrain representative, MTC executive staff provided a current state assessment of the six representative areas under evaluation:

- Wayfinding
- Fare Integration Policy
- Accessibility
- Bus Transit Priority
- Rail Network Management
- Network Planning

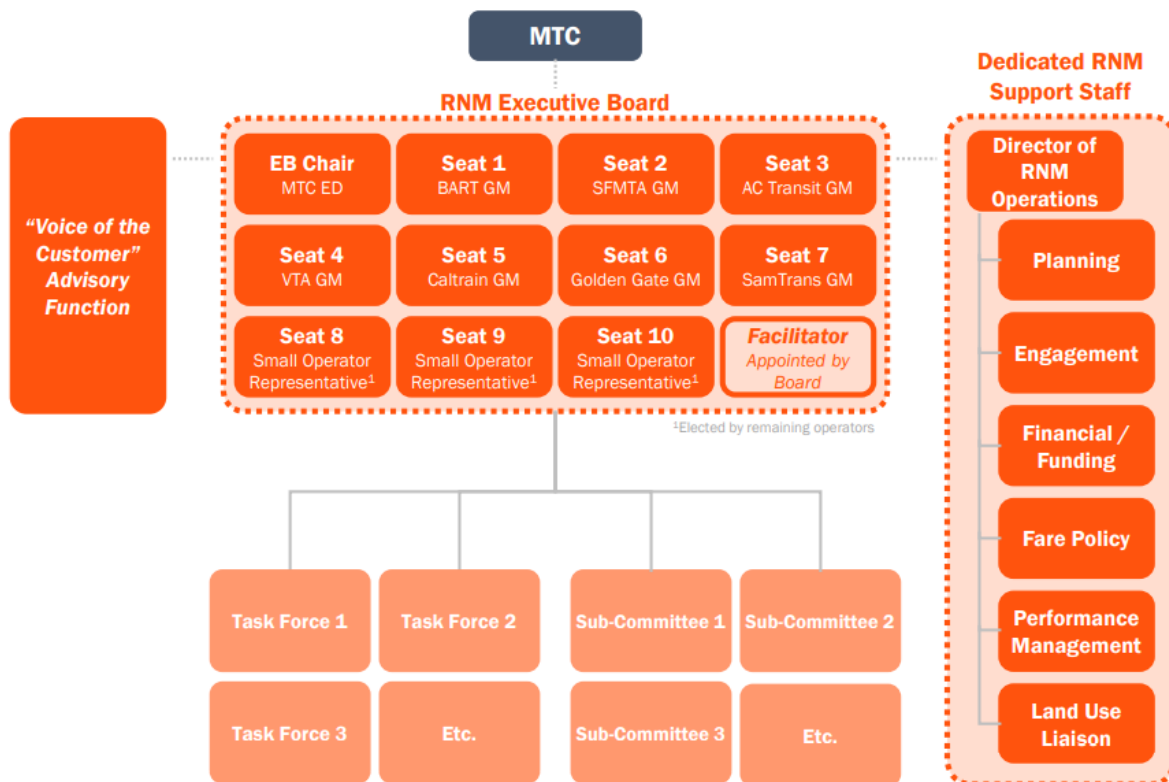
MTC executive staff has proposed roles for operators and a regional entity to play in each of the six representative areas:

- Regional entity will set the vision, make select funding decisions, develop regional policies, create implementation plans, and coordinate regional stakeholders.
- Operators will provide local perspective and implement regional policies.

The RNM Framework includes an overview of the operating model components:



The most significant update on November 14 from MTC and consultant staff was the RNM Framework including a new RNM Executive Board, proposed but unidentified dedicated RNM staff, and a “Voice of the Customer” advisory body:



There was agreement among the general managers on the AG that the proposed RNM Executive Board was representative of regional interests and the six representative areas. The discussion focused on the need to incorporate ridership growth and equity into the Framework, along with performance metrics and an accepted definition of RNM success. MTC staff will return in December with additional details that respond to these general manager questions and concerns.

Executive Director Bouchard and Sam Sargent provided comment from the dais at the AG meeting. Caltrain expressed appreciation for the work of MTC staff, which incorporated most of the comments provided by the general managers on the AG. Furthermore, Caltrain believes that the RNM Framework is more than status quo, providing a public-facing forum for regional general managers and much-needed dedicated staff.

Recommended Action: no action is recommended this month from the JPB. MTC staff will refine the RNM Framework further for a December AG presentation and January 25 update to the MTC. Caltrain will request JPB comment on the RNM Framework in early January.

2. **Plan Bay Area 2050+ Lookahead** - Informational



At the November 9 meeting of the Policy Advisory Council, MTC staff provided a briefing on near-term updates to Plan Bay Area 2050. The goal is to have a regional plan that better reflects current transit ridership and revenue recovery levels. Plan Bay Area 2050 was approved in October 2021, identifying dozens of priorities for transportation, housing, economic development, and environmental resilience.

Plan Bay Area 2050+ will incorporate recently approved MTC documents like the Transit Oriented Communities (TOC) Policy and Major Project Advancement Policy (MAP). The update will also incorporate more recent transit ridership and financial data, as well as the Regional Network Management Framework and other Transit Transformation Action Plan initiatives.

MTC staff anticipate issuing a Request for Qualifications (RFQ) later this year and issue a contract award in summer 2023. An official kickoff is anticipated in July 2023 at the Joint MTC Planning / ABAG Administrative Committee with operator board and staff engagement to follow.

Recommended Action: no action is recommended this month from the JPB. Caltrain staff wanted to provide an early update on Plan Bay Area 2050+, as it will likely be presented on at multiple MTC committees in December. Caltrain staff will provide more in depth updates prior to JPB engagement in summer 2023.

Prepared By: Sam Sargent                      Caltrain, Director, Strategy and Policy                      650-730-6223

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Mike Meader, Caltrain Safety  
Subject: **Suicide Prevention Initiatives** (added 12/1/22 7am)

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

This item is for information only.

**Significance**

This report and accompanying presentation are submitted to keep the Board advised as to the status of suicide prevention initiatives along the Caltrain corridor. The JPB is committed to providing safe and efficient train service between San Francisco and Gilroy, including through the advancement of suicide prevention initiatives such as enhanced safety measures, and increased public awareness. Unfortunately, approximately 70% of the deaths occurring on the Caltrain corridor are ruled suicides, which is consistent with the percentage of overall rail transit fatality statistics throughout the United States attributable to trespassing and suicides.

In an effort to minimize the number of suicides, Caltrain coordinates with regional mental health, and suicide prevention and awareness organizations to help eliminate the stigma associated with seeking help for depression or mental illness. In addition, Caltrain is committed to examining other ways in which Caltrain can help minimize suicides on the right of way.

Caltrain has already implemented most FTA-identified strategies and countermeasures that have either yielded positive outcomes or showed a potential for mitigating suicide and trespasser incidents, inquiries, and fatalities, including:

- A fencing program to inhibit access to the right of way and reduce trespassing incidents
- Conducting community educational outreach activities
- Training operators and employees how to properly handle various trespassing scenarios
- Having transit police respond to trespassing reports and patrol the right of way
- Installing flashing lights or audible alerts at train stations to indicate train arrivals

Additional recommended measures include deploying smartphone apps for passengers to report trespassing or suspicious activities and employing technology applications such as drones and intrusion detection systems to detect trespassers.

**Budget Impact**

There is no impact on the budget associated with receiving this informational update. Caltrain’s ability to further enhance its existing suicide prevention and safety program is contingent on the availability of funding dedicated to that purpose.

**Background**

Since September 2009, Caltrain has participated in California Operation Lifesaver’s (CAOL) annual Rail Safety Month as well as year-round initiatives. CAOL is a nonprofit public safety organization committed to reducing the number of tragic incidents at highway-rail grade crossing intersections and trespassing at railroad rights-of-way.

As a member and community partner of CAOL, Caltrain staff makes year-round, free rail safety presentations to all age groups by educating the community on the three E’s of rail safety – Education, Engineering and Enforcement.

Prepared By:	Mike Meader	Caltrain Safety Chief	650.295.6821
	Tasha Bartholomew	Manager, Communications	650.508.7927

**Citizens Advisory Committee (CAC)**  
**Peninsula Corridor Joint Powers Board (JPB)**  
**San Mateo County Transit District Administrative Building**  
Bacciocco Auditorium, 2<sup>nd</sup> Floor  
1250 San Carlos Avenue, San Carlos CA 94070

**Draft Minutes Of November 16, 2022**

**Members Present:** A. Brandt, R. Jaques (Alternate), L. Klein, R. Kutler, P. Leung, M. Pagee (Alternate), B. Shaw (Chair), JP. Torres, D. Tuzman (Vice Chair), S. Seebart, E. Shapiro

**Members Absent:** P. Joshi (Alternate)

**Staff Present:** T. Burgwyn, J. Harrison, A. Myles-Primakoff, J. Navarrete, D. Santoro, B. Thompson

Due to COVID-19, this meeting was conducted as a teleconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20, which suspends certain requirements of the Ralph M. Brown Act.

Chair Brian Shaw called the meeting to order at 5:41 p.m. and led the Pledge of Allegiance.

**Appointment Of Nominating Committee**

A nominating committee was established with three CAC members, A. Brandt, S. Seebart, and R. Kutler, one member from each county. Staff will coordinate a conference call for the nominating committee to meet and provide a recommendation for Chair and Vice Chair for 2023.

**Approval Of Minutes Of October 19, 2022**

Motion/Second: Klein / Brandt

Ayes: Kutler, Leung, Seebart, Shapiro, Shaw, Torres, Tuzman

Abstain: none

Absent: none

**Public Comment**

None

**Chairperson's Report**

Chair Brian Shaw reported that Caltrain meetings may be moving back to in person, subject to the Brown Act remote requirements, starting in March 2023 and that it would be further explained during agenda item 8, Brown Act Training. He then reported that December, January, and February's Citizen's Advisory Committee meetings will likely be hybrid just as the Board has been meeting since May. He then stated that the change is pending the likely lifting of the emergency order in February 2023 or if there are any amendments to the Brown Act. Chair

Shaw then mentioned that at December's hybrid meeting, staff will provide a holiday meal and encouraged both members from the committee and the public to attend.

### **Committee Comments**

Member Adrian Brandt asked when will committee members, attending the CAC meeting remotely, need to open their doors to persons from the public. Chair Shaw stated that if the committee members continue to attend remotely in December, January, and February, it would not be necessary. He also stated that the option to attend in person starts in December, in preparation for the potential in person meeting in March.

Vice Chair David Tuzman shared his experience on Caltrain from Saturday. He stated that there was lack of communication and messaging during delays. It was later determined that this incident took place on Friday and that Mr. David Santoro, Acting Chief Operating Officer, would look into this matter.

Member Rosalind Kutler suggested Vice Chair Tuzman to call customer service next time he experiences delays. She then addressed the correspondence in the CAC packet from the downtown café and asked staff to follow-up. Lastly, she mentioned that she would be attending an SFMTA meeting on November 30<sup>th</sup>.

Member Brandt pointed out that one of the lowest customer satisfaction survey results was in notification about delays. He also shared other experiences with passengers standing on the wrong platform and missing their train. He then shared his concerns with the upcoming increase in construction, schedule cutbacks and the lack of customer communication. Member Brandt mentioned his support of a policy that includes pets onboard the trains. Lastly, he shared his concerns and his suggestions to prevent vehicles on the tracks.

### Public Comments:

Jeff Carter, Millbrae, via Zoom Q&A, shared the importance of customer communication during delays. He also suggested Caltrain customer service be available during all revenue hours. He also shared his disappointment with the scheduled cutbacks and changes to accommodate electrification. Lastly, he requested staff to review Member Brandt's idea to prevent vehicles on the tracks.

### **Brown Act Training And Presentation**

James Harrison and Anna Myles-Primakoff, Olson Remcho, LLP, presented the Brown Act Training. The full presentation can be found on [caltrain.com](http://caltrain.com).

### Committee Comments:

Member Brandt asked how a CAC member would obtain approval for a qualifying exemption. Mr. Harrison explained that the approval requirement only applies to emergency circumstances and the CAC member would make the request and the CAC would consider that as its first item of business. Otherwise, if a CAC member would like to participate remotely, they will need to

provide the address of the location from where they are participating to be posted on the agenda so that persons of the public may join and observe the meeting from that location.

Member Kutler asked for clarification regarding committee comments and items not on the agenda. Mr. Harrison explained that committee comments do not need to be agendaized. He also stated that it is prohibited for committee members to engage in communications among majority of the members of the CAC regarding matters within the CAC's jurisdiction outside of a noticed CAC meeting. Member Kutler also acknowledged that the alternate CAC members give the CAC flexibility.

Member Larry Klein asked about the agenda logistics when an emergency circumstance occurs. Mr. Harrison responded that if there is enough time, staff will revise and repost the agenda to indicate that the CAC would be considering an emergency circumstances request. Member Klein then asked about the timeline and when there is not enough time to update the agenda. Mr. Harrison advised that the CAC would have the authority to address an emergency circumstance without it being agendaized.

Member Brandt asked about Brown Act violation regarding social media and Mr. Harrison responded that CAC members should refrain from commenting, reposting, or liking a post from another member as it pertains to an item within the CAC's jurisdiction.

Vice Chair Tuzman asked about pre-covid CAC attendance. Chair Shaw responded that alternate CAC members give the CAC a buffer when not all CAC member positions are filled and helps during the process of filling those seats.

Member Jean-Paul Torres asked how many CAC members make up a majority. Mr. Harrison responded that it would be five members of the CAC.

Member Steve Seebart asked whether a quorum would need to include a representation from all three counties, and Chair Shaw stated that it would not.

Public Comments:

Jeff Carter, Millbrae, via Zoom Q&A, expressed his disappointment that the committee members will need to provide their physical location after February. He stated that the remote meetings are working well. He then asked whether members of the public may interact with CAC members on social media. Chair Shaw replied that CAC members may interact with the public so long no other CAC members are present.

Adina Levin, via Zoom Q&A, shared that MTC is looking at the Brown Act reform, to address the issues that members of the CAC have raised about needing to post and publish the remote location. She then stated that the committee may be interested in whether Caltrain is also working to support improving and modernizing that legislation. Chair Shaw stated that he has not seen a report from Government Affairs indicating so.

### **PCEP Construction Schedule Change / Construction Schedule Change**

Ted Burgwyn, Director, Rail Network and Operations Planning and Brent Tietjen, Government and Community Affairs Officer, presented the PCEP Construction Schedule Change presentation. The full presentation can be found on [caltrain.com](http://caltrain.com).

#### Committee Comments:

Member Brandt suggested having sawhorses with very eye-catching signs at all station entrance areas directing passengers to bus stops. He then asked staff to confirm whether there will be more bus bridges to keep the electrification schedule from slipping. Mr. Burgwyn stated that this is the second phase of the signal cut over work and that there are future phases of signal cut over work that will require some service changes next year, and that staff is in preliminary discussions to develop a plan for future work.

Member Seebart was pleased to hear that there will be ambassadors to help direct passengers and asked whether they will be available for the duration of revenue service. Mr. Burgwyn stated that those details are still being worked out, however staff has put together a signage plan and an ambassador plan, however, depends on staff availability. He also informed the committee that staff has contracted a firm that may be able to staff ambassadors and that those details are still being worked out.

Member Klein was glad to hear about the ambassador plan. He then asked what the plan is for Clipper tag on and off at the temporary stops. Mr. Burgwyn stated that passengers will tag on/off at the Caltrain station then tag on/off once the passenger reaches their destination. He also stated that staff is making the bus stops as close to the stations as possible. Member Klein stated that it impedes passengers even more by having to walk back to the station after their trip has ended to tag off and recommended temporary Clipper readers at these locations.

Vice Chair Tuzman requested that at multilevel stations, staff place the signage at ground level and to post the information at other transit agencies that connect with Caltrain to better inform passengers.

Member Brandt agreed with Member Klein's comments and requested that no passengers be cited during this period and that there be enough buses to accommodate passenger with bicycles.

#### Public Comments:

Jeff Carter, Millbrae, via Zoom Q&A, requested that the signage be visible. He also mentioned that ambassadors to help direct passengers during this time is a great idea. Jeff suggested having a bus that runs after 9 p.m. after service shuts down. Lastly, he suggested a better plan to tag on and off, or citation leniency during this period.

Chair Shaw recommended a more seamless operation for tagging on and off to lessen the inconvenience for the passenger.

### **Clipper Next Generation Overview & Monthly Pass Recommendation**

Bruce Thompson, Manager, Fare Program Operations, presented the Clipper Next Generation Overview & Monthly Pass Recommendation presentation. The full presentation can be found on caltrain.com.

#### Committee Comments:

Vice Chair Tuzman asked whether the cost of the monthly pass will increase with Clipper 2. Mr. Thompson stated that there is no planned increase for the functionality.

Member Brandt suggested fare enforcement staff to be aware of the loopholes and asked what happens when a passenger tags on and off at the same station. He then stated that the current tariff, is completely unchanged with this proposal and does nothing to improve the inequity and encouraged staff to look at implementing the distance-based fares. He then asked for clarification around the mobile ticketing. Regarding mobile ticketing, Mr. Thompson responded that when multiple tickets are purchased on the Caltrain app it causes problems with fare enforcement and to prevent that, individual tickets will not be sold on the app and instead passenger will be able to tap on and off. He then informed the committee that when a passenger taps on and immediately taps off, the system will not register that tap and will need to wait sixty to ninety seconds to re-tap.

Member Patricia Leung appreciates the installation of the new Clipper devices to help alleviate the lines. She then recognized that the new requirement to tag on and off will help gather data to determine whether station-based fare and integrated fares are feasible. Mr. Thompson responded that it would provide Caltrain with more data.

Member Kutler asked whether there will be customer education with the new system. Mr. Thompson responded that there would need to be customer education with Clipper Next generation, overall.

Vice Chair Tuzman requested that the new system allow more flexibility to feed into other apps. Mr. Thompson advised that the business rules are still being reviewed and that he would return to this committee with more information as it becomes available.

#### Public Comments:

Adina Levin, via Zoom Q&A, stated that the Regional Fare Coordination and Integration Study shows significant benefits to ridership with Caltrain's standardized fare structure and hopes that Caltrain can move in that direction. She also stated that moving toward an accumulator model, which Clipper 2 may support, would be helpful.

Jeff Carter, Millbrae, via Zoom Q&A, recommended that Caltrain move to a station-to-station fare structure. He then stated that he likes the idea of automatic zone upgrades and that it would work with station-to-station fare structure. He then asked how the zone upgrades would work mid-trip and Mr. Thompson explained.



Chair Shaw stated that this is heading in the right direction and that the goal is to remove the zone-based fares and to move to a fare structure like BART and move to a station-to-station fare structure.

### **Staff Report Update**

David Santoro, Acting Chief Operating Officer reported (The full report can be found on caltrain.com):

#### **On-time Performance (OTP) –**

- **October:** The October 2022 OTP was 90.8% compared to 93.8% for October 2021.
  - **Vehicle on Tracks** – There were three days, October 13, 27 and 28 with a vehicle on the tracks, which caused train delays
  - **Mechanical Delays** – In October 2022 there were 816 minutes of delay due to mechanical issues compared to 980 minutes in October 2021.
  - **Trespasser Strike** – There was one trespasser strike on October 14 in San Francisco, resulting in a non-fatality, which caused 1 train annulled and 21 trains delayed.
- **September:** The September 2022 OTP was 85.5% compared to 95.6% for September 2021.
  - **Vehicle Strike** – There was one vehicle strike on September 8 at Churchill Avenue, which caused 2 trains delayed. \*\*This strike occurred on September 9, but we were still operating September 8 revenue service. \*\*
  - **Trespasser Strikes** – There were two trespasser strikes on September 2 and 6, resulting in one fatality. The strike on the 2nd was a non-fatality at San Antonio Station, which caused 1 train terminated, 1 train annulled, and 12 trains delayed. The strike on the 6th was a fatality on the UPRR territory, which caused 1 train terminated and 2 trains delayed.

Mr. Santoro invited the committee to review the agenda packet for Holiday Service modified schedules. He also mentioned that Caltrain will offer free fares starting at 8 p.m. on New Year's Eve. He then shared that the Holiday Train is scheduled for December 3<sup>rd</sup> and 4<sup>th</sup>.

#### Committee Comments:

Vice Chair Tuzman requested staff to investigate the incident he had described earlier in the meeting and corrected the date of the incident as Friday night, Saturday morning. Mr. Santoro responded that staff would look into the matter and would follow-up through the CAC Secretary.

JPB CAC Meeting Minutes  
November 16, 2022

Member Brandt stated the Average Weekday Ridership has dropped by one percent and is heading in the wrong direction. He also requested that staff provide the percentage on the report. He then requested staff to provide a presentation considering ways to prevent vehicles on the tracks. Mr. Santoro stated that he would work with the Safety group to put together a presentation for the committee.

Public Comments:

None

**JPB CAC Work Plan**

December 21, 2022

- Suicide Prevention Initiatives
- PCEP Construction Schedule Changes
- 

January 18, 2023

- CAC role in Measure RR oversight update
- 
- 

February 15, 2023

- Measure RR audit report
- 
- 

March 15, 2023

- 
- 
- 

April 19, 2023

- 
- 
- 

May 21, 2022

- 
- 

Suggested Items:

- Go Pass cost per ride factors – requested by Chair, Brian Shaw on 6/19/19
- San Mateo County Climate Action Plan – requested by Member Rosalind Kutler on 10/16/19
- MTC Means-Based Discount Fare program update
- Caltrain connections with other agencies – requested by Member Rosalind Kutler on 12/18/19 and Alternate Member Rob Jaques on 12/15/21
- Update on grade crossing pilot six months after installation – requested by Member, Patrick Flautt on 12/18/19
- Operating Costs – requested by Member Adrian Brandt on 2/13/20
- Rail Corridor Use Policy – requested by Member Anna Dagum on 10/21/20
- Industry Safe Functionality
- Blue Ribbon Task Force
- Clipper Data Availability
- Construction Obstacles
- Wireless Solution Technology – requested by Member Adrian Brandt on 12/8/21
- Redwood City Station Development - requested by Member Adrian Brandt on 12/8/21
- Dual speed check installation/Constant Warning, Downtown Extension, elevated four track station, future Dumbarton Rail extension and the Google campus being planned at the Diridon station, PCEP project wireless overlay system and level boarding and the status of fully vaccinated staff - requested by Member Adrian Brandt on 12/15/21
- Transit Oriented Development & historic station preservation outreach - requested by Member Patricia Leung on 12/15/21
- Equity evaluation on the most recent schedule change and Go Pass qualification requirements - requested by Member Rosalind Kutler on 12/15/21
- Staffing structure, Governance Update, Visual Messaging Display rollout plan, Equity Plan implementation/update and periodic updates from Government Affairs regarding funding sources and how infrastructure bills may impact Caltrain - requested by Member David Tuzman on 12/15/21
- Caltrain Wayfinding improved, specifically with single tracking - requested by Member Jean-Paul Torres on 12/15/21
- Conductor's communication tools and how they may interface with the public. Regional trip planning and availability for riders that do not have access to mobile devices - requested by Alternate Member Melody Pagee on 12/15/21
- Distance-based fares on Caltrain. Deep dive on it from a practical standpoint - requested by Chair, Brian Shaw on 12/15/21
- iPhones for Conductors
- Constant Warning
- Engineering Standards

- Brainstorming sessions for Conductor iPhone applications
- Fare Enforcement Update – requested by Chair, Brian Shaw on 7/20/22
- Proof of Payment
- Clipper Next Gen Validator Project Update
- Grade Crossing Presentation – requested by Member Adrian Brandt on 9/21/22
- Look into allowing non-service animals on Caltrain with a travel carrier - requested by Vice-Chair David Tuzman on 9/21/22
- Code of Conduct

**Date, Time, And Location Of Next Regular Meeting:**

The next meeting will be December 21, 2022, at 5:40 pm, via Zoom (additional location, if any, to be determined).

Adjourned at 8:23 pm.

DRAFT

**Resolution No. 2022-**

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

\* \* \*

**Resolution of Appreciation for**

**Charles Stone**

**Whereas, Charles Stone** was first appointed to the Peninsula Corridor Joint Powers Board (Caltrain) Board of Directors in 2018 representing the San Mateo County Transit District, and served as vice chair of the Board in 2022; and

**Whereas, Vice Chair Stone** has also served as chair of the JPB's Work-Program-Legislative-Planning group since 2019; and

**Whereas, Vice Chair Stone** provided invaluable leadership during his tenure, bringing a strong sense of initiative and transparency to the Board and furthering Caltrain's goal of providing quality transportation service to improve the quality of life for the communities we serve throughout the region; and

**Whereas, Vice Chair Stone** has been extremely supportive, in every step of the way, to help secure funding for Caltrain's Electrification Project, as well in the delivery of rail agency's first set of electric train sets; and

**Whereas, during Vice Chair Stone's** tenure, has been instrumental in supporting many of Caltrain's other major infrastructure projects including the 25<sup>th</sup> Avenue Grade Separation Project, the South San Francisco Station Improvement Project, and Positive Train Control (PTC); and

**Whereas, during Vice Chair Stone's** tenure, he was a significant part of the decision-making process related to the coronavirus (COVID-19) pandemic, including endorsement of the Bay Area Healthy Transit Plan; and

**Whereas, Vice Chair Stone** was also a big supporter of the Board adopted Caltrain Business Plan and the Framework for Equity, Connectivity, Recovery & Growth policy. The equity policies included in the Framework will help ensure that the rail service's recovery from the COVID-19 pandemic occurs in a way that expands access to low-income individuals and communities of color that have historically been underrepresented in the system's ridership; and

**Whereas, Vice Chair Stone** helped reinforce Caltrain's commitment to diversity, equity, access, and inclusion of all persons in support of the African-American, and Asian-American and Pacific Islander and Hispanic communities, and in recognition of Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month, among many others; and

**Whereas, Vice Chair Stone** has always supported and participated in Caltrain's annual Holiday Train and Martin Luther King (MLK) Jr. Celebration Train events; and

**Now, Therefore, Be It Resolved** that the Peninsula Corridor Joint Powers Board hereby commends and expresses its sincere appreciation to **Charles Stone** for his outstanding service to Caltrain his many accomplishments on the Board of Directors.

Regularly passed and adopted this 1<sup>st</sup> day of December, 2022 by the following vote:

Ayes:

Noes:

Absent:

---

Chair, Peninsula Corridor Joint Powers Board

Attest:

---

JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Pranaya Shrestha, Chief Officer,  
Caltrain Modernization Program  
Subject: **Peninsula Corridor Electrification Project Monthly Progress Report**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

Staff Coordinating Council recommends the Board receive the Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report (MPR).

No action required.

**Significance**

Staff prepares and submits a report covering the PCEP monthly.

**Budget Impact**

There is no impact on the budget.

**Background**

The MPR is intended to provide funding partners, stakeholders, and the public a PCEP overview and an overall update on project progress. This document provides information on the scope, cost, funding, schedule, and project implementation.

Prepared By: Pranaya Shrestha      Interim Chief Officer, Caltrain      720.757.9191  
Modernization Program



## Caltrain Modernization Program Peninsula Corridor Electrification Project (PCEP)



# Executive Monthly Progress Report

October 31, 2022



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## **1.0 EXECUTIVE SUMMARY**

### **1.1 Introduction**

The Peninsula Corridor Electrification Project (PCEP) will upgrade 51 miles of diesel service to electrified service from San Francisco to San Jose (Tamien Station). The PCEP scope of work includes design and construction of an overhead contact system, traction power facilities, modification of the existing signaling and grade crossing protection system to make it compatible with the electrified railroad, substation improvements at Pacific Gas and Electric (PG&E) substations, and modifications at existing tunnels and Caltrain's maintenance facility. It also includes the design, manufacturing, assembly, testing, and delivery of the Electric Multiple Units (EMUs).

Caltrain completed a thorough assessment of all aspects of the program including cost, schedule, risks and organization after the global settlement in 2021. Caltrain re-baselined the program budget and schedule in December of 2021. Caltrain is committed to deliver PCEP and achieve revenue service in September of 2024.

### **1.2 Program Cost and Budget**

On December 6, 2021, the JPB adopted a new PCEP program budget of \$2,442,690,697. As of October 2022, the project is on budget:

- The current project total cost at completion (EAC) is the same as Board adopted budget of \$2.44 billion.
- As of October 2022, a total of \$2.89M has been drawn down from the Shared Risk Pool of \$50 million. In October 2022, \$0.03M was drawn from the Shared Risk Pool.
- As of October 2022, a total of \$1.37M has been drawn from the project contingency of \$40 million. In October 2022, \$0.20M was drawn from project contingency.
- As of October 2022, no new awards have been made from the Project incentive pool of \$18.5 million.

### **1.3 Program Progress and Schedule**

As of October 31, 2022, the overall project completion is 77.35%. The current program schedule is projecting a PCEP substantial completion date of April 2024 and Revenue Service by September 2024.

### **1.4 Change Management Board (CMB)**

In October 2022, no change orders were brought to CMB for approval.

### **1.5 This Month's Accomplishments**

The project team has completed the following notable activities for the month of October 2022:

- Finalized Segment 4 energized rail isolation and protection procedure.
- Issued updated Site Specific Work Plan (SSWP) that includes 25kV isolation and protection request.
- Held Executive Partnering session with BBII, Rail Operations and TASI.
- Continued TPS1 Single Phase Study for Line 1 and Line 2.
- Continued safety special task force working group, including TASI, Rail

Operations and PCEP to address communications, process and procedure improvements.

- Continued to recruit experienced, qualified resources to fill key positions for PCEP delivery. As of October 2022, the following positions were filled: Lead Scheduler and a Close-out Manager.
- Performed regression tests for previous 2SC cutover location application logic update.
- Completed Segment 2 SSF cutover.
- Commenced installation and pretesting activities for Segment 2 at Menlo Park, Redwood City, and Palo Alto in early December with Rail Operation and Rail Planning.
- Continued providing PCEP progress updates to funding partners, leadership, elected officials, citizens, and business community. The funding task force is actively pursuing TIRCP grant opportunity.
- Continued Rail Activation effort on path to energization for Segment 4 and CEMOF.
- Finalized Emergency Preparedness Plan (EPREP) and Standard Operating Procedures (SOPs) updates for electrified operations with TASI and Rail Operations.
- Commenced readiness review for Segment 4 system integration testing and energization with Design-Builder.
- Continued track access and RWIC workshops with BBII, Rail Operations and TASI.
- Continued 25kV in-depth OCS awareness training for all TASI staff and tenant railroad trainers prior to full Segment 4 energization.
- Completed OCS Segment 4 Sectionalization Testing.

## 1.6 Upcoming work

For the next six months, the PCEP team has set additional goals as described below:

- Start implementing energized rail isolation and protection procedure.
- Perform Emergency Preparedness Plan (EPREP) rehearsal and finalize new timetables.
- Complete 25kV in-depth OCS awareness training for all TASI staff and tenant railroad trainers prior to full Segment 4 energization.
- Continue to hold CMB and PCEP partnering sessions and finalize procedures for the implementation of the Configuration Management Board from the Funding Partners Oversight Protocol.
- Continue to work with PG&E on the interconnect construction cost reimbursement timeline.
- Continue to hold Executive and Project Team Partnering sessions.
- Finalize Program Management Plan (PMP) and Quality Management Plan (QMP).
- Perform TPS2 short circuit testing.
- Energize Drill track to enable EMU re-commissioning and PTC testing.
- Continue pursuing federal and local grants to close the funding gap.
- Hold Monthly CMB meeting for program status and change order approval.
- Continue 2SC application logic update for previous 2SC cutover locations.

- Complete last major Segment 2 cutover at Ralston and Mayfield in December.
- Complete Segment 4 mainline live runs and full energization.
- Review Path for Completion plan that requires more track access and work windows on weekends to maximize productivity for the remaining infrastructure, signal cutover, and testing.

The PCEP Project is currently on budget and on time for achieving Revenue Service in September of 2024.

**1.7 Critical Items**

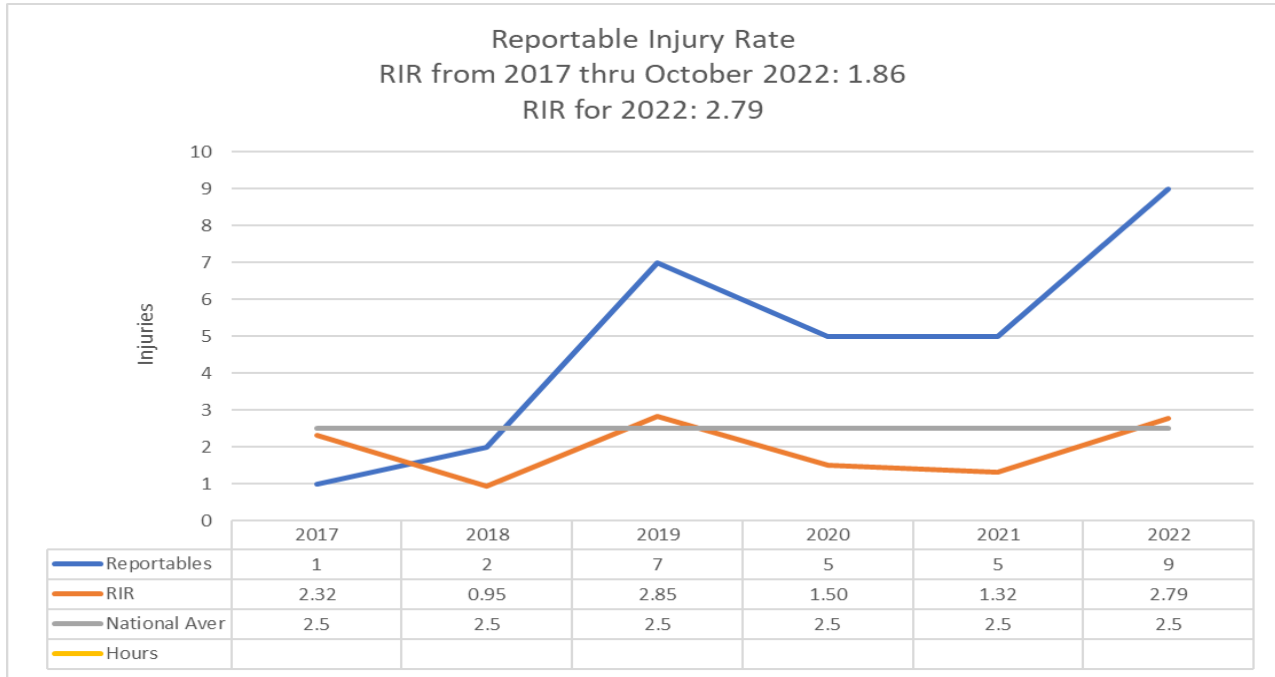
As of October 2022, the top critical items and related actions are highlighted below.

**Table 1-1. Critical Issues and Actions**

Critical Issues	Actions
Overhead Contact System (OCS) installation delay due to low productivity  Note: The project OCS work was on hold from March 10, 2022, to March 28, 2022 during the safety stand down.	<ul style="list-style-type: none"> <li>• Additional BBII OCS crew training for regulation and variance in the OCS design / installation due to re-design &amp; accommodations to resolve foundation Differing Site Conditions (DSC) issues – Done.</li> <li>• Hiring additional BBII OCS staff members to prevent schedule slippage and help in future installation planning – Done.</li> <li>• Hold OCS construction scheduling recovery workshop for remaining OCS installation and testing – Done.</li> <li>• Increase OCS crews and OCS wiring equipment to increase productivity - Done</li> </ul>
Timely completion of Segment 2 Signal/2SC cutover	<ul style="list-style-type: none"> <li>• Perform comprehensive cutover planning; develop and track dashboard for each cutover, including design submittal, duct bank completion, flagger needs.</li> <li>• Work closely with Rail Operations to maximize track access, including weekend bus bridge.</li> <li>• Advance notification to the public on train schedule service changes for weekend shutdown.</li> <li>• Last major cutover is planned for December 5, 2022 through December 19, 2022.</li> </ul>
Funding of \$410 million program gap	<ul style="list-style-type: none"> <li>• Special task force is in place to identify federal and state grant opportunities to pursue.</li> <li>• Targeted advocacy is ongoing.</li> <li>• Prepare earmarks grant scope and application.</li> </ul>
Lack of field railway worker in charge (RWIC) for increased work crews	<ul style="list-style-type: none"> <li>• Design-builder brought in more watchmen for off-track work.</li> <li>• TASI to expedite RWIC hiring and training.</li> <li>• Explore third party field resource procurement path.</li> <li>• Assess operational impact for expanding work limits with track and time.</li> </ul>

**2.0 SAFETY**

There were two reportable injuries in October (1 back and 1 foot injury). The Reportable Injury Rate (RIR) for 2022 through October is 2.79. Overall, since the project's inception, the RIR is at 1.86.



**Figure 2-1. Project Reportable Injury Rate (RIR) by Year**

**Completed Work**

Safety staff continues to coordinate with contractors to identify opportunities to improve safety performance. Organizational-wide safety briefings are being performed to ensure staff understand the application of post incident mitigation measures including rules and procedural changes designed to enhance safety. Project Safety continues to reinforce jobsite safety practices throughout the Caltrain alignment, investigate incidents, and identify mitigation measures to prevent re-occurrences. Safety project coordination meetings continue to be conducted monthly to promote a clear understanding of project safety requirements. In addition, Caltrain Safety has initiated weekly calls with the lead safety staff from Caltrain, PCEP, BBII, and TASI to discuss safety performance and ongoing initiatives.

**Upcoming Work**

The Fire/Life Safety Committee continues to work with the San Jose and Santa Clara Fire Departments on Emergency Preparedness in preparation for the energization of Segment 4. The safety team has updated the OCS and EMU emergency responder safety familiarization presentations to include voiceover features for use by the Fire Departments. The presentation will also be shared with other emergency responder jurisdictions through the project Fire/Life Safety Committee. A full-scale emergency exercise that will include an electrification incident response component is scheduled for November 20, 2022. Segment 3 Fire Department safety awareness training has been scheduled for Sunnyvale (1/4, 1/5, and 1/6/2023) and Mountain View (1/30, 2/1, and 2/3/2023) Fire Departments. Additional training is currently being

coordinated with other Segment 3 Fire Departments.

OCS safety awareness training has been provided to 243 Fire Department trainers, third party contractors, and tenant railroad personnel with additional classes to be scheduled as needed. PCEP will continue to train key management personnel and provide training material for use in training their respective personnel.



3.0 IMS PROGRAM SCHEDULE

3.1 Introduction

The Integrated Master Schedule (IMS) Program Summary Schedule depicted in **Figure 3-1** shows the schedule status of the major PCEP projects. The forecasted dates for this program schedule were based on the source documents to the IMS as of November 1, 2022. The Revenue Service Date (RSD) and Full Funding Grant Agreement (FFGA) Revenue Completion Date (RCD) remains September 26, 2024, and December 31, 2024 respectively.

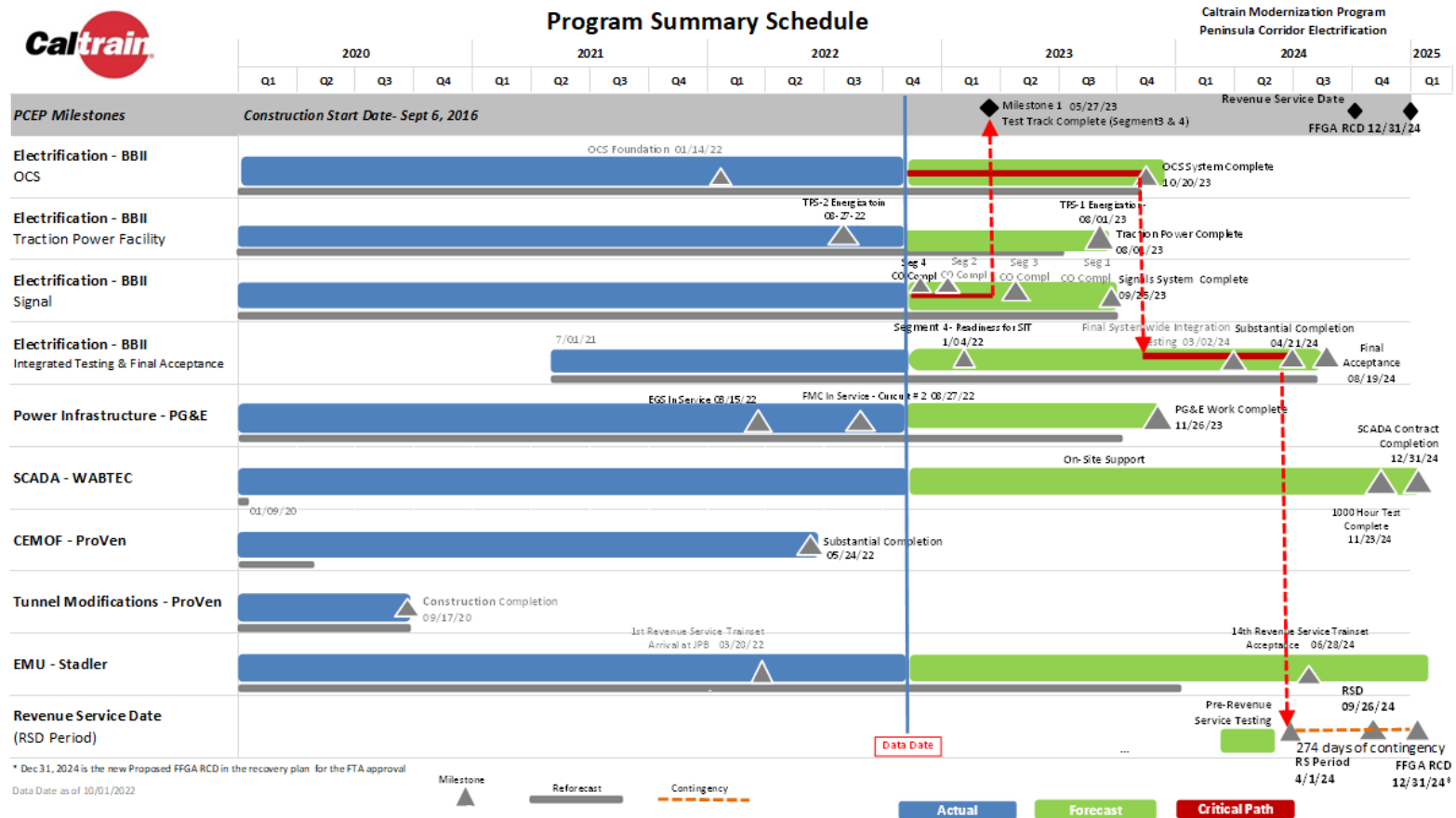


Figure 3-1. Master Program Summary Schedule

### 3.2 Critical Path Analysis

The critical path this month is now shown to go through the Signal Design, OCS Construction, Signal Installation, Communications Installation, and Testing and Commissioning. The project criticality has slipped from -16 days in September 2022 to -20 days this month in October.

The current near critical path is the Wayside Power Construction followed by Testing and Commissioning. The near critical path is within 7 days of the critical path.

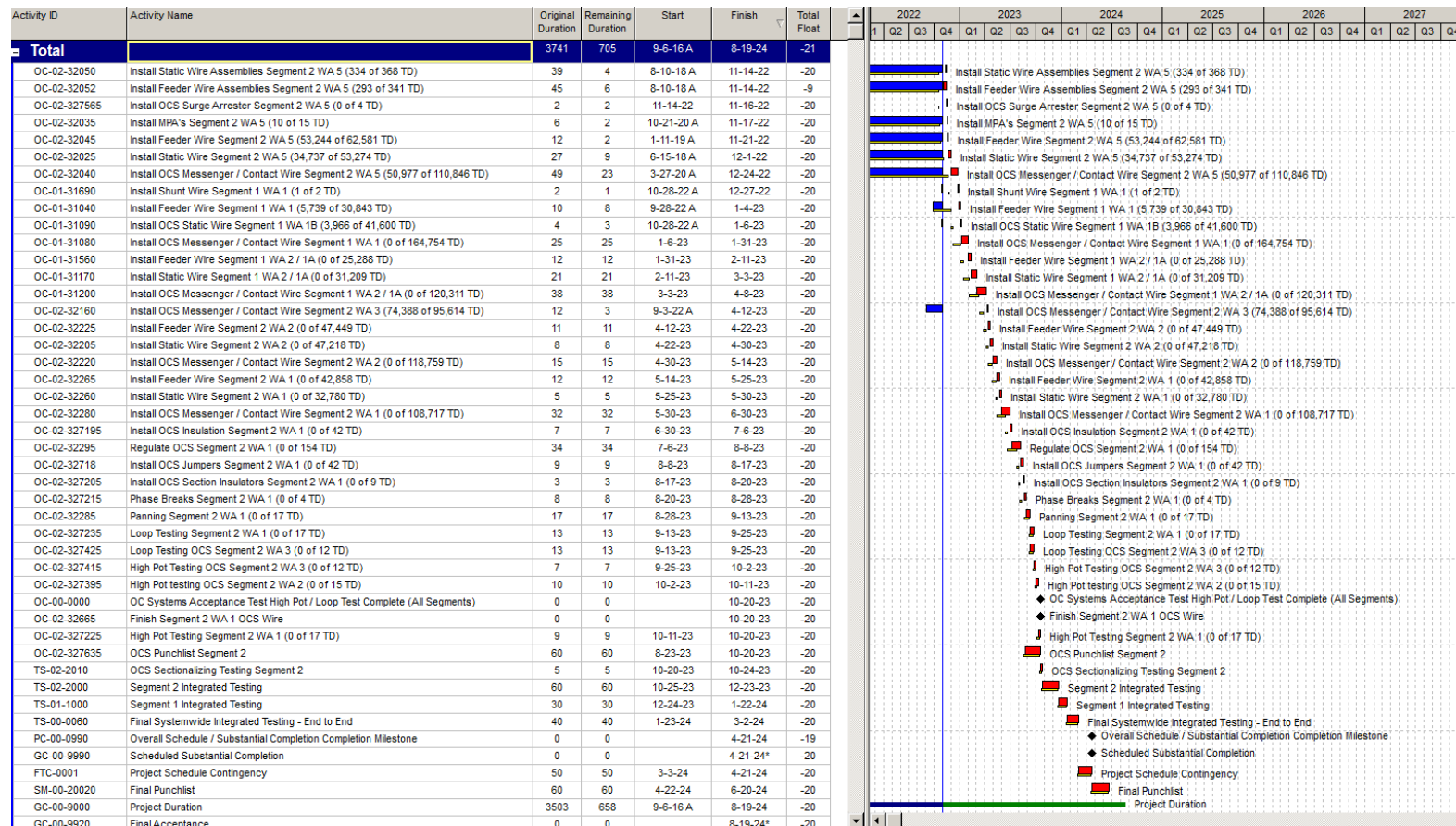


Figure 3-2. Critical Path Schedule

### 3.3 Schedule Contract Milestone Analysis

Milestone 1, redefined to include Segment 3 and 4 for more trainset testing mileage, is scheduled by May 2023. The current forecast date for full alignment Substantial Completion is now April 21, 2024 with Final Acceptance now forecasted for August 19, 2024.

Contractor	Milestones	Reforecast (June 2022) Dates	Current (October 2022) Forecast	Milestone Finish Date Variance	Remarks
BBII	Segment 4 Completion	15-Nov-22	04-Jan-23	-50	Delayed by grounding and bonding delays and delays to Segment 4 integrated testing
BBII	Completion of Milestone 1 (Segments 3 and 4)	30-Apr-23	27-May-23	-27	Delayed by Seg 2 Phase 1 signal cutover installation delays which, in turn, delayed installation of Segment 3 signal cutovers
BBII	Traction Power Substation #1 Energization	03-Jun-23	01-Aug-23	-59	Delayed by replacement of the batteries and revisions of the enclosure at TPSS-1 to meet PG&E requirements
BBII	Signal Cutovers and Systems Completion	16-Sep-23	25-Sep-23	-9	Delayed by Seg 2 Phase 1 signal cutover installation delays which, in turn, delayed installation of Seg 3 and 1 signal cutovers
BBII	OCS Construction Completion	25-Sep-23	20-Oct-23	-25	Delayed by installation delays of OCS beams, poles and static & feeder wiring in Segment 2
Stadler	14th Trainset Final Acceptance	04-Jan-24	28-Jun-24	-176	Stadler is experiencing track access availability, workforce availability and material issues with their Suppliers.
BBII	System Integration Testing Start (Segment 4)	05-Oct-22	24-Nov-22	-50	Delayed by energization delay of Overhead Contact System (OCS)
BBII	System Integration Testing Completion	07-Feb-24	02-Mar-24	-24	Delayed by installation of Overhead Contact System (OCS) in Segments 2 and 1.
BBII	Substantial Completion	01-Apr-24	21-Apr-24	-20	Delayed by Integrated Testing
BBII	Scheduled Final Acceptance	30-Jul-24	19-Aug-24	-20	Delayed by Final Completion and Final Acceptance Testing
JPB	Revenue Service Date (RSD)	26-Sep-24	26-Sep-24	0	
JPB	FFGA Revenue Completion Date (RCD)	31-Dec-24	31-Dec-24	0	

Note: The Stadler variance is measured from February 2022 Rebaseline Schedule.

**4.0 COST AND BUDGET**

**4.1 Introduction**

This section presents current program cost and budget. On December 6, 2021, the JPB adopted a new Program budget of \$2.44 billion. Table 4-1 depicts a summary level of program budget, costs, and estimate at completion based on the latest update of the Electrification and EMU projects as of October 31, 2022.

**4.2 Program Budget and Cost**

**Table 4-1. Budget Summary by Project**

Description of Work	Current Budget (A) <sup>1</sup>	Cost This Month (B) <sup>2</sup>	Cost To Date (C) <sup>3</sup>	Estimate To Complete (D)	Estimate At Completion (E) = (C) + (D)	Variance at Completion (F) = (A) – (E)
Electrification	\$1,749,139,438	\$7,718,498	\$1,418,145,700	\$330,993,738	\$1,749,139,438	\$0
EMU	\$693,551,258	\$13,963,536	\$498,292,960	\$195,258,299	\$693,551,258	\$0
<b>PCEP TOTAL</b>	<b>\$2,442,690,697</b>	<b>\$21,682,034</b>	<b>\$1,916,438,660</b>	<b>\$526,252,037</b>	<b>\$2,442,690,697</b>	<b>\$0</b>

1. Column A "Current Budget" includes re-baseline and executed change orders and awarded contracts.
2. Column B "Cost This Month" represents the cost of work performed this month.
3. Column C "Cost To Date" includes actuals (amount paid) and accruals (amount of work performed) to date.

Table 4-2 depicts program budget, costs, and estimate at completion summarized by major elements of work. This budget table provides additional detail for the program and is broken down by major contracts for Electrification and EMU, minor contracts, real estate, utilities, project management oversight and other indirect support costs.

**Table 4-2. Budget Summary by Major Elements**

Description of Work	Re-Baseline Budget	Current Budget	Cost This Month	Cost To Date	Estimate To Complete	Estimate At Completion
Electrification	\$1,097,149,881	\$1,097,149,881	\$3,982,761	\$834,755,412	\$262,278,469	\$1,097,033,881
EMU Procurement	\$556,072,601	\$556,204,966	\$12,986,483	\$414,698,351	\$141,506,615	\$556,204,966
Minor Construction Contracts (Tunnel, CEMOF, SCADA, Non-BBI OCS)	\$67,055,072	\$68,091,194	\$0	\$64,453,991	\$3,637,203	\$68,091,194
Real Estate Acquisition & Support	\$34,914,177	\$34,914,177	\$15,737	\$23,895,686	\$11,018,492	\$34,914,177
PG&E, Utilities	\$132,088,995	\$132,088,995	\$753,213	\$201,069,233	-\$68,980,238	\$132,088,995
Management Oversight & Support	\$312,699,697	\$312,899,697	\$2,735,495	\$252,050,715	\$62,948,981	\$314,999,697
TASI Support	\$114,488,767	\$114,488,767	\$1,190,404	\$87,070,805	\$27,417,962	\$114,488,767
Finance Charges	\$9,898,638	\$9,898,638	\$68,248	\$9,182,809	\$715,829	\$9,898,638
Insurance	\$6,581,851	\$6,581,851	\$0	\$4,897,449	\$1,684,402	\$6,581,851
Other Required Projects & Services	\$9,084,176	\$9,084,176	\$3,622	\$3,052,385	\$6,031,791	\$9,084,176
Environmental Mitigation	\$14,438,866	\$14,438,866	\$15,130	\$1,242,229	\$13,196,637	\$14,438,866
Caltrain Capital Overhead (ICAP)	\$48,217,887	\$48,217,887	(\$69,058)	\$20,069,594	\$28,148,293	\$48,217,887
Contingency	\$40,000,089	\$38,631,602	\$0	\$0	\$36,647,602	\$36,647,602
<b>Total</b>	<b>\$2,442,690,697</b>	<b>\$2,442,890,697</b>	<b>\$21,682,034</b>	<b>\$1,916,438,660</b>	<b>\$526,252,037</b>	<b>\$2,442,690,697</b>

### 4.3 Program Shared Risk Pool and Contingency

Caltrain and Balfour Beatty Infrastructure, Inc. (BBII) continue implementing new mechanisms to ensure a collaborative approach to Project delivery. The management team meets every week to review the issues log focusing on risk mitigation and issues resolution.

As part of global settlement, a shared risk pool of \$50 million was established to manage risks and mitigation proactively and collaboratively with the design-build contractor. Table 4-3 shows the current shared risk drawdown for the current month and to-date as well as the remaining balance of the shared Risk Pool by Risk Category. Any shared risk items (27 Risk IDs listed below in Table 4-3) that are above \$250,000 require Change Management Board (CMB) approval.

**Table 4-3. Shared Risk Pool Status as of October 2022**

Risk ID	Risk Description	Risk Amount	Current Month	Executed to Date	Remaining Balance
1	Permanent Power Availability	\$268,572	\$0	\$160,916	\$107,656
2	Different Site Condition for OCS Foundation	\$3,500,000	(\$36,535)	\$986,104	\$2,513,896
3	Different Site Condition for Duct bank	\$2,800,000	\$27,009	\$125,666	\$2,674,334
4	Condition of existing Fiber backbone infrastructure	\$3,150,000	\$0	\$132,561	\$3,017,439
5	Availability of TASI Resource	\$5,777,820	\$0	\$0	\$5,777,820
6	Signal Cutover access and work window	\$5,607,150	\$0	\$0	\$5,607,150
7	Condition of existing signal system	\$538,572	\$0	\$29,125	\$509,447
8	EMI Nonconformance by EMU Vendor	\$750,000	(\$144,500)	\$0	\$750,000
9	Reed Street Cutover	\$90,000	\$0	\$0	\$90,000
10	Availability of low voltage power for cutover testing	\$1,120,000	\$0	\$0	\$1,120,000
11	Third party Permits	\$150,000	\$0	\$0	\$150,000
12	SCADA integration for the entire alignment	\$159,524	\$0	\$0	\$159,524
13	Tunnel OCS Compatibility	\$167,500	\$0	\$0	\$167,500
14	Supply chain issue due to COVID 19	\$300,000	\$0	\$28,923	\$271,077
15	End to end Systems integration commissioning	\$2,100,000	\$0	\$0	\$2,100,000
16	Existing Caltrain Operating systems interface and integration	\$1,400,000	\$0	\$0	\$1,400,000
17	Third party Approval	\$150,000	\$0	\$0	\$150,000
18	Impact from Caltrain other capital or third-party projects	\$2,166,683	\$0	\$159,342	\$2,007,340
19	Track access delay for BBII Construction	\$1,800,000	\$0	\$14,605	\$1,785,395
20	Additional light Maintenance and Protection Needs	\$280,000	\$144,500	\$144,500	\$135,500
21	Crossing Protection	\$220,000	\$0	\$102,334	\$117,666
22	Power facilities	\$500,000	\$0	\$0	\$500,000
23	NCR's	\$0	\$0	\$0	\$0
24	Potholing	\$1,700,000	\$36,535	\$107,547	\$1,592,453
25	Pre-Revenue Service Operational Testing	\$250,000	\$0	\$0	\$250,000
26	TRO Contingency	\$3,000,000	\$0	\$0	\$3,000,000
27	Contingency	\$12,000,000	\$0	\$900,000	\$11,100,000
NA	Unidentified	\$54,179	\$0	\$0	\$54,179
	<b>BBII Risk Pool Total</b>	<b>\$50,000,000</b>	<b>\$27,009</b>	<b>\$2,891,624</b>	<b>\$47,108,376</b>

In addition to the established Risk Pool with BBII, the Re-Baseline Budget includes a program contingency of \$40 million to cover non-BBII potential changes and unknown costs. Table 4-4 provides a detailed status of approved transfers from contingency due to executed Contract Change Orders and approved Budget Transfers.

**Table 4-4. Program Contingency Drawdown Balance**

Change Order	Description	Current Budget Contingency	EAC Contingency
<b>Project Contingency</b>		Previously Reported Balance	<b>\$38,831,602</b>
BT-027D	Legal Support FY23 – PG&E Counsel	(\$200,000)	
BT-029D	GFI Electrification Engineering FY23-24 Additional Staff		\$2,100,000
<b>PROJECT CONTINGENCY REMAINING BALANCE</b>		<b>\$38,631,602</b>	<b>\$36,647,602</b>

Note: EAC Contingency reflects forecast contingency.

**4.4 Electrification Design Builder Contract Incentives**

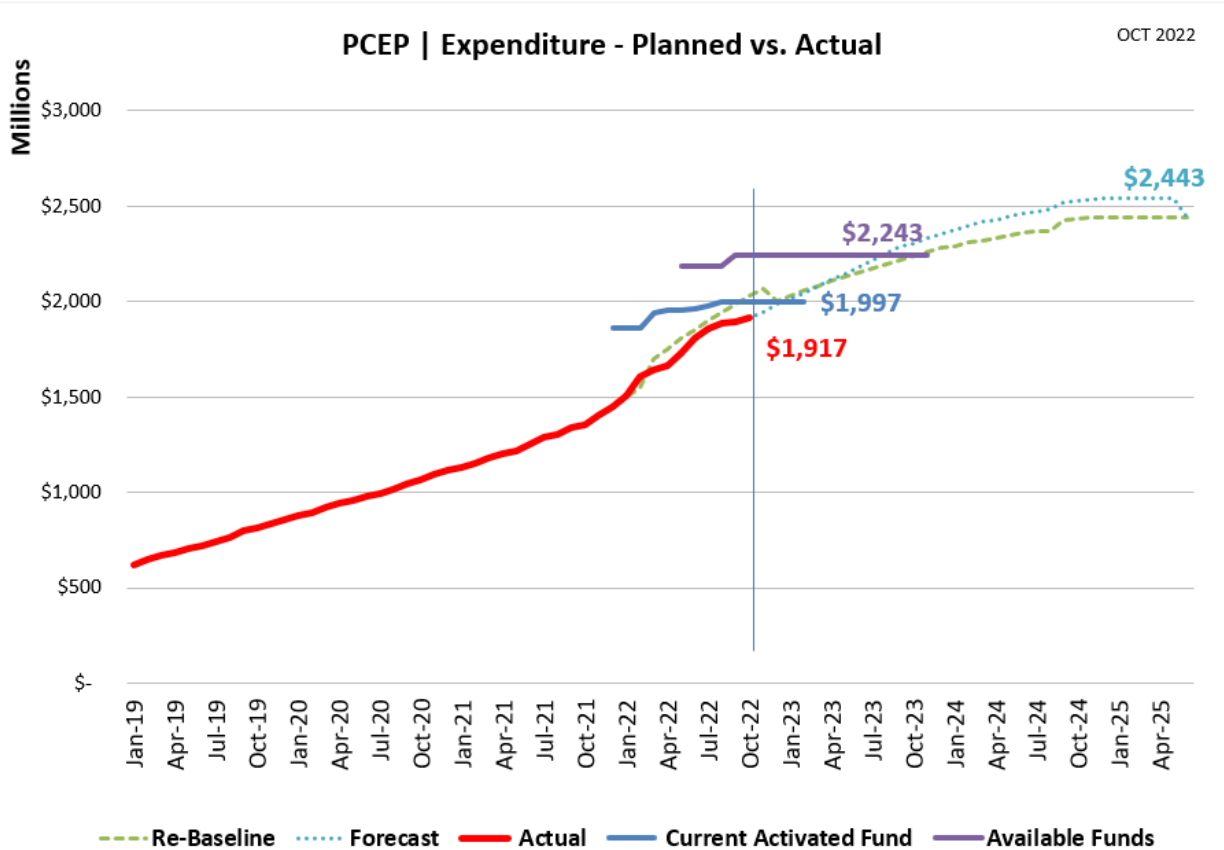
The Global Settlement with BBII also includes incentives based on Milestone completions and remaining contract incentives. Table 4-6 provides a status of Design-Build Contractor incentives Budgeted, Awarded, and remaining Balance.

**Table 4-5. BBII Incentives**

Incentives	Budgeted	Awarded	Balance
<b>Contract Incentive:</b>			
Quality	\$1,250,000	\$1,000,000	\$250,000
Safety	\$2,500,000	\$875,000	\$1,625,000
Community Outreach	\$2,500,000	\$1,750,000	\$750,000
DBE	\$900,000	\$0	\$900,000
<b>Total Contract Incentive</b>	<b>\$7,150,000</b>	<b>\$3,625,000</b>	<b>\$3,525,000</b>
<b>Milestone Incentive:</b>			
Early Signal and Crossing Cutover	\$4,000,000	\$0	\$4,000,000
Early Project Substantial Completion (NTE)	\$8,000,000	\$0	\$8,000,000
Early Revenue Service	\$3,000,000	\$0	\$3,000,000
<b>Total Milestone Incentive</b>	<b>\$15,000,000</b>		<b>\$15,000,000</b>

**4.5 Program Cash Flow and Funding**

The remaining program expenditures are cash flowed in Figure 4-1 to illustrate by July 2023 additional funding will be needed to complete the program.



**Figure 4.1 Expenditure – Funding Cash Flow**

**4.6 Issues**

**Table 4-6. Cost and Funding Issues Identified, and Actions Taken for October 2022**

Issues	Actions
Additional funding setup for \$410M Funding Gap.	<ul style="list-style-type: none"> <li>Actively pursuing additional State and Federal funding sources.</li> <li>Dedicated task force has been established at the executive level.</li> <li>Prepare earmarks grant scope and application for April submission.</li> </ul>

## 5.0 CHANGE MANAGEMENT

### 5.1 Introduction

The change management process establishes a formal administrative work process associated with the initiation, documentation, coordination, review, approval, and implementation of changes during the design, construction, or manufacturing of PCEP. The change management process accounts for the impacts of the changes and ensures prudent use of contingency.

### 5.2 Change Orders/Shared Risk Pool

#### 5.2.1 Executed Shared Risk

The following Shared Risk items were executed in October 2022:

- DSC Concrete at MP13.2 (Combination of IRLs 013, 014, 023, 152, 153, 168, 169, 175, and 176) was executed for \$27,009 on October 19, 2022.

#### 5.2.2 Approved Change Orders

- None.

#### 5.2.3 Upcoming Change Orders/Shared Risk Items

- Sixteen (16) shared risk items, totaling \$972,482 are being routed for management approval signatures.
- EMU Change Order of \$110,367 for additional special tools to provide for Y Connector Boxes at CEMOF.



5.3 Issues

**Table 5-1. Change Management Issues Identified and Actions Taken for October 2022**

Issues	Actions
Segment 4 Maintenance Option in the existing BBII Contract was never exercised. Maintenance of OCS/TPS for Segment 4 will be needed post Segment 4 substantial completion once Caltrain is using it for EMU testing under 25kV.	<ul style="list-style-type: none"> <li>• Define EMU testing and burn in work schedule.</li> <li>• BBII provides isolation and protection once Segment 4 is powered up.</li> <li>• BBII will provide maintenance lite during EMU testing and burn in.</li> <li>• Prepare Request for Proposal for OCS/TPS Maintenance Service for public procurement.</li> <li>• Develop evaluation criteria for Maintenance Service proposals.</li> <li>• Recommend for award and obtain JPB board approval.</li> </ul>
Increase security service to prevent on-going theft problem.	<ul style="list-style-type: none"> <li>• Working with design build contractor to identify ROW security surveillance needs and work out commercial arrangement for shared cost.</li> </ul>