



AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

Bacciocco Auditorium, 2nd Floor
1250 San Carlos Avenue, San Carlos CA 94070

November 5, 2009 – Thursday

10:00 a.m.

1. Pledge of Allegiance
2. Call to Order/Roll Call
3. Public Comment
Public comment by each individual speaker shall be limited to two minutes
4. Consent Calendar
Members of the public or Board may request that an item under the Consent Calendar be considered separately
 - a) Approval of Minutes of October 1, 2009
 - b) Acceptance of Statement of Revenues and Expenses for September, 2009
 - c) Approval of 2010 Board of Directors Meeting Calendar
 - d) Authorize Award of Contracts to Bender Rosenthal, Inc., Dana Properties and Diaz, Diaz and Boyd to Provide Real Estate Appraisal Services for an Aggregate Not-to-Exceed Amount of \$337,000
 - e) Authorize Award of Contracts to Thomas Ryland and Henry Spoto, Jr. to Provide Real Estate Appraisal Reviewer Services for an Aggregate Not-to-Exceed Amount of \$134,000
5. Chairperson's Report
6. MTC Liaison Report
7. Report of the Citizens Advisory Committee
8. Report of the Executive Director
 - a) Caltrain Performance Report – September 2009
 - b) Peninsula Rail Program Update

RESOLUTIONS

- | | |
|--|---------------|
| 9. Authorize the Executive Director to Execute an Amendment to the April 7, 2009 Memorandum of Understanding (MOU) Between the Peninsula Corridor Joint Powers Board (JPB) and the California High Speed Rail Authority (CHSRA) and Associated Funding Agreement | RESOLUTION |
| 10. Authorize Extending the Contract Term and Obtaining Additional Contract Authority for Existing On-call General Engineering Consultant Services for a Total Not-to-Exceed Cost of \$50,000,000 | RESOLUTION |
| 11. Acceptance of the Quarterly Investment Report and Fixed Income Market Review and Outlook for the Quarter Ended September 30, 2009 | MOTION |
| 12. Draft Fiscal Year 2010-2018 Caltrain Short Range Transit Plan | INFORMATIONAL |
| 13. Legislative Update | INFORMATIONAL |
| 14. Correspondence | |
| 15. Board Member Requests | |
| 16. Date/Time of Next Meeting
Thursday, December 3, 2009, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2 nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070 | |
| 17. General Counsel Report | |
| a) Closed Session: Pending Litigation Pursuant to Government Code Section 54956.9 (a) Russell J. Peterson et al vs. Peninsula Corridor Joint Powers Board, et al. | |
| b) Closed Session: Significant Exposure to Litigation Pursuant to Government Code Section 54956.9 (b)(1) (One Potential Case) | |
| 18. Adjourn | |

INFORMATION FOR THE PUBLIC

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

If you have questions on the agenda, please contact the JPB Secretary at 650.508.6242. Agendas are available on the JPB Website at www.caltrain.com.

Location, Date and Time of Regular Meetings

Regular meetings are held at the San Mateo County Transit District Administrative Building located at 1250 San Carlos Ave., San Carlos, which is located one block west of the San Carlos Caltrain Station on El Camino Real. The building is also accessible by SamTrans bus Routes: 260, 295, 390, 391, and KX.

The JPB meets regularly on the first Thursday of the month at 10 a.m. The JPB Citizens Advisory Committee meets regularly on the third Wednesday of the month at 6 p.m. at the same location. Date, time and place may change as necessary.

Public Comment

If you wish to address the Board, please fill out a speaker's card located on the agenda table and hand it to the JPB Secretary. If you have anything that you wish distributed to the Board and included for the official record, please hand it to the JPB Secretary, who will distribute the information to the Board members and staff.

Members of the public may address the Board on non-agendized items under the Public Comment item on the agenda. Public testimony by each individual speaker shall be limited to two minutes and items raised that require a response will be deferred for staff reply.

Accessibility for Individuals with Disabilities

Upon request, the JPB will provide for 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 public meetings. Please send a written request, including your name, mailing address, phone number and brief description of the requested materials and a preferred alternative format or auxiliary aid or service at least two days before the meeting. Requests should be mailed to the JPB Secretary at Peninsula Corridor Joint Powers Board, 1250 San Carlos Avenue, San Carlos, CA 94070-1306; or emailed to board@caltrain.com; or by phone at 650.508.6242, or TDD 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 are distributed to a majority of the legislative body will be available for public inspection at 1250 San Carlos Avenue, San Carlos, CA 94070-1306, at the same time that the public records are distributed or made available to the legislative body.

**Peninsula Corridor Joint Powers Board
Board of Directors Meeting
1250 San Carlos Avenue, San Carlos CA 94070**

**Minutes
October 1, 2009**

MEMBERS PRESENT: M. Church, J. Cisneros, S. Elsbernd, D. Gage (Chair), J. Hartnett, A. Kalra, A. Lloyd

MEMBERS ABSENT: N. Ford, K. Yeager

MTC LIAISON: S. Lempert

STAFF PRESENT: J. Cassman, C. Cavitt, A. Chan, G. Harrington, C. Harvey, R. Haskin, R. Lake, M. Lee, N. McKenna, D. Miller, S. Murphy, M. Scanlon, M. Simon, D. Spaethling

PUBLIC COMMENT

Kathy Hamilton, Menlo Park, said she lives very close to the tracks and the horn noise is causing families in the area to suffer. She asked if sound recordings could be taken after all the horns have been retrofitted.

Chair Gage said by law the engineers have to blast the horns and staff is doing the best they can to resolve this issue.

Jeff Carter, Burlingame, suggested the horn comments be forwarded to the Federal Railroad Administration (FRA) since they are enforcing this issue. He asked if there are any studies that show blowing the horns at the current decibel level reduces accidents.

Shirley Johnson, San Francisco, said San Francisco Municipal Transportation Agency (SFMTA) is doubling the number of bike lanes in San Francisco, which will bring more bicyclists to Caltrain. She asked that more bike capacity be added on the trains.

Director Ash Kalra arrived at 10:15 a.m.

Jim Bigelow, Redwood City Chamber of Commerce, thanked everyone for the get-well wishes. He congratulated staff on the new brochures on electrification and the Peninsula Rail Program.

Dick Poe, Menlo Park, thanked Caltrain for allowing bicycles on trains and for adding more bike capacity. He said Capitol Corridor is also adding bicycle capacity and has not bumped any bicyclists while Caltrain continues to bump bicyclists and strand riders. He asked staff to replace the empty seats with bike racks and ensure there are two bike cars on every train.

Pat Giorni, Burlingame, said BART has resumed direct service from the Millbrae Intermodal Station to San Francisco International Airport. She said fellow bicyclists are complaining the

new median installation at San Mateo grade crossings is crowding the bike lane. San Mateo Public Works was contacted and they suggested Caltrain paint a yellow line around the raised medians.

Steven Peckler, Menlo Park, said the noise from the horns is interrupting people's lives. He said some transportation agencies have paid for insulation of windows to cut down the noise level and why hasn't Caltrain done this? Mr. Peckler said the impact of increased noise should trigger an Environmental Impact Report (EIR) by Caltrain.

Lynn and Trina (no last name provided), Burlingame, said their quality of life has diminished with the horn noise and the noise at night is intolerable.

Deputy CEO Chuck Harvey said staff regrets the inconvenience the horn issue has caused with the neighbors, but Caltrain must adhere to FRA requirements. A complete redesign of the plumbing system of every air horn on the locomotives and cab control cars has been completed to move the horns down below. This redesign requires the installation of two additional control valves. To date, 13 units have been modified with the horns back underneath, operating at the lowest possible level in accordance with the FRA. Mr. Harvey said staff is focusing their efforts on the older F40 locomotives because they are the loudest and most annoying. Mr. Harvey said every cab control car and locomotive operating in a lead position will be modified with the horns underneath and will be operating at the lowest possible level by the end of November.

CONSENT CALENDAR

The Board approved the following items:

- a) Approval of Minutes of September 3, 2009
- b) Acceptance of Statement of Revenues and Expenses for June 2009 (unaudited)
- c) Acceptance of Statement of Revenues and Expenses for August 2009
- d) Authorize Execution of Lease Addendum with Clay Del Secco and Carol Del Secco Trustees to Extend Lease of Warehouse at 4000 Campbell Avenue in Menlo Park for a Period of Two Years with a One-Year Option

CHAIRPERSON'S REPORT

No report.

MTC LIAISON REPORT

MTC Liaison Sue Lempert reported:

- She has been attending the High Speed Rail (HSR) meetings and Peninsula Rail Program Director Bob Doty is doing a fantastic job at these meetings. Ms. Lempert said there seems to be a lot of confusion, misunderstanding and frustration about the project. There is an event on Saturday where the architects will be presenting some designs on how Caltrain and HSR can run underground and the land use options above ground.
- There was a Dumbarton Rail Advisory Committee meeting last week and the committee agreed to pursue the rail option, continue work on the EIR, but in the context of the corridor as part of the Strategic Regional Rail Program. The committee supports continued negotiations with Union Pacific (UP) for the right of way. The Joint Powers Board (JPB) owns the right of way only to Newark and UP owns the right of way from Newark to Union City. The committee will consider offering interim bus service from Palo Alto and exploring

using Regional Measure 2 (RM2) operating funds for this service. The EIR cannot be finalized until a solid funding plan is completed.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Chair Gerald Graham reported:

- A certificate of appreciation was presented to Michael Kiesling for his service to the CAC.
- Public Information Specialist Tasha Bartholomew gave a rail safety presentation.
- The CAC sent a letter to the *Palo Alto Daily News* regarding their article on the accident involving the car on the tracks at Whipple Avenue in Redwood City, stating Caltrain did not cause the accident, poor judgment did.
- CAC members thanked staff for the bike signs on the front of the locomotives indicating the number of bike cars.
- He said he lives four blocks from the Caltrain tracks and hasn't noticed any difference in the horn noise. He thinks the increased media on this issue is causing people to complain.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Scanlon reported the following:

- Monthly Performance Statistics – August 2009
 - a. Total Ridership was 1,060,624 a decrease of 10.8 percent.
 - b. Average Weekday Ridership was 40,154, a decrease of 10.4 percent.
 - c. Total Revenue was \$3,819,252, a decrease of 5 percent.
 - d. On-time Performance was 95.4 percent, an increase of 3.6 percent.
 - e. Caltrain Shuttle Ridership was 5,404, a decrease of 17.9 percent.
- Year-to-date Performance Statistics ending August 2009
 - f. Total Ridership was 2,159,576, a decrease of 11.3 percent.
 - g. Average Weekday Ridership was 40,500, a decrease of 11 percent.
 - h. Total Revenue was \$7,709,200, a decrease of 6.2 percent.
 - i. On-time Performance was 94.8 percent, an increase of 1.5 percent.
 - j. Caltrain Shuttle Ridership was 5,424, a decrease of 14.6 percent.
- September was Rail Safety Month and activities included a news release, media workshop, public service announcements on the radio, a San Mateo County grade crossing event and a rail safety brown bag lunch for employees. Ms. Bartholomew was commended for her work on the rail safety events.
- The Caltrain Customer Satisfaction Survey was completed in June and provides valuable feedback. Some of the key findings: 78 percent of riders were somewhat or very satisfied with their overall Caltrain experience, significant increases in satisfaction in station experiences including the ease of using a Ticket Vending Machine (TVM), being informed of delays which exceed 10 minutes, customer onboard experiences and the availability of printed material.
- Special event service includes the United Football League at AT&T Park and more than 600 Stanford University freshman participated in the annual scavenger hunt last weekend.
- The San Jose Sharks will be wrapping one train car for a minimum of one month.
- The Giants season is coming to a close and ridership for September was up 55 percent versus September 2008; year-to-date ridership is up 10 percent over last season.
- To date 34 cab cars have been converted to add bicycle space and there were two bike cars on most trains 96.68 percent of the time in August. Three additional Bombardier cars are being converted for completion in early 2010.

Director Sean Elsbernd asked about the revenue numbers and how are they compared to actual versus budgeted. Mr. Scanlon said they slightly under, but pretty close.

Peninsula Rail Program Update

Mr. Scanlon said this morning the California High Speed Rail Authority (CHSRA) approved an amendment to the MOU.

HSR Project Manager Dominic Spaethling reported:

- There was a Burlingame City Council workshop and more than 100 people attended.
- The technical working groups involved with the environmental process rolled out the initial list of alternatives for the corridor and presented them to the cities and transportation agencies yesterday. More than 140 people attended the public workshop last night.
- Mr. Spaethling said two more workshops will be held October 9 in Sunnyvale and October 13 in San Francisco.
- There will be a two-day workshop this weekend in Palo Alto and staff will be providing technical assistance and helping the public understand what is required to build a high speed train system and a station that accomodates Caltrain and HSR. Staff is engaging the community, a variety of stakeholders and resources to make this a multi-disciplinary effort.
- Today is the due date for American Recovery and Reinvestment Act (ARRA) funding requests for Track 2. California submitted a request for \$4.5 billion, including \$1.28 billion for the Peninsula corridor.

Mr. Scanlon said there will be three news conferences by the CHSRA on the filing of the applications, one of which will be at San Jose Diridon station tomorrow. Executive Officer Public Affairs Mark Simon will e-mail the information to the Board.

Public Comment

Pat Giorni, Burlingame, said she attended the technical workshop last night. She said at the next two meetings there needs to be more information explained to the public on how to look at the charts so there is less confusion.

AUTHORIZE REJECTION OF BID FROM GENERAL PETROLEUM AS NON-RESPONSIVE AND AWARD OF CONTRACT FOR FURNISHING RED-DYED, ULTRA-LOW SULFUR DIESEL (ULSD) FUEL TO PINNACLE PETROLEUM, INC. FOR A TOTAL ESTIMATED COST OF \$17,351,949 FOR A TWO-YEAR TERM

Director of Contracts and Procurement Cheryl Cavitt said Staff Coordinating Council is requesting the Board reject the lowest monetary bid from General Petroleum and award a contract to Pinnacle Petroleum. She said staff participated in a joint bid with the Regional Transit Coordinating Council and San Joaquin Regional Transit District was the lead agency. Staff received very competitive bids. The lowest monetary bidder used the incorrect Oil Price Information Service (OPIS) rate in calculating their contract price which deemed the bid non-responsive.

A motion (Hartnett/Cisneros) to authorize rejection of bid from General Petroleum as non-responsive and award of contract to Pinnacle Petroleum, Inc. for ultra-low sulfur diesel fuel was approved unanimously.

AUTHORIZE AMENDMENT TO FISCAL YEAR 2010 CAPITAL BUDGET IN THE AMOUNT OF \$1,700,000 FROM \$83,536,042 TO \$85,236,042

Director of Budgets and Grants April Chan said Staff Coordinating Council recommends an increase in the FY2010 capital budget by \$1.7 million for two projects: The horn restoration project in the amount \$200,000, funded from reserves and without a requirement for additional member contributions; and the South San Francisco parking lot improvement project, which includes improved lighting, drainage, striping and other improvements to bring the lot to standard. The San Mateo County Transportation Authority (TA) will be funding \$1.5 million from Measure A funds.

Public Comment

Pat Giorni, Burlingame, said that there was some concern at the TA CAC meeting that the project does not include additional pedestrian, ADA or bicycle facilities. She said there is a need to create an active bicycle committee to look at these projects and provide input.

Mr. Scanlon said South San Francisco, in a subsequent project, will be getting a complete upgrade once the HSR and UP issues are resolved, and these issues will be looked at. This motion is assuming the TA approves the request for these funds at its meeting tonight.

A motion (Lloyd/Church) to amend the Fiscal Year 2010 capital budget was approved unanimously by roll call.

UPDATE ON TRANSLINK ON CALTRAIN

Executive Officer Customer Service and Marketing Rita Haskin made the following report:

- MTC initiated this program in 2002 to introduce a regional smart card allowing seamless transfers between transit systems.
- Golden Gate Transit and AC Transit are in hard launch; BART, Caltrain and Muni are in soft launch; SamTrans and the Valley Transportation Authority (VTA) are scheduled for soft launch next year.
- In spring 2009 staff started testing on Caltrain and during the summer a select group of riders participated in a soft launch.
- Currently only the full fare monthly, full fare 8-ride or e-cash are available on the TransLink card.
- Passengers tag on and off at the stations, but monthly pass holders just need to tag on and off once at the beginning of the month to set the parameters.
- Eight-ride tickets must be tagged on and off instead of using the ticket validators.
- Currently there are limited vendors that sell the TransLink card and they have limited knowledge of the product.
- Auto-load is an option for customers, but this feature does not work for people who use Commuter Checks. There is a 72-hour lag time with loading funds onto the TransLink card via the Web or the TransLink Service Bureau.
- One of the goals of this program is to do away with prepaid paper fare.
- Some of the constraints with the program are the TVM integration and the printing of a monthly parking permit.
- An increased marketing program will begin early next year.

Public Comment

Jeff Carter, Burlingame, said the Bay Area has dozens of transit agencies with no transfer sharing programs so this is a good program, but there should be a universal fare for all agencies. He is concerned the TransLink card will not recognize the systemwide use of the card on weekends. Mr. Carter asked if tourists will have to purchase a TransLink card if there is no paper media available.

Ms. Haskin said it is only the prepaid fare media -- the monthly pass and 8-ride tickets -- will be transitioned to Translink. Customers will still be able to get day passes and one-way tickets at the TVMs.

Ms. Lempert said each transit agency is concerned they don't lose revenue, but this is the 21st century and people need to move toward this direction.

STATE AND FEDERAL LEGISLATIVE UPDATE

Government Affairs Manager Seamus Murphy made the following report:

- The State Commission on the 21st Century Economy released its tax reform recommendations which will be considered as part of a special session later this month. The controversial 18-cent pollution tax element of this proposal was removed from the final report, but even without this element it appears unlikely any of these recommendations will be approved. Staff was successful in working with VTA and the California Transit Association (CTA) in ensuring that the Commission's recommendation to phase out the State sales tax does not include the elimination of the sales tax on gasoline or diesel fuel.
- Yesterday, the California Supreme Court declined to hear an appeal of a lower court judgment in favor of CTA's lawsuit to protect against the diversion of public transportation account funds for non-mass transportation uses. The ruling makes it clear that the diversions are illegal and what remains unclear is whether future revenues will be restored to the public transportation account or the State Transit Assistance (STA) program.
- The federal fiscal year ended yesterday and Congress has been working to pass several stopgap funding measures. Both chambers passed a resolution that continues 2009 spending levels while they work to finalize next year's appropriations bills.
- At the final hour there was a three-month extension of SAFETEA-LU, as opposed to the 18-month extension that was favored by the Senate and Administration. Transportation and Infrastructure Committee Chairman Jim Oberstar continues to push for full reauthorization and hopes the shorter extension will keep pressure on Congress to develop a plan to finance what is expected to be a \$500 billion piece of legislation.
- The Senate is moving forward with Climate Change legislation. The House has already passed a bill that establishes a cap and trade program that sets targets for emissions reductions, but it includes no guaranteed funding allowances for public transportation. The Senate's version released yesterday includes even stronger emission targets than the House bill, but guarantees only one percent of allowances for public transportation. Alternative legislation called CLEAN-TEA sets aside a 10 percent allowance for public transportation. Staff will be working to encourage our delegation to co-sponsor this bill and also encourage Senator Barbara Boxer to adopt the 10 percent level when the Climate Bill is marked up on October 19.

CORRESPONDENCE

None.

BOARD MEMBER REQUESTS

Director Jim Hartnett praised a presentation by Mr. Scanlon at the Peninsula Structures forum this morning on HSR and Grand Boulevard.

DATE/TIME/PLACE OF NEXT MEETING

Thursday, November 5, 2009, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070

GENERAL COUNSEL REPORT

- a. Closed Session: Pending Litigation Pursuant to Government Code Section 54956.9 (a) Russell J. Peterson et al vs. Peninsula Corridor Joint Powers Board, et al.

General Counsel David Miller said there is no need for a closed session. On November 2 there will be a hearing held on a joint motion to change the venue to Sacramento County. Mr. Miller said under the statute governing CHSRA, the law specifically states the venue in all cases involving HSR shall take place in Sacramento County.

Mr. Miller said there was discussion in public last month about the lawsuit against the CHSRA involving its California Environmental Quality Act (CEQA) documents. On October 9 the judge will be holding a hearing to hear arguments on the remedies for his ruling, which largely upheld the adequacy of the program EIR, but did find two flaws with it.

ADJOURNED

Adjourned at 11:32 a.m.

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **STATEMENT OF REVENUE AND EXPENSE FOR THE PERIOD
ENDING SEPTEMBER 30, 2009 AND SUPPLEMENTAL INFORMATION**

ACTION

Staff proposes that the Board of Directors accept and enter into the record the Statement of Revenue and Expense for the month of September 2009 and supplemental information.

SIGNIFICANCE

Revenue: For September of Fiscal Year 2010, *Total Operating Revenue* (line 7) is \$41,975 or 0.3 percent **better** than budget. This is due to *Other Income* (line 5) which is **better** than budget by \$349,998 or 92.7 percent mainly due to an unbudgeted increase in shared track revenue and is offset by lower than anticipated *Farebox Revenue* (line 1) and *Parking Revenue* (line 2) which together were \$289,139 or 2.4 percent **worse** than budget. Compared to the prior year, *Total Operating Revenue* (line 7) is \$366,391 or 2.7 percent **lower**, due to *Farebox Revenue* (line 1) which is \$634,627 or 5.3 percent **lower** and is offset by *Other Income* (line 5) which is \$265,982 or 57.6 percent **higher**.

Expense: *Grand Total Expenses* (line 44) show a favorable variance of \$2,146,828 or 9.0 percent. *Total Operating Expense* (line 31) is \$2,059,479 or 9.7 percent **better** than budget. Within total operating expense *Contract Operating & Maintenance* (line 23) is \$721,839 or 4.8 percent **better** than budget, *Fuel* (line 25) is **better** than budget by \$976,916 or 28.2 percent, and *Utilities* (line 29) is **better** than budget by \$185,989 or 50.0 percent. *Total Administrative Expense* (line 40) is \$87,349 or 3.7 percent **better** than budget.

Compared to prior year, *Grand Total Expenses* (line 44) are \$768,029 or 3.4 percent **lower**. The decrease in expense over the prior year is mainly due to *Fuel* (line 25) which is \$1,995,286 or 44.6 percent **lower** than the prior year.

Budget Revisions: There are no budget revisions this month.

Prepared by: Rima Lobo, Manager, Financial Services
David Ramires, Accountant

650.508.6274
650.508.6417

PENINSULA CORRIDOR JOINT POWERS BOARD

STATEMENT OF REVENUE AND EXPENSE

FISCAL YEAR 2010

SEPTEMBER 2009

% OF YEAR ELAPSED 25.0%

		MONTH	YEAR TO DATE				ANNUAL		
		CURRENT ACTUAL	PRIOR ACTUAL	CURRENT ACTUAL	REVISED BUDGET	% REV BUDGET	APPROVED BUDGET	REVISED BUDGET	% REV BUDGET
(AS PROJECTED)									
REVENUE									
OPERATIONS:									
1	Farebox Revenue	3,721,990	12,065,816	11,431,189	11,533,432	99.1%	43,762,048	43,762,048	26.1%
2	Parking Revenue	207,729	462,598	462,824	649,720	71.2%	2,598,890	2,598,890	17.8%
3	Shuttles	78,940	257,125	263,417	274,626	95.9%	1,098,504	1,098,504	24.0%
4	Rental Income	138,215	419,029	414,765	422,440	98.2%	1,682,800	1,682,800	24.6%
5	Other Income	218,963	461,586	727,568	377,570	192.7%	1,492,090	1,492,090	48.8%
6									
7	TOTAL OPERATING REVENUE	4,365,837	13,666,154	13,299,763	13,257,788	100.3%	50,634,332	50,634,332	26.3%
8									
CONTRIBUTIONS:									
9									
10	AB-434-Peninsula Feeder Shuttle	83,333	258,589	250,000	250,000	100.0%	1,000,000	1,000,000	25.0%
11	Operating Grant	9,424	27,753	20,578	20,579	100.0%	2,316,867	2,316,867	0.9%
12	JPB Member Agencies	3,284,715	9,854,151	9,854,151	9,854,157	100.0%	39,416,585	39,416,585	25.0%
13	Other Sources	0	0	0	524,561	0.0%	3,787,512	3,787,512	0.0%
14									
15	TOTAL CONTRIBUTED REVENUE	3,377,472	10,140,493	10,124,729	10,649,297	95.1%	46,520,964	46,520,964	21.8%
16									
17	GRAND TOTAL REVENUE	7,743,309	23,806,647	23,424,492	23,907,085	98.0%	97,155,296	97,155,296	24.1%
18									
19									
EXPENSE									
OPERATING EXPENSE:									
22									
23	Contract Operating & Maintenance	4,780,544	13,208,871	14,192,633	14,914,472	95.2%	60,425,885	60,425,885	23.5%
24	Shuttles (Including Peninsula Pass)	213,661	711,674	718,994	731,655	98.3%	2,926,620	2,926,620	24.6%
25	Fuel	735,728	4,478,272	2,482,986	3,459,902	71.8%	13,839,649	13,839,649	17.9%
26	Timetables & Tickets	18,999	43,689	50,883	54,567	93.2%	210,000	210,000	24.2%
27	Insurance	365,752	1,042,196	1,109,321	1,133,742	97.8%	4,535,000	4,535,000	24.5%
28	Facilities and Equipment Maintenance	98,284	242,543	229,436	312,039	73.5%	1,595,296	1,595,296	14.4%
29	Utilities	100,636	343,462	186,268	372,257	50.0%	1,502,400	1,502,400	12.4%
30	Services	68,831	207,289	216,941	268,307	80.9%	1,155,630	1,155,630	18.8%
31	TOTAL OPERATING EXPENSE	6,382,435	20,277,996	19,187,462	21,246,941	90.3%	86,190,480	86,190,480	22.3%
32									
ADMINISTRATIVE EXPENSE:									
33									
34	Wages & Benefits	489,818	1,277,958	1,520,743	1,576,570	96.5%	6,318,279	6,298,479	24.1%
35	Board Of Directors	1,066	1,876	2,707	2,800	96.7%	12,300	12,300	22.0%
36	Professional Services	190,895	303,278	384,690	407,513	94.4%	1,976,628	1,976,628	19.5%
37	Communications/Marketing	18,583	38,277	49,811	55,056	90.5%	265,000	265,000	18.8%
38	Other Office Expense and Services	120,609	380,098	339,125	342,486	99.0%	1,289,734	1,309,534	25.9%
39									
40	TOTAL ADMINISTRATIVE EXPENSE	820,972	2,001,487	2,297,076	2,384,425	96.3%	9,861,941	9,861,941	23.3%
41									
42	Long Term Debt Expense	91,906	248,803	275,719	275,719	100.0%	1,102,875	1,102,875	25.0%
43									
44	GRAND TOTAL EXPENSES	7,295,313	22,528,286	21,760,257	23,907,085	91.0%	97,155,296	97,155,296	22.4%

"% OF YEAR ELAPSED" provides a general measure for evaluating overall progress against the annual budget. When comparing it to the amounts shown in the "% REV BUDGET" column, please note that individual line items reflect variations due to seasonal activities during the year.



BOARD OF DIRECTORS 2009

DON GAGE, CHAIR
SEAN ELSBERND, VICE CHAIR
MARK CHURCH
JOSE CISNEROS
NATHANIEL P. FORD, SR.
JIM HARTNETT
ASH KALRA
ARTHUR L. LLOYD
KEN YEAGER

MICHAEL J. SCANLON
EXECUTIVE DIRECTOR

PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF SEPTEMBER 30, 2009

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
-----	-----	-----	-----	-----
Local Agency Investment Fund (Restricted)	Liquid Cash	0.925% ⁽¹⁾	2,000,000	2,003,121
Local Agency Investment Fund (Unrestricted)	Liquid Cash	0.925% ⁽¹⁾	6,453,377	6,463,448
Investment Portfolio (Unrestricted)	Liquid Cash	1.984%	13,826,238	13,995,831
-----	-----	-----	-----	-----
			22,279,615	22,462,400
Accrued Earnings for September 2009	\$29,129.86	(2)		
Cumulative Earnings FY2010	\$77,152.97			

(1) Estimated interest rate

(2) Earnings do not include prior period adjustments

* The market value of Local Agency Investment Fund (LAIF) was derived from the fair value factor of 1.001560611 as reported by LAIF for quarter ending September 30, 2009.

** 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.

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Martha Martinez
JPB Secretary

SUBJECT: **2010 BOARD OF DIRECTORS MEETING CALENDAR**

ACTION

Staff Coordinating Council (SCC) recommends that the Board approve the Meeting Calendar for 2010 (attached).

SIGNIFICANCE

The board's monthly meeting is scheduled for the first Thursday of each month at 10 a.m.

The board has voiced its desire to discontinue holding its monthly meeting in Santa Clara County and San Francisco County once a year, due to budget constraints.

BUDGET IMPACT

None.

Prepared by: Martha Martinez, JPB Secretary

650.508.6242



Peninsula Corridor Joint Powers Board Meeting Calendar for 2010

Thursday – 10 AM	
January	7
February	4
March	4
April	1
May	6
June	3
July	1
August	5
September	2
October	7
November	4
December	2

The Board meets the first Thursday of the month.

All meetings are held in the Bacciocco Auditorium – Second Floor, 1250 San Carlos Ave., San Carlos.

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

Marian Lee
Executive Officer, Planning & Development

SUBJECT: AWARD OF CONTRACTS TO PROVIDE REAL ESTATE APPRAISAL SERVICES

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Award a total of three on-call, no-guarantee contracts for real estate appraisal services for a five-year term for an aggregate not-to-exceed amount of \$337,000 to the following three firms:
 - a. Bender Rosenthal, Inc. of Sacramento, CA
 - b. Dana Property Analysis of Mesa, AZ
 - c. Diaz, Diaz and Boyd, Inc. of Pleasanton, CA
2. Authorize the Executive Director or his designee to execute a contract with each of the above firms in full conformity with the terms and conditions set forth in the solicitation documents and negotiated agreements.

SIGNIFICANCE

Approval of the above actions will benefit the Peninsula Corridor Joint Powers Board (JPB) by having a pool of qualified firms available to provide the real estate appraisal services on an on-call basis. Services to be provided under these contracts include, but are not limited to:

- Appraisals of privately-owned properties that may be required for future JPB capital projects
- Appraisals of JPB-owned property that are required by other agencies' capital projects
- Appraisals of JPB-owned property for other purposes

These services, which may be required at any time, will be conducted in accordance and in compliance with established Caltrans and Federal rules and regulations that govern public sector agencies such as the JPB. Currently, no specific projects are being considered, but staff desires to have the ability to implement them as the need arises in order to provide accurate and timely appraisals. These on-call services will be conducted under work directives.

BUDGET IMPACT

Funding for real estate appraisal services work directives will be available through capital project budgets approved in the annual Caltrain Capital budgets.

BACKGROUND

A Request for Proposals to provide real estate appraisal services was issued as a joint procurement detailing the scope of services for the San Mateo County Transit District and the JPB. The solicitation included two categories of services: Real Estate Appraisal and Real Estate Appraisal Reviewer. Contracts for the real estate appraisal services will be awarded separately by the respective Boards of Directors.

The solicitation information was advertised in a newspaper of general circulation and on Caltrain's procurement Web site. Solicitation notices also were sent to interested proposers and disadvantaged business enterprises (DBEs). Five proposals were received.

An Evaluation Committee (Committee), composed of qualified staff, reviewed and scored the proposals in accordance with the following weighted criteria:

- | | |
|---|-------------|
| • Experience and Qualifications of Firm | 0-25 points |
| • Staffing | 0-20 points |
| • Project Understanding and Response Time | 0-25 points |
| • Work Plan | 0-20 points |
| • Reasonableness and Feasibility of Fees | 0-10 points |

After review and evaluation, the Committee determined that Diaz, Diaz and Boyd, Inc. (DBE firm), Dana Property Analysis, and Bender Rosenthal, Inc. (woman-owned small business) are qualified to be selected for contract award as the highest-ranked firms for Real Estate Appraisal Services. The top three firms possess the requisite depth of experience and have the required qualifications to successfully perform the scope of services as defined in the solicitation.

In the past, the appraisal services have been provided under on-call specialized engineering contracts or procured under individual purchase orders.

Contract Officer: Brian Geiger	650.508.7973
Project Manager: Brian W. Fitzpatrick, Manager of Real Estate & Development	650.508.7781

RESOLUTION NO. 2009-

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

* * *

**AUTHORIZING AWARD OF CONTRACTS
TO PROVIDE REAL ESTATE APPRAISAL SERVICES FOR AN AGGREGATE
NOT-TO-EXCEED SUM OF \$337,000 FOR FIVE YEARS**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) has solicited competitive proposals to provide real estate appraisal and appraisal reviewer services; and

WHEREAS, in response to the JPB's Request for Proposals (RFP) proposals were received from five firms; and

WHEREAS, an Evaluation Committee has reviewed, evaluated and ranked the proposals in accordance with the criteria set forth in the RFP; and

WHEREAS, staff has determined that it would be in the best interest of the JPB to award contracts to three firms for real estate appraisal services; and

WHEREAS, the Staff Coordinating Council has recommended that contracts be awarded to the firms with the three highest-ranked proposals for real estate appraisal services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the JPB award three on-call, no-guarantee contracts for furnishing real estate appraisal services to Bender Rosenthal, Inc., Dana Property Analysis, and Diaz, Diaz and Boyd, Inc. for a total aggregate not-to-exceed cost of \$337,000; and

BE IT FURTHER RESOLVED that the Executive Director or his designee is authorized to execute contracts on behalf of the JPB with Bender Rosenthal, Inc., Dana Property Analysis, and Diaz, Diaz, and Boyd, Inc. for real estate appraisal services in full conformity with all the terms and conditions of the RFP and negotiated agreements.

Regularly passed and adopted this 5th day of November, 2009 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington Marian Lee
Deputy CEO Executive Officer, Planning & Development

**SUBJECT: AWARD OF CONTRACTS TO PROVIDE REAL ESTATE APPRAISAL
REVIEWER SERVICES**

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Award a total of two on-call, no-guarantee contracts for real estate appraisal reviewer services for a five-year term in an aggregate not-to-exceed amount of \$134,000 to the following firms:
 - a. Thomas Ryland of Sacramento, CA
 - b. Henry Spoto, Jr. of El Macero, CA
2. Authorize the Executive Director or his designee to execute a contract with each of the above firms in full conformity with the terms and conditions in the solicitation documents and negotiated agreements

SIGNIFICANCE

Approval of the above actions will benefit the Peninsula Corridor Joint Powers Board (JPB) by having a pool of qualified firms available to provide the real estate appraisal reviewer services on an on-call basis. Services to be provided under these contracts include, but are not limited to appraisal reviews of privately-owned properties, that may be required for future JPB capital projects.

These services, which may be required at any time, will be conducted in accordance and in compliance with established Caltrans and Federal rules and regulations that govern public sector agencies such as the JPB. Currently, no specific projects are being considered, but staff desires to have the ability to implement them as the need arises in order to provide accurate and timely appraisal reviews. These on-call services will be conducted under work directives.

BUDGET IMPACT

Funding for real estate appraisal reviewer services work directives will be available through capital project budgets approved in the annual Caltrain Capital budgets.

BACKGROUND

A Request for Proposals to provide real estate appraisal reviewer services was issued as a joint procurement detailing the scope of services for the San Mateo County Transit District and the JPB. The solicitation included two categories of services: Real Estate Appraisal Services and Real Estate Appraisal Reviewer Services. Each category of services will be awarded separately by the respective Boards of Directors.

The solicitation information was advertised in a newspaper of general circulation and on Caltrain's procurement Web site. Solicitation notices also were sent to interested proposers and disadvantaged business enterprises (DBEs). Five proposals were received.

An Evaluation Committee (Committee), composed of qualified staff, reviewed and scored the proposals in accordance with the following weighted criteria:

- | | |
|---|-------------|
| • Experience and Qualifications of Firm | 0-25 points |
| • Staffing | 0-20 points |
| • Project Understanding and Response Time | 0-25 points |
| • Work Plan | 0-20 points |
| • Reasonableness and Feasibility of Fees | 0-10 points |

After review and evaluation, the Committee determined that Thomas Ryland and Henry Spoto, Jr. are qualified to be selected for contract award as the highest-ranked firms for Real Estate Appraisal Reviewer Services. Both firms possess the requisite depth of experience and have the required qualifications to successfully perform the scope of services as defined in the solicitation.

In the past, the appraisal reviewer services were provided by Thomas Ryland under individual purchase orders.

Contract Officer: Brian Geiger	650.508.7973
Project Manager: Brian W. Fitzpatrick, Manager of Real Estate & Development	650.508.7781

RESOLUTION NO. 2009-

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

*** * ***

**AUTHORIZING AWARD OF CONTRACTS
TO PROVIDE REAL ESTATE APPRAISAL REVIEWER SERVICES FOR AN
AGGREGATE NOT-TO-EXCEED SUM OF \$134,000 FOR FIVE YEARS**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) has solicited competitive proposals to provide real estate appraisal and appraisal reviewer services; and

WHEREAS, in response to the JPB's Request for Proposals (RFP) proposals were received from five firms; and

WHEREAS, an Evaluation Committee has reviewed, evaluated and ranked the proposals in accordance with the criteria set forth in the RFP; and

WHEREAS, Staff has determined that it would be in the best interest of the JPB to award contracts to two firms for real estate appraisal reviewer services; and

WHEREAS, the Staff Coordinating Council has recommended that contracts be awarded to the firms with the two highest-ranked proposals for real estate appraisal reviewer services, Thomas Ryland of Sacramento, California and Henry Spoto, Jr. of El Macero, California.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the JPB awards two on-call, no-guarantee contracts for furnishing real estate appraisal reviewer services to Thomas Ryland and Henry Spoto, Jr. for a five-year base term for a total aggregate not-to-exceed cost of \$134,000; and

BE IT FURTHER RESOLVED that the Executive Director or his designee is authorized to execute contracts on behalf of the JPB with Thomas Ryland, and Henry Spoto, Jr. for real estate appraisal reviewer services in full conformity with all the terms and conditions of the RFP and negotiated agreements.

Regularly passed and adopted this 5th day of November, 2009 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: C.H. (Chuck) Harvey
Deputy CEO

SUBJECT: KEY CALTRAIN PERFORMANCE STATISTICS SEPTEMBER 2009
(Table A, Graph A)

For September 2009, Caltrain average weekday ridership (AWR) decreased 9.2 percent when compared to September 2008. AWR based on ticket sales was 39,795 for September 2009, a decrease of 4,027 compared to September 2008. The total number of passengers for the month of September 2009 was 1,037,076. This is a 9.1 percent decrease from last year's September total of 1,140,660. The declining economy, including the double-digit unemployment rate, is continuing to negatively impact ridership.

In September 2009, on-time performance was 92.1 percent, as compared to 94.5 percent in September 2008, a decrease over last year of 2.4 percent. There were two fatalities that prevented Caltrain from achieving the 95% on-time goal.

Average weekday shuttle ridership was 5,768; down 4.2 percent compared to the same month last year. For the station shuttles, the Millbrae-Broadway shuttle averaged 103 daily riders. The Tamien-San Jose shuttle averaged 60 riders per Saturday/Sunday. The Belmont-Hillsdale shuttle averaged 49 daily riders.

Table A shows performance indicators for September 2009. Graph A shows AWR for the past 13 months as compared to the rolling average.

Caltrain Promotions – September 2009

Caltrain Safety Month - The Caltrain Board of Directors proclaimed September Rail Safety Month; kicking off a series of events and activities to inform the public about the importance of being safe around the railroad. The program included a rail safety media workshop, drive-time radio spots, news release, the Operation Lifesaver presentation to District staff, and an event marking completion of the Grade Crossing Improvement Project in the City of San Mateo.

San Jose Sharks – The 2009 Sharks’ season should be exciting as the team comes off its best regular-season record ever. This year’s cooperative promotion with Sharks includes a print campaign in local newspaper, adcards on the trains, and a web button on the Caltrain web site. In addition, the Sharks have purchased a train wrap to promote the team.

Stanford Football – A standout freshman quarterback has created a lot of excitement down on the Farm, and Caltrain plans to carry a flock of Cardinal fans to the Stanford Stadium station this fall to track his development. Caltrain is partnering with the Cardinal and their arch rival, University of California at Berkeley, to promote the 2009 season. The promotion includes a take one, a button on the Caltrain web site, and radio ads on the station that broadcasts Stanford and Cal games. To date, Caltrain has carried a total of 1,657 fans for Stanford games.

Giants Baseball – The season ended too early for Giants fans but the drive down the stretch kept AT&T Park attendance and Caltrain ridership up. Ridership was over 12 percent higher than 2008 as Caltrain proved to be the vehicle of choice for Peninsula Giants’ fans headed to the diamond. Train service was promoted with a brochure and news release detailing the combination of regular trains and special service offered. Commercials aired on select Comcast TV stations, ads promoting the service appeared on sfgate.com, and the Giants reminded fans about Caltrain via five scoreboard messages.

Summer Train Fun – Caltrain provided service to a number of fun end-of-summer events including the Millbrae Art and Wine Festival, the Ghirardelli Square Chocolate Festival, and the Mountain View Art and Wine festival.

Prepared by: Patrick Boland, Marketing Manager
Anthony E. Waller, Service Planner

650.508.6245
650.622.8026

Table A

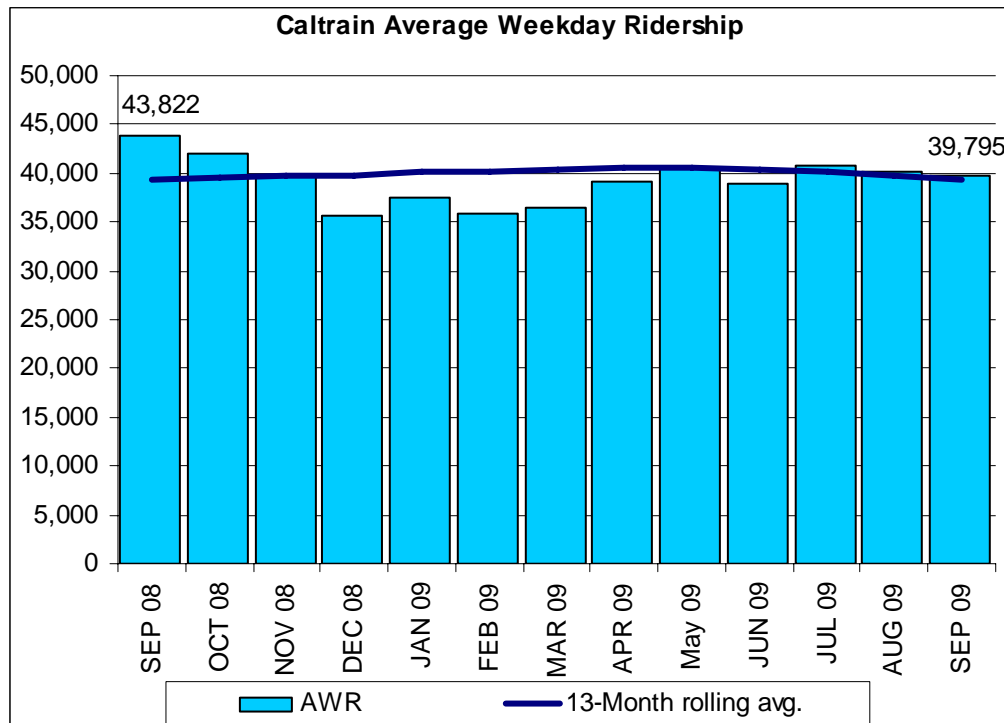
September 2009

	FY 09	FY 10	%Change
Total Ridership	1,140,660	1,037,076	-9.1%
Average Weekday Ridership	43,822	39,795	-9.2%
Total Revenue	\$3,849,884	\$3,721,990	-3.3%
On-time Performance	94.5%	92.1%	-2.6%
Caltrain Shuttle Ridership	6,020	5,768	-4.2%

Year to Date

	FY 09	FY 10	%Change
Total Ridership	3,575,034	3,196,652	-10.6%
Average Weekday Ridership	44,955	40,265	-10.4%
Total Revenue	\$12,066,208	\$11,431,189	-5.3%
On-time Performance	93.8%	94.0%	0.2%
Caltrain Shuttle Ridership	6,241	5,538	-11.3%

Graph A



**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: C. H. (Chuck) Harvey Gigi Harrington
Deputy CEO Deputy CEO

SUBJECT: **AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AN
AMENDMENT TO THE APRIL 7, 2009 MEMORANDUM OF
UNDERSTANDING BETWEEN THE PENINSULA CORRIDOR JOINT
POWERS BOARD AND THE CALIFORNIA HIGH SPEED RAIL
AUTHORITY AND ASSOCIATED FUNDING AGREEMENT**

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

- 1) Authorize the Executive Director to execute Amendment No. 1 with its Attachment A, to the Memorandum of Understanding Agreement dated April 7, 2009, executed in accordance with Peninsula Corridor Joint Powers Board (JPB) Resolution No. 2009-14 dated April 2, 2009, with the California High Speed Rail Authority (CHSRA).
- 2) Authorize the Executive Director to enter into a funding agreement between the CHSRA or State of California and the JPB.

SIGNIFICANCE

Approval of the above actions will progress the cooperative efforts of the JPB and CHSRA by establishing the initial organizational structure, and budget for fiscal year 2010 for the joint Peninsula Rail Program (PRP). The PRP shall be led the Peninsula Rail Program Director who will report directly to the Executive Directors of the JPB and CHSRA.

The attached proposed Amendment No. 1 to the JPB and CHSRA MOU dated April 7, 2009 includes Attachment A with Exhibits A and B which outline the work scope, integrated structure, and shared staffing costs for value-added joint management and administration to be undertaken by the PRP.

BUDGET IMPACT

Funding for the PRP, as outlined in Amendment No. 1, will be shared 50 percent/50 percent between the JPB and the CHSRA. One hundred percent of the JPB contribution (see Exhibit B) for PRP was previously approved under Board Resolution 2009-38, which adopted the FY2010 Capital Budget. No budget amendment is required. The funding agreement will allow the JPB to receive reimbursement from the CHSRA for its share of PRP costs.

BACKGROUND

On October 1, 2009, during its Board meeting, the CHSRA Board authorized its Executive Director to execute this Amendment No. 1 to the MOU dated April 7, 2009.

In January 2004, CHSRA and the JPB entered into a MOU that established a framework for future cooperation between the agencies relative to the proposed development of a high speed rail train system for California that would share the JPB-owned rail corridor between the cities of San Francisco and San Jose.

In July and November 2008, with the endorsements of JPB, the CHSRA designated the Caltrain rail corridor as the preferred alignment for the HSR System, and the California voters approved Proposition 1A – the Safe, Reliable High-speed Passenger Train Bond Act, respectively.

In March and April 2009, the CHSRA and JPB Boards respectively authorized their own Executive Directors to execute the MOU Agreement dated April 7, 2009 in order to establish a cooperative partnering framework and a set of principles to consolidate, coordinate and share resources with which to implement a fully compatible joint project of commuter rail rapid transit and intercity high speed rail projects. The MOU Agreement required the JPB and the CHSRA working groups to undertake a set of initial actions. This Amendment No. 1 formalizes achievement of the first initial action as stipulated in Section IV(A) of the MOU Agreement.

It is anticipated that the costs, which both the JPB and the CHSRA would otherwise bear in order to perform the work required to develop, design, procure, install and integrate the Caltrain Peninsula Line for both commuter and high speed rail operations, will be considerably lower and will more closely reflect the requirements and expectations of the Peninsula communities, riders, and the operators of the services as a result of the JPB and the CHSRA's joint efforts under the PRP.

Attachment: MOU Amendment No. 1 with Attachment A and Exhibits A and B.

Prepared By: Mark Paradine, Peninsula Rail Program Contract Administrator	415.836.5613
Robert Doty, Peninsula Rail Program Director	415.836.5607

AMENDMENT NO. 1 TO AGREEMENT

THIS AMENDMENT NO. 1 is by and between the California High Speed Rail Authority (hereinafter referred to as "CHSRA") and the Peninsula Corridor Joint Powers Board (hereinafter referred to as "PCJPB").

RECITALS

WHEREAS, in April 2009, CHSRA and PCJPB entered into an agreement whose stated purpose is ". . . to establish an initial organizational framework whereby CHSRA and PCJPB engage as partners in the planning, design and construction of improvements in the Caltrain Rail Corridor that will accommodate and serve both the near-term and long-term needs of CHSRA inter-city high speed rail service and PCJPB commuter rail rapid transit service" ("Agreement"); and

WHEREAS, the Agreement contemplates establishing working groups to initiate work under the Agreement on certain enumerated and other tasks. Specifically, the Agreement contemplates that CHSRA and PCJPB programs will be planned, designed and implemented to the extent possible as a joint project. Based thereon, the Agreement enunciates the objectives of the parties ". . . to share, to coordinate, and/jointly to direct their resources toward the implementation of a single joint program/project, including various personnel resources."; and

WHEREAS, Section IV(A) of the Agreement sets forth several Initial Actions and Tasks to be developed by one or more working groups established by the parties, and the "formulation of a detailed organizational structure for the joint program, including the designation or alternation of position titles, reporting relationships, and the manner in which decisions shall be made"; and

WHEREAS, as contemplated by Section IV(A) of the Agreement, the parties have formulated an organizational structure for the joint CHSRA and PCJPB joint program, the details of which are contained in Attachment A to this Amendment No. 1 to Agreement; and

WHEREAS, the functions set forth in Attachment A can be conducted more efficiently, effectively and at lower aggregate cost through a coordinated effort by the working group described in this Amendment No. 1, and the allocation of working group costs set forth in this Amendment No. 1 is fair and reasonable in light of the benefits to be derived from the working group; and

WHEREAS, based upon the foregoing, the parties desire to adopt and to implement immediately the working group defined in Attachment A and agree to funding for Fiscal Year 2009-10 necessary to support the working group for the purposes set forth in Attachment A .

NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows:

I. ESTABLISHMENT OF WORKING GROUP; ORGANIZATIONAL STRUCTURE

The Peninsula Rail Program Scope of Work and Organization as described in Attachment A attached hereto and incorporated herein by this reference hereby is approved and adopted effective upon execution and delivery of this Amendment No. 1 to Agreement by the parties. This Amendment is not intended to constitute and does not constitute any limitation on the decision-making authority of any party.

II. FUNDING

The parties hereby agree that the enumerated costs of the work of the working group described in Attachment A will be shared equally on a 50%-50% basis, but not exceeding the

categorical and aggregate limits set forth in Attachment A. The parties represent that sufficient funds have been appropriated in Fiscal Year 2009-10 in the amounts and for the purposes set forth in Attachment A. As contemplated by Section IV(A) of the Agreement, the parties will implement appropriate financial systems necessary to enable prompt allocation, oversight and accounting for the costs contemplated by this section. Any party may withdraw from and terminate its participation in the provisions of this Amendment upon providing 30 days written notice to the other party hereto, provided that any costs incurred prior to the termination date set forth in such notice, as well as any costs incurred necessary to effect termination, shall continue to be allocated between the parties as set forth herein.

III. EFFECT OF AMENDMENT NO. 1

Except as provided for in this Amendment No. 1, the terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, CHSRA and PCJPB have executed this Amendment No. 1 to Agreement.

California High Speed Rail Authority

Peninsula Corridor Joint Powers Board

BY:_____

BY:_____

Name:_____

Name:_____

Title:_____

Title:_____

Date:_____

Date:_____

Resolution No.:_____

Resolution No.:_____

Approved as to form:

Approved as to form:

Attachment A

Peninsula Rail Program Scope of Work and Organization

September 8, 2009

Introduction

Since January, 2004, the California High Speed Rail Authority and the Peninsula Corridor Joint Powers Board (the Parties) have been cooperating under Memoranda of Understanding, the most recent being executed in May, 2009.

In these MOUs the Parties established a framework and an agreement to engage as long term partners in order to coordinate the planning, design and implementation of proposed development programs for their respective inter-city high speed rail and commuter rail rapid transit services in a manner that provides for the shared use of the existing Caltrain Rail Corridor between the cities of San Francisco and San Jose. Under the recently executed MOU, which requires that each Party has adequate oversight to maintain that funding is used properly, the Parties agreed to consolidate their separate organizations, to share various personnel resources and information and to concentrate and direct their joint efforts as a phased joint program (the "Peninsula Rail Program").

This document is a description of the Program organization, its scope of work for Fiscal Year of 2010, and the FY2010 budget. An explanation of how specific projects are funded, contracted, and managed through the Parties is being developed.

Background

The Peninsula Rail Program is a working group, which is the product of the Memorandum of Understanding (MOU) executed by the Peninsula Corridor Joint Powers Board (JPB) and the California High Speed Rail Authority (CHSRA) in March/April of 2009. The purpose of the MOU is to provide continuing management of JPB approved system improvement programs and program oversight of an integrated program for the implementation of High-Speed Rail on the Caltrain corridor from San Francisco to San Jose. The Peninsula Corridor is a unique segment of the California High Speed Rail system, and therefore, requires close coordination between the two Parties to ensure successful and expeditious implementation of the program. The corridor is unique in the following ways:

- Construction of the high speed rail system will occur while Caltrain continues to operate a significant level of commuter rail service;

- Current system improvement programs will continue and will be integrated into a comprehensive program with a consolidated program management function, which will execute the work to the mutual benefit of the parties;
- It is the only HSR corridor which is expected to operate in mixed traffic (commuter, high-speed, and freight operations, as well as FRA-compliant and non-compliant vehicles);
- The MOU requires that each Party have adequate oversight to maintain that funding is used properly;
- The Peninsula Rail Program necessitates a vigorous public involvement effort that involves both PCJPB and CHSRA; and
- The Peninsula Rail Program is undertaking several activities that have not previously been done in the United States. The Joint Powers Board has made significant investment in activities that enhance the operations of the Caltrain system and which are beneficial to high speed rail. They are:

Positive Train Control – With a federal mandate to implement a PTC system by 2015, PRP is finishing the CBOSS (Communications Based Overlay Signal System) request for proposals package and is awaiting federal funding for award and implementation. This program is essential to the construction of a high-speed rail system as it will provide operating flexibility and roadway worker protection far in excess of current capability. It will also achieve all improved safety requirements identified under the mandate. CBOSS (PTC) is portable to other equipment and will integrate with other systems being developed. Coordination with high-speed rail, freight and compliant equipment users is in process.

Mixed traffic / Shared Use – Caltrain will be submitting a formal waiver request to the Federal Railroad Administration (FRA) in Fall 2009 to operate mixed traffic (compliant and non-compliant rolling stock operating simultaneously) on the Caltrain corridor. Significant analysis and data has been presented to the FRA, which has verified that vehicles designed with crash energy management (CEM) combined with PTC supports an exceptionally improved level of safety. These activities fully support HSR shared use and allows for temporally separated freight operations.

Temporal (freight) separation by PTC – Historically, temporal separation of passenger and freight equipment has been achieved by restricting operations by time of day or through physical separation. With the implementation of CBOSS, temporal separation can be enforced by using the control system, in areas such as South Terminal where freight and non-compliant passenger equipment must use the corridor simultaneously, resulting in flexibility of operations not previously achievable.

Electrification of an existing railroad – PRP will deliver a fully electrified railroad which will not only improve Caltrain service but will support high speed rail interoperability and service to the future Transbay Transit Center.

High-speed rail service – The California system will be the first true high speed rail service (over 125 mph) in the United States. Building a high-speed system through existing urban environments and on an operating railroad presents unique challenges that require expertise, close coordination between technical teams and Party representatives, and a sophisticated outreach program.

Joint program implementation – This will be the first joint development project by a high-speed rail authority and a conventional rail organization to design and build a new system while continuing to operate an existing railroad.

Organizational philosophy

All critical functions of the Peninsula Rail Program organization will regularly interface with appropriate staff from both the Parties. See Exhibit A for the Organization Chart. The Program Director reports to the two Chief Executive Officers of the Parties and regularly interfaces with the PM/CM Program Director and the PM/CM Regional Manager (contracted by the CHSRA). The PRP will develop for review by the parties proposals relating to each of the PRP functions set for below. Each party retains full authority to accept or reject such proposals and to modify such proposals as they deem fit. The parties may evidence agreement regarding any proposal in such form and manner as they deem appropriate. The staff of each party may seek the approval of its governing board as they deem appropriate prior to approving any proposal hereunder.

In addition to the foregoing, the PRP Director and working group shall monitor progress and compliance with any proposals approved by the parties hereto. The PRP Director shall report on progress and compliance as the parties deem appropriate. The parties will cause their staff, contractors and consultants to provide to the PRP Director such information as he or she may reasonably request for the development of proposals hereunder or for monitoring progress and compliance with proposals approved by the parties.

Until an operator for CHSRA has been identified, PCJPB will provide engineering standards developed by and for the Peninsula corridor, which must be compatible with Caltrain and HSR. The PM/CM will develop operating requirements for high-speed rail with input from the PRP Operations team on operating requirements to maintain Caltrain commuter rail service during and after construction. The PM/CM will oversee the contractors/consultants who are executing the design and construction of the program elements. The PRP Director oversees a team with five functions described below. The PRP will be available to the PM/CM for consultation during such design and construction.

Organizational structure

There are five functions; (1) engineering, (2) operations planning, (3) project controls, (4) program administration, and (5) public participation & community involvement. The following describe the general scope of work of each working subgroup. The FY10 hours and budget for the Peninsula Rail Program are included in Exhibit B. Any costs incurred after June 30, 2010 or in excess of the limits (for hours or amounts) set forth in the applicable category in Exhibit B shall be the sole responsibility of the party incurring such cost.

1. **Engineering** – Three major components of the Engineering management team are: Vehicle/Rolling Stock, Systems, and Civil Infrastructure.
 - The Vehicle/Rolling Stock team will oversee the design, procurement, and testing phases of the new Caltrain fleet and its interface with all systems. Provides support for the FRA waiver request by one or more of the parties, vehicle analysis data submittals, and Regulatory Approvals (FRA & CPUC).
 - The Systems team will provide oversight of the design, procurement, and implementation of the signal system (CBOSS), communications, new control system, and electrification of the Peninsula Rail Corridor with the aim of assuring that interoperability is achieved. Provides support to the parties for FRA waiver request and Regulatory Approvals (FRA & CPUC).
 - The Civil Infrastructure team will provide oversight of the design/construction of new track, grade separations or crossing closures, bridges, tunnels, and terminal/station work with the aim of assuring that all Caltrain and HSR engineering standards are incorporated.
 - The parties intend to add an engineering lead position by the next fiscal year (FY2011) as the design becomes firm and standards must be incorporated.

2. **Operations Planning** – The operations planning group is responsible for developing proposed service plans/schedules that will impact the Peninsula Rail Corridor during the implementation of the high speed rail program. The group will:

- Provide input into and review the development of rail service operating scenarios for the Peninsula Rail corridor, which requires coordination between Caltrain, CHSRA, and TJPA;
- Review and approve a proposed service plan that considers Caltrain, high-speed trains, freight, and other commuter/intercity passenger rail that currently operates in the corridor. The PRP will seek input from operators (ACE, Amtrak Intercity, BART, Capitol Corridor, Union Pacific, VTA) on the project at critical milestones;
- Oversee the development of a proposed fleet transition plan, which includes the transition from diesel-powered to electric-powered equipment and the introduction of high-speed trains;
- Oversee the development of a proposed service reliability plan to maintain a minimum acceptable level of passenger service during periods of construction and an acceptable pace of construction; and
- Develop and propose a process for system access by CHSRA contractors including the allocation of support staff, work windows, roadway worker protection and safety training.
- Support Activities include:
 - PTC interoperability
 - Mixed Use Waiver
 - Grade Crossing Improvements
 - Regulatory Approvals (FRA & CPUC)

3. **Project Controls & Contracts Administration** – This group is responsible for the business functions of the Peninsula Rail Program and will communicate regularly with the Chief Finance Officers or Executive Directors of the two Parties. It includes oversight of functions such as:

- Contract formation and administration;
- Developing procurement (contract and materials) strategy and processes;
- Establishing the program's Work Breakdown Structure (WBS) and Code of Accounts (COA);
- Developing and maintaining integrated master program schedules and critical paths;
- Establishing program budgets;

- Developing scope and cost control means and methods;
- Developing a program progress and performance reporting system;
- Reviewing and approving contractor invoices and close-outs; and identification of funding sources and preparation of applications for grants/funding opportunities.

This group will work closely with the CAHSRA Program Management consultant (Parsons Brinckerhoff).

4 Program Management/Administration– This group will be responsible for developing processes for monitoring all activities related to the overall management and administration of the Peninsula Rail Program. It will provide oversight of functions, including:

- Reporting Program progress and issues to the CEOs and their Deputy Directors;
- Preparing information for and making presentations to the PCJPB and CHSRA Board of Directors;
- Regular coordination with JPB management staff and CHSRA management staff;
- Overseeing and facilitating the regulatory approvals process with FRA, CPUC, and possibly other agencies;
- Coordinating with and providing information to other (current and future) passenger operators and labor unions;
- Coordinating and negotiating with freight operators, Ports of San Francisco, and Redwood City, and freight customers;
- Creating and maintaining the Program's Risk Register, which proactively tracks risks to program scope, timely implementation, and budget;
- Managing general support functions for the Peninsula Rail Program, such as document control, and information systems and technology;
- Support efforts for funding, including the AARA program and other grant opportunities;
- Support organizational interface with:

AAR

ACE

Amtrak Intercity / Long Distance

APTA – Shared Use, HSR and Intercity Committees

AREMA

BART

Caltrans

Capitol Corridor JPA
Citizens Advisory Committees
CPUC
FTA
FRA
MTC
Port of San Francisco and freight customers
Port of Redwood City and freight customers
SFCTA
SFMTA
Santa Clara VTA
Transportation Research Board (TRB)
UPRR

- Support interface with Project Teams, which include:

Dumbarton project team
South Terminal/Diridon Station
Super ACE (Altamont Pass) Committee
Prologis (formerly Catellus) on North Terminal
Transbay Transit Center and DTX – TJPA

This group will work closely with the CHSRA Program Management consultant (Parsons Brinckerhoff).

5 Public Participation & Community Involvement – This group is responsible for working with the Communications and Public Affairs teams from CHSRA and PCJPB to provide accurate and consistent information about the program and to provide input on messaging that will be made available to the general public. Functions include:

- Public Participation and Community Involvement, working with the public involvement strategy team, comprised of CHSRA and Caltrain representatives on the corridor, and making presentations at public events;
- Developing program documents and/or presentations for third parties, such as professional organizations and conferences; and
- Interfacing with multiple organizations and stakeholders along the corridor, including but not limited to the following:

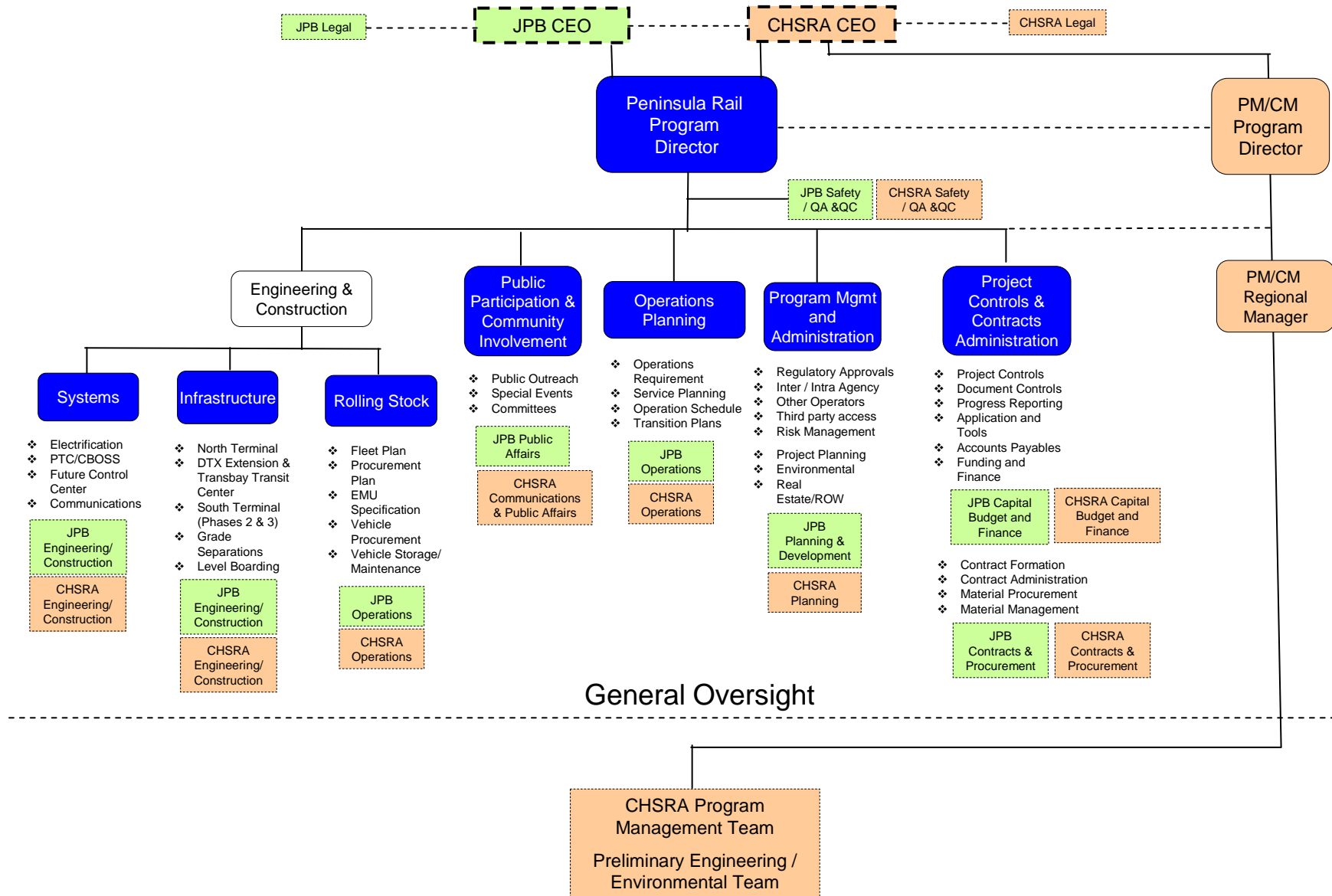
Elected officials
Press
Amalgamated Transit Worker Business
Bay Area Council
Bay Area Economic Institute
Bay Area Transportation and Housing

Bay Rail Alliance
Building Construction Trades Council SMC
Burlingame Chamber
C/CAG
Committee for Green Foothills
Environment California
GCOR
Genentech
Greenbelt Alliance
Housing Leadership Council SMC
League of Conservation Voters
Operating Engineers Local 3
Peninsula Cities Consortium
Peninsula Traffic Congestion Relief Alliance
Plumbers, Local 467
Redwood City-San Mateo Chamber
San Carlos Chamber
SF Chamber of Commerce
SF Labor Council
San Francisco Planning and Urban Research (SPUR)
San Mateo Area Chamber
SAMCEDA
SMC Labor Council
Sierra Club Loma Prieta Chapter
Silicon Valley Community Foundation
Silicon Valley Leadership Group
South Bay Labor Council
So San Francisco Chamber
Sustainable Redwood City
Sustainable San Mateo County
Transform (formerly Transportation And Land Use Coalition)
Urban Land Institute

6 Other Direct Costs – In addition to the five functions above, the working group participants may undertake the following in connection with those functions:

- Operate a Peninsula Rail Program office in San Francisco, including acquisition of supplies, utilities, courier service
- Reprographics services
- Acquire and develop computer applications and licenses
- Prepare operation simulations
- Travel to Washington DC and Sacramento

Peninsula Rail Program Client Organization Chart



Peninsula Rail Program Budget FY2010

	Department	Position	Subtotal (Hours, Labor)
1	Program Manager	Program Manager	1920
			\$ 547,413
2	Program Administration	Administration Manager	1920
			\$ 403,200
3		Project Administrator/Secretary	1920
		Document Controls	\$ 192,000
4		Project Accountant	640
			\$ 96,000
5	Project Controls	Business Manager	1920
			\$ 384,000
6		Project Scheduler	\$ 800
			\$ 152,000
7		Project Cost/Trend Engineer	\$ 1,600
			\$ 304,000
8		Finance Funding Liaison	960
			\$ 192,000
9		Information Systems & Technology	480
		Application Support	\$ 86,400
10	Operations Planning	Operations Liaison	480
			\$ 105,600
11		Safety Officer	360
			\$ 72,000
12		Operations Planning	1920
		Operation Analysis	\$ 230,400
13		Operations Planning	960
			\$ 155,520
14		Operations Analysis	960
			\$ 240,000
15	Contracts & Procurement	Senior Contracts Officer	1920
		Contracts Administrator	\$ 425,875
16	Engineering	Vehicle	1920
			\$ 510,720
17		System Engineering	1920
			\$ 508,800
18		Civil Infrastructure	1920
			\$ 412,800
14	Public Participation & Community Involvement	Public Affairs	1920
		Government Relations	\$ 384,000
			26,440
			\$ 5,402,728
		Full-Time Equivalents	13.8
		Labor Cost	\$ 5,402,728
		Other Direct Costs	\$ 1,277,320
			\$ 6,680,048
		Share @50%	\$ 3,340,024

RESOLUTION NO. 2009-

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

*** * ***

**AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT TO
THE APRIL 7, 2009 MEMORANDUM OF UNDERSTANDING BETWEEN THE
PENINSULA CORRIDOR JOINT POWERS BOARD AND THE CALIFORNIA HIGH
SPEED RAIL AUTHORITY AND ASSOCIATED FUNDING AGREEMENT**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) and the California High Speed Rail Authority (CHSRA) entered into a Memorandum of Understanding dated April 7, 2009 in order to establish a cooperative partnering framework and a set of principles to consolidate, coordinate and share resources with which to implement a fully compatible joint project of commuter rail rapid transit and intercity high speed rail projects.; and

WHEREAS, the parties now wish to advance the organizational framework initially created by establishing a strong joint project organization called the Peninsula Rail Program (PRP) for mutual benefit of the parties

WHEREAS, the PRP is founded on the expectation that both the JPB's Caltrain commuter rail service and the CHSRA's high speed train service will operate on Caltrain's right-of-way, and that both the JPB and the CHSRA will benefit from a cooperative and consolidated effort to promptly develop comprehensive roles and responsibilities for such projects including high speed rail service, positive train control, grade separations, electrification, and community outreach: and

WHEREAS, the proposed Amendment No. 1 to the April 7, 2009 MOU Agreement includes a 50% - 50% shared cost allocation for PRP management and administration staff necessary to perform the parties' joint efforts for achieving initial actions and tasks stipulated under the MOU Agreement, and also establishes the PRP's organizational structure by functional discipline and division of responsibility, it being understood that the PRP will be led by a

Peninsula Rail Program Director who shall report to the JPB's and CHSRA's respective executive directors; and

WHEREAS, the related funding agreement between the JPB and CHSRA or the State of California, will provide mechanisms and parameters by which the JPB will be reimbursed for it's share of PRP costs; and

WHEREAS, the Staff Coordinating Council recommends the Board's approval of this Amendment No. 1 with its Attachment A and Exhibits A and B; and

WHEREAS, the Staff Coordinating Council recommends that the Board also authorize the Executive Director to enter into a funding agreement with the CHSRA or the State of California.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes the Executive Director to execute the proposed Amendment No. 1 to the April 7, 200 MOU Agreement and to enter into a funding agreement between the JPB and the CHSRA or the State of California to establish the detailed organizational structure, staff plan and initial budget for the Peninsula Rail Program.

Regularly passed and adopted this 5th day of November, 2009 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: C. H. (Chuck) Harvey Gigi Harrington
Deputy CEO Deputy CEO

SUBJECT: **EXTEND CONTRACT TERM AND OBTAIN ADDITIONAL CONTRACT
AUTHORITY FOR EXISTING ON-CALL GENERAL ENGINEERING
CONSULTANT SERVICES FOR A TOTAL NOT-TO-EXCEED COST OF
\$50,000,000**

ACTION

Staff Coordinating Council (SCC) recommends that the Board authorize the Executive Director to execute contract amendments to extend the term of services by 18 months from December 31, 2009 to June 30, 2011 and authorize additional contract authority for General Engineering Consultant (GEC) services not to exceed \$50 million in aggregate with the following firms:

- HNTB Corporation (Contract 05-PCJPB-P-029)
- PB Americas, Inc. (Contract 05-PCJPB-P-025)
- Parsons Transportation Group, Inc. (Contract 05-PCJPB-P-027)

SIGNIFICANCE

The extension of the contract term by an additional 18 months is required as the existing GEC contracts will conclude on December 31, 2009 and many of the current Caltrain capital projects will be in the final design or construction phases at that time.

The additional contract authority will allow the JPB to secure construction management and design support during construction services for projects currently underway as well as services for the Peninsula Rail Program.

Approval of the above action will allow the JPB to continue with uninterrupted design and construction management services and provide the JPB with a mechanism to secure engineering and project management support through June 30, 2011. This action will increase the aggregate not to exceed contract amount from \$105 million to \$155 million.

BUDGET IMPACT

There is no impact on the budget. Work is assigned to GECs utilizing Work Directives. Work Directives are individually funded using Board-approved capital and operating budgets.

BACKGROUND

The existing on-call GEC services contracts were awarded after competitive solicitation, at the October 2004 JPB meeting under Board Resolution 2004-35 and provide the JPB with a ready mechanism to furnish multi-discipline engineering and construction management support services to execute JPB-approved Caltrain Capital Budget projects, including other work on the right of way that is sponsored and funded by third parties. The contracts were awarded for a base two-year term with three one-year options.

Initially, staff estimated the total aggregate amount needed for on-call GEC services over the five-year contract period to be \$80 million. Staff analysis indicated additional contract authority was needed to efficiently continue design efforts for on-going projects. At the December 2008 JPB meeting an additional \$25 million in contract authority was awarded under Board Resolution 2008-61.

Since the approval of the additional contract authority, staff evaluated numerous approaches to replace the existing GEC contracts, including a combined Program Management/Construction Management (PM/CM) contract, to support execution of the JPB Capital Program beyond December 31, 2009. However, factors regarding the clear scope definition of the program and associated funding uncertainties, lead to the decision that the appropriate option for the JPB is to extend the existing GEC contracts for an additional 18 months. The extension and additional contract authority will provide time for program scope and funding to be clarified, and provide an opportunity for staff to develop an associated comprehensive GEC replacement strategy that considers the JPB Capital Program, and those associated with the Peninsula Rail Program and California High Speed Rail. The extension and request for additional Board authority is not a commitment to expend such authority with the GECs.

Over the next 18 months, approximately \$66 million of design, construction management and project management work is planned. Of this amount, \$16 million in remaining GEC contract authority will be committed to the San Bruno Grade Separation final design effort and the Santa Clara South Terminal construction project.

The \$50 million in additional contract authority is required for the following projects:

- \$22 million for the construction phase of the San Bruno Grade Separation and the Bridges Program.
- \$13 million for continued consultant support of both the JPB Capital Program and the Peninsula Rail Program.
- \$5 million for unanticipated program needs.
- \$10 million for the South Terminal Phase III and the Los Gatos Creek Bridge projects which may receive American Recovery and Reinvestment Act (ARRA) funding.

Contracts and Procurement staff have initiated negotiations with the existing GECs covering terms for the contract extension period.

RESOLUTION NO. 2009-

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

**AUTHORIZING EXTENTION OF CONTRACT TERM AND ADDITIONAL CONTRACT
AUTHORITY FOR EXISTING ON-CALL GENERAL ENGINEERING CONSULTANT
SERVICES FOR A TOTAL NOT-TO-EXCEED COST OF \$50,000,000.**

WHEREAS, pursuant to Resolution 2004-35, the Peninsula Corridor Joint Powers Board (JPB) awarded three contracts for on-call general engineering consultant (GEC) services to HNTB Corporation, PB Americas, Inc. and Parsons Transportation Group, Inc. for a total aggregate cost not to exceed amount of \$80,000,000 for a five year term ending December 31, 2009; and

WHEREAS, pursuant to Resolution 2008-61, the JPB Board authorized additional contract authority of \$25,000,000 to efficiently continue design efforts for on-going projects through the contract term; and

WHEREAS, it is necessary to extend the existing GEC contracts for an additional 18 months and obtain additional contract authority to allow the JPB to continue with uninterrupted design and construction management services on current Caltrain capital projects that will be in the final design or construction phase during such time; and

WHEREAS, work assigned to GECs will be on a work directive basis, consistent with Board-approved capital and operating budgets; and

WHEREAS, the contract extension will provide time for program scope and funding to be clarified, and will also provide an opportunity for staff to develop a comprehensive GEC replacement strategy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes extension of the term of the three above named GEC

contracts by 18 months to expire June 30, 2011, with additional contract authority at a total aggregate not to exceed cost of \$50,000,000; and

BE IT FURTHER RESOLVED that the Board authorizes the Executive Director or his designee to execute contract amendments on behalf of the Peninsula Corridor Joint Powers Board with the three firms specified above, in a form approved by legal counsel, in order to give effect to this resolution.

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director / CEO

FROM: Gigi Harrington
Deputy CEO

**SUBJECT: QUARTERLY INVESTMENT REPORT AND
FIXED INCOME MARKET REVIEW AND OUTLOOK**

ACTION

Staff Coordinating Council (SCC) recommends that the Board accept and enter into the record the Quarterly Investment Report and Fixed Income Market Review and Outlook for the quarter ended September 30, 2009.

SIGNIFICANCE

The Joint Powers Board's (JPB) Investment Policy contains a requirement for a quarterly report to be transmitted to the Board within 30 days of the end of the quarter. This staff report was forwarded to the Board of Directors under separate cover on October 16, 2009 in order to meet the 30 day requirement.

BUDGET IMPACT

As this reports on the Quarterly Market Review and Outlook, there is no budget impact.

BACKGROUND

The treasurer or chief financial officer is required by state law to submit quarterly reports within 30 days of the end of the quarter covered by the report. The report is required to include the following information:

1. Type of investment, issuer, date of maturity, par and dollar amount invested in all securities, investments and money held by the local agency;
2. Description of any of the local agency's funds, investments or programs that are under the management of contracted parties, including lending programs;

3. For all securities held by the local agency or under management by any outside party that is not a local agency or the State of California Local Agency Investment Fund (LAIF), a current market value as of the date of the report and the source of this information;
4. Statement that the portfolio complies with the Investment Policy or the manner in which the portfolio is not in compliance; and,
5. Statement that the local agency has the ability to meet its pool's expenditure requirements (cash flow) for the next six months or provide an explanation as to why sufficient money shall or may not be available.

A schedule, which addresses the requirements of 1, 2, and 3 above, is included in this report on page 6. The schedule separates the investments into three groups: The Investment Portfolio which is managed by Tamalpais Wealth Advisors (TWA); Liquidity funds which are managed by JPB staff; and Trust funds which are managed by third party trustees. The Investment Policy governs the management and reporting of the Investment Portfolio and Liquidity funds while the bond covenants govern the management and reporting of the Trust funds.

TWA provides the JPB a current market valuation of all the assets under its management for each quarter. The valuation is provided by FT Interactive Data, the major operating division of Interactive Data Corporation, (IDC). IDC is a leading provider of global securities data. They offer one of the largest information databases with current and historical prices on securities traded in all major markets including daily evaluations for more than 2.5 million fixed income securities.

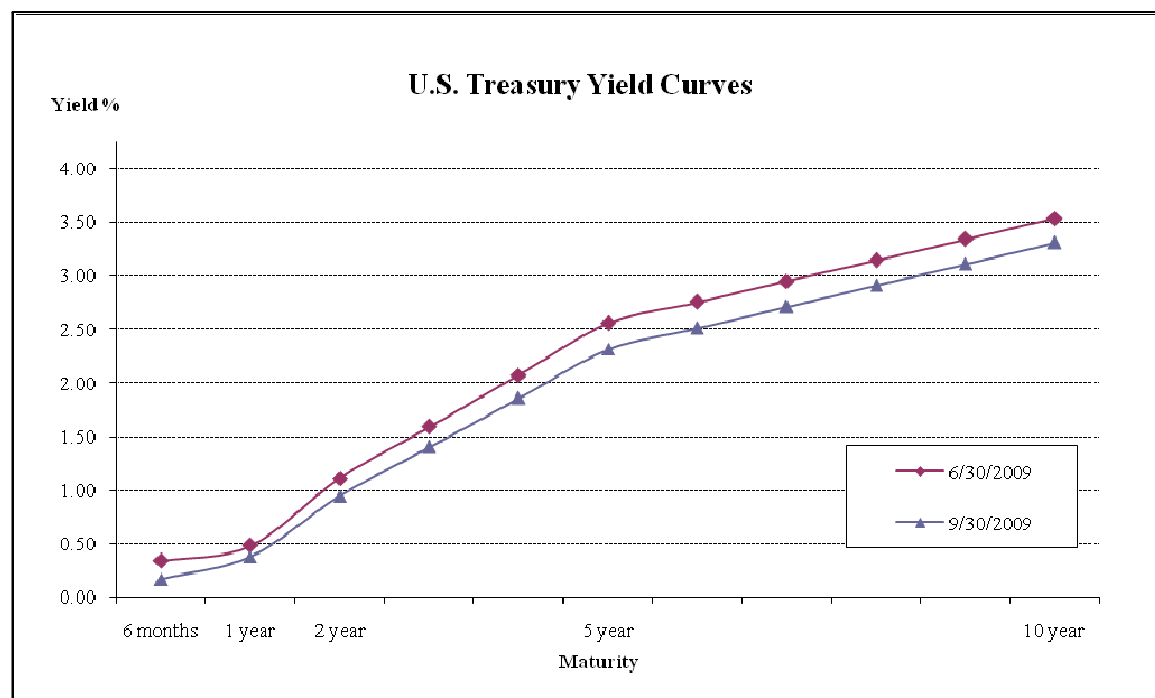
Due to the nature of securities which are bought and sold in a principal market, such as fixed income securities, multiple market values may exist for a given security at any given time. TWA has chosen IDC as an unbiased estimator of these prices based on their leading role as a provider of end of the day pricing, an evaluation of their methodology and the experience of their evaluation staff. Unfortunately, given the recent volatility in the markets not every security is currently supported or accurately reflected by IDC. Therefore at the end of the quarter, TWA surveyed a number of Wall Street firms to get an accurate market value of the securities held in JPB's portfolio. These surveys reflect the levels at which someone is actually willing to purchase the securities held by JPB. In the case of money market instruments, which are not supported by IDC, TWA used adjusted cost.

The Liquidity funds managed by JPB staff are considered to be cash equivalents and therefore market value is considered to be equal to book value, (i.e. cost). The shares of beneficial interest generally establish a nominal value per share. Because the Net Asset Value is fixed at a nominal value per share, book and market value are equal and rate of income is recalculated on a daily basis.

The portfolio and this Quarterly Investment Report comply with the Investment Policy and the provisions of SB 564 (1995). The JPB has the ability to meet its expenditure requirements for the next six months.

DISCUSSION

Market Review and Outlook



Data Source: Bloomberg

Interest rates fell modestly during the third quarter of the year despite an improvement in the prospects for near-term economic growth. Generally, interest rates rise as economic activity increases, reflecting a greater demand for capital, the potential for higher inflation and the likelihood of the Fed raising the Fed Funds rate. The recent strength in the economic numbers, however, is being attributed to a cyclical rebound in inventories and fiscal stimulus. Recognizing the temporary nature of these factors, the market has shifted its focus toward growth after the current stimulus has run its course.

While today our economy is emerging from recession, TWA does not expect a typical recovery. To appreciate the difference this time we need to start with an acknowledgement of the imbalances that still plague us. Over the past 15 years, our economy was characterized by rising consumer debt burdens, a diminishing savings rate and progressively higher usage of debt by businesses. It was also characterized by rising household net worth fueled predominately by increasing home values and, at times, a rising equity market. As long as credit flowed freely and home and stock prices were rising, the economy hummed along. When the housing and leverage bubbles popped, net worth plunged and left the excess levels of debt, low savings rate and high debt burdens exposed. What turned an ordinary cyclical contraction into something much more severe was the presence of these imbalances.

The economic contraction that we are emerging from has helped to start the process of repair. Savings rates have gone from zero to over 4.0 percent today. Consumer credit peaked in July of

2008 and has been in decline ever since. Household debt service burdens, with the help of lower interest rates, have declined as well. However, none of these measures has improved the economy enough. Measures such as total debt relative to GDP have not shown any improvement at all. This implies that virtually all the improvements in measures of consumer debt have come at the expense of increases in government debt. Therefore, just as the presence of these imbalances made the recession worse, their continued presence will dampen the magnitude of the recovery.

This observation has several important implications for investors. We are in for a period of modest consumption growth, stubbornly high unemployment rates, low interest rates and continued volatility. It also means that, at least for the time being, deflation, not inflation, is the bigger risk. TWA expects economic growth to remain strong through the first half of 2010, and then experience only tepid growth through the rest of the year and into 2011 with interest rates rising modestly.

The key question facing the bond market is whether the Fed uses the temporary strength in the economy to adjust the Fed Funds rate higher. The arguments in favor of this approach are greater flexibility for future monetary policy actions and a clear signal that the Fed will work diligently to keep inflation in check. The arguments against this approach are the temporary nature of the current stimulus, the long lead times for monetary policy and the historical evidence that tightening too soon was a prime contributor to the Great Depression. Limiting rate increases to approximately 1 percent is a likely scenario because it will allow the Fed to show that they are making an effort to keep inflation under control while keeping the restrictive influences of higher rates to a minimum.

At present, TWA believes that interest rates are below where they should be at this point in the cycle and are poised to rise. Additionally, they see little benefit to buying Agencies at this time and have begun to introduce more Treasury notes into our portfolio. While TWA's base case scenario factors in continued improvement in the health of our financial system, the downside risk due to a low probability event is still too great to recommend adding corporate exposure to the portfolio at this time.

Strategy

TWA's outlook continues to adjust as market conditions and the factors impacting the economy resolve themselves. U.S. Treasury rates, although off their lows, have fallen to extremely low levels with very little room to move lower. The low rate environment leaves the bond market without much of a yield cushion to avoid negative rates of returns should interest rates begin to rise. Although TWA believes the bond market will remain in an extremely low rate environment for a while, they will allow the portfolio's average maturity and related sensitivity to interest rates to diminish over time.

It is important to note that the Corporate Bonds purchased for the JPB to date are part of the Temporary Liquidity Guaranty Program (TLGP) through the FDIC which provides a full faith and credit guarantee of the US Government for the bonds.

As of the end of the quarter, the JPB's portfolio consisted of approximately 10.1 percent Corporate Bonds, 62.4 percent Agency Securities, 27.5 percent US Treasury securities and 0 percent Cash Equivalents; see Exhibit 5.

Budget Impact

The portfolio's performance is reported on a total economic return basis. This method includes the coupon interest, amortization of discounts and premiums, capital gains and losses and price changes (i.e., unrealized gains and losses). For the quarter ending September 30, the portfolio returned **0.73** percent. This compares to the benchmark return of **0.47** percent. The Performance graph in Exhibit 3 shows the relative performance of the JPB's portfolio since inception. The Growth of a Thousand Dollars graph in Exhibit 4 shows the cumulative performance over this same time frame for the portfolio.

The portfolio's yield to maturity, the return the portfolio will earn in the future if all securities are held to maturity is also reported. This calculation is based on the current market value of the portfolio including unrealized gains and losses. For the quarter ending September 30, the portfolio's yield to maturity was 0.95 percent. The benchmark's yield to maturity was 0.55 percent.

Another method of measuring the portfolio's yield to maturity is the yield of the portfolio at cost. This calculation is based on the value of the portfolio at cost and does not include any unrealized gains or losses as part of its computation. As of the end of the quarter the portfolio's rate of return on investments, at cost, was 2.03 percent. This measurement can be used to compare to pooled investment funds such as the San Mateo County Pool which showed a return on investments, at cost, of 1.02 percent for the same period. However, this is not the best measurement tool since it does not include unrealized gains and losses which help to demonstrate the real change in value of a portfolio.

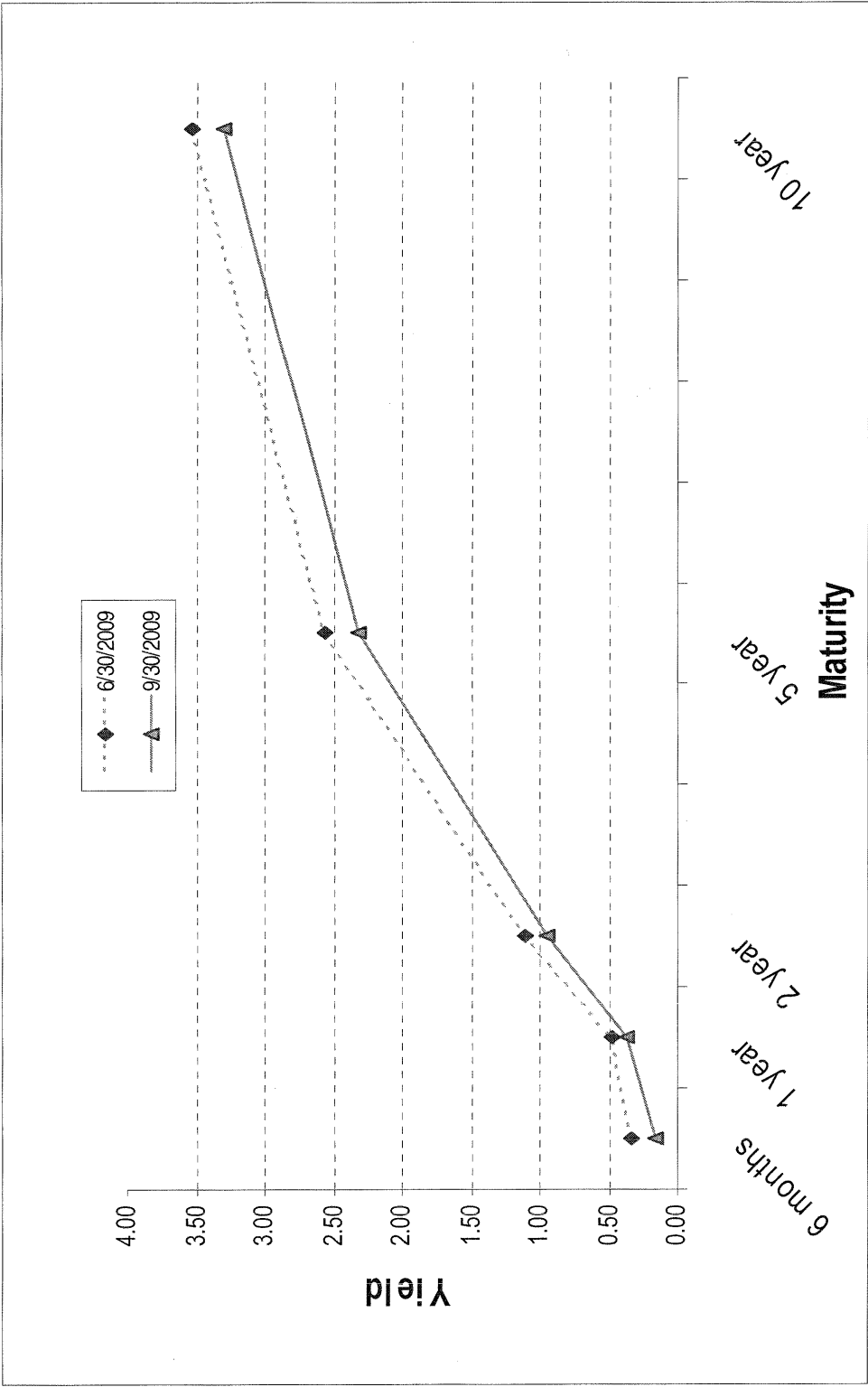
**PENINSULA CORRIDOR JOINT POWERS BOARD
REPORT OF INVESTMENTS
FOR QUARTER ENDED SEPTEMBER 30, 2009**

TYPE	DATE OF MATURITY	PAR VALUE	CARRYING AMOUNT	MARKET VALUE	ACCRUED INTEREST	MARKET VALUE +ACCR. INT.
FUNDS MANAGED BY TAMALPAIS WEALTH ADVISORS:						
INVESTMENT PORTFOLIO:						
CORPORATE BONDS						
JP Morgan Chase & Co.	12-01-10	500,000	507,000	511,074	4,375	515,449
Bank of America Corp.	12-23-10	500,000	500,000	505,940	2,314	508,253
GOVERNMENT BONDS						
US Treasury Bill	09-18-09	500,000	499,522	499,688	0	499,688
FHLM	05-28-10	2,000,000	2,030,900	2,026,250	7,257	2,033,507
FHLB	07-16-10	2,000,000	2,065,360	2,040,000	14,583	2,054,583
FNMA	11-15-11	2,000,000	2,131,400	2,180,000	40,312	2,220,312
TREASURY INFLATION PROTECTED SECURITIES						
US Inflation Indexed	04-15-10	2,273,620	2,133,507	2,274,331	9,060	2,283,391
TOTAL FUNDS MANAGED BY TAMALPAIS WEALTH ADVISORS		9,773,620	9,867,689	10,037,282	77,902	10,115,183
LIQUIDITY FUNDS MANAGED BY DISTRICT STAFF:						
BANK OF AMERICA CHECKING			9,244,890	9,244,890	0	9,244,890
LAIF			8,453,377	8,453,377	6,427	8,459,804
SAN MATEO COUNTY POOL			0	0	0	0
BANK OF AMERICA CD	07-20-09		3,958,549	3,958,549	198	3,958,747
TOTAL FUNDS MANAGED BY DISTRICT STAFF			21,656,816	21,656,816	6,625	21,663,440
TRUST FUNDS MANAGED BY THIRD PARTY TRUSTEE:						
First American Treas. Oblig. Cl D Corp Tr			1,874,577	1,874,577	0	1,874,577
TOTAL FUNDS MANAGED BY THIRD PARTY TRUSTEE		0	1,874,577	1,874,577	0	1,874,577
TOTAL AS OF SEPTEMBER 30, 2009		9,773,620	33,399,082	33,568,674	84,527	33,653,200

EXHIBIT 1

EXHIBIT 2

Peninsula Corridor Joint Powers Board
Historical Yield Curve



Data Source: Bloomberg

Tamalpais Wealth Advisors

Peninsula Corridor Joint Powers Board Duration vs. Benchmark

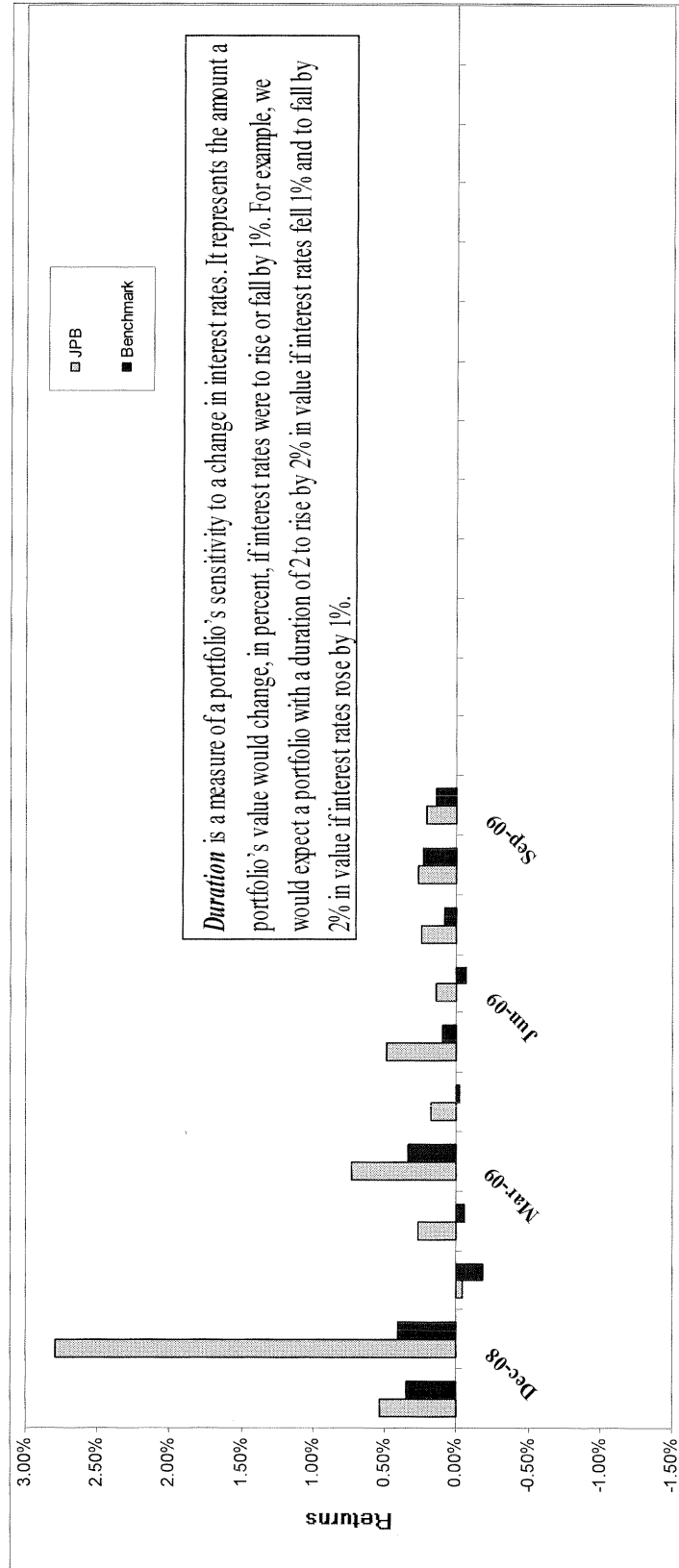


EXHIBIT 3

Trailing 12 Months	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09	Trailing '12
MONTHLY PERFORMANCE DATA												
JPB	0.54%	2.79%	-0.04%	0.27%	0.73%	0.18%	0.49%	0.14%	0.25%	0.27%	0.21%	5.96%
Benchmark	0.35%	0.41%	-0.18%	-0.06%	0.34%	-0.01%	0.10%	-0.06%	0.09%	0.24%	0.15%	1.36%

Tamalpais Wealth Advisors

Peninsula Corridor Joint Powers Board
Monthly Review – Account vs. Benchmark
Rolling 24 Months

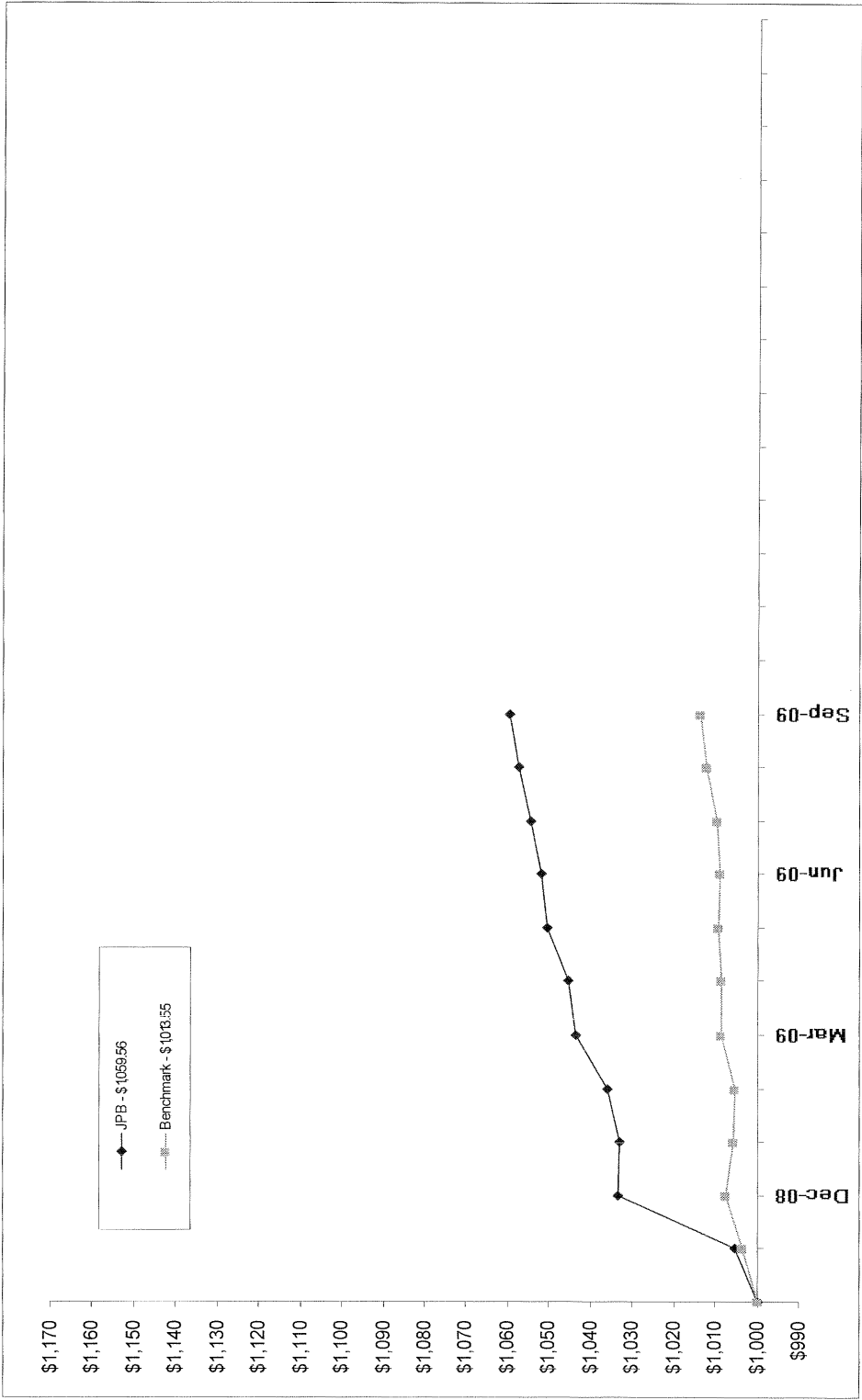


EXHIBIT 4

Tamelpais Wealth Advisors

Peninsula Corridor Joint Powers Board
Percent of Assets Held by Type

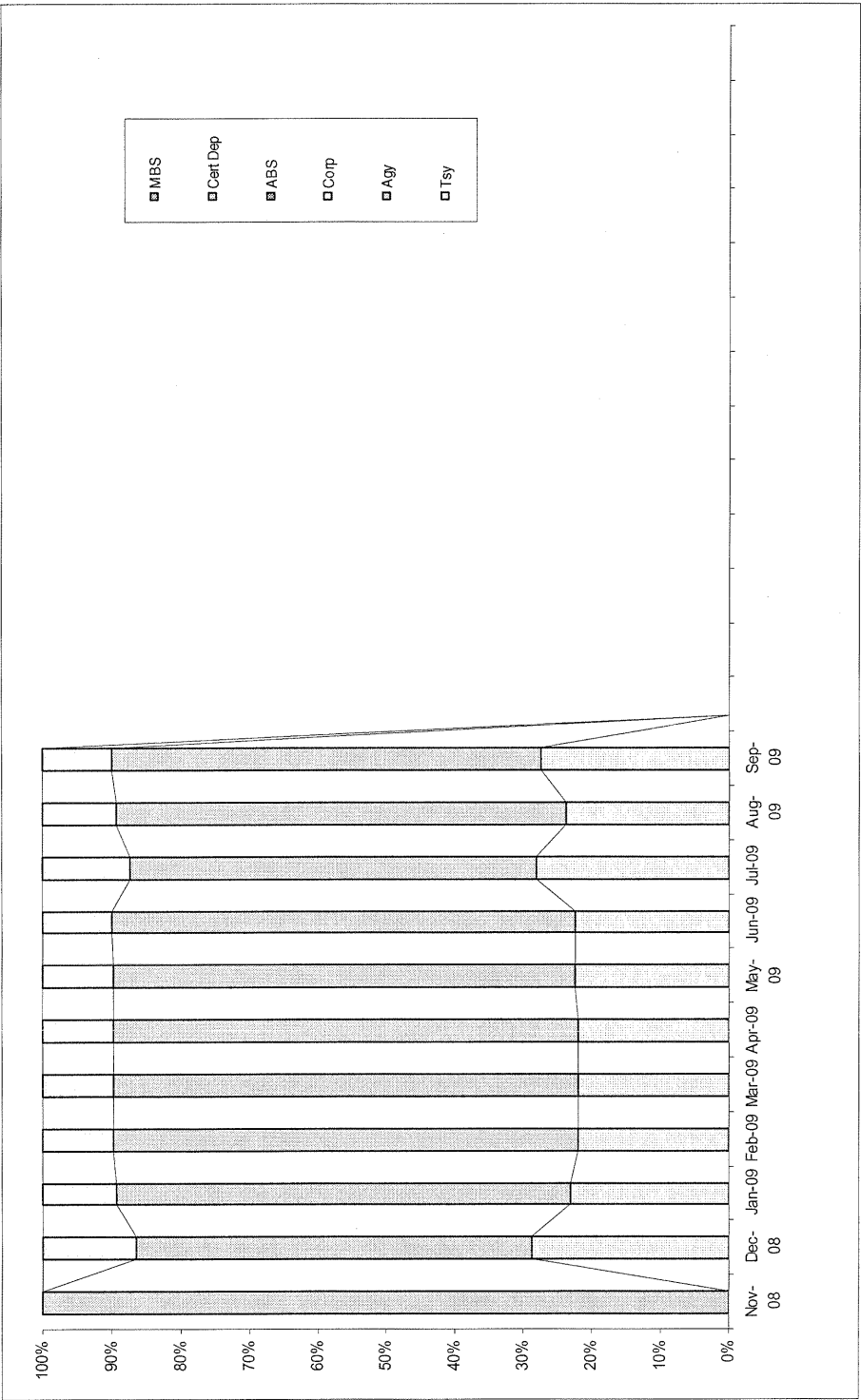


EXHIBIT 5

Tamalpais Wealth Advisors

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Marian Lee
Executive Officer, Planning and Development

SUBJECT: **DRAFT FY2010 – 2018 CALTRAIN SHORT-RANGE TRANSIT PLAN**

ACTION

This report is submitted for information. Formal action on the Caltrain Short-range Transit Plan (Fiscal Year 2010 – 2018) will be requested at the December 2009 Board meeting.

SIGNIFICANCE

Every four years the Metropolitan Transportation Commission (MTC) requires Bay Area transit districts to prepare and submit a “full” Short-range Transit Plan. In interim years, the agency is required to prepare a “mini” SRTP. This SRTP is a “mini” plan that addresses the milestones and challenges the agency experienced in FY2010 and provides an operating and financial forecast to FY2018. Major components of the “mini” SRTP include the operating plan and budget, and capital improvement plan projected to FY2018.

Staff will make a presentation that provides information on key elements of the draft plan. Following the Board meeting, the draft plan will be released to the public for comments. Public comments will be addressed and the final plan will be presented at the December 2009 Board meeting for adoption.

BUDGET IMPACT

There is no impact to the budget.

BACKGROUND

The MTC requires Bay Area transit operators prepare SRTPs every year to implement and inform the Regional Transportation Plan (RTP) and the Transportation Improvement Program (TIP). The SRTP fulfills regulatory requirements by the Federal Transit Administration (FTA) and the MTC, and serves as a midterm planning document that justifies funding requests and helps implement the MTC Regional Transportation Plan and Transportation Improvement Plan.

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Mark A. Simon
Executive Officer, Public Affairs

SUBJECT: **STATE AND FEDERAL LEGISLATIVE UPDATE**

ACTION

No action is required. This item is being presented to the board for information only.

SIGNIFICANCE

Staff will provide monthly updates consistent with the Authority's approved Legislative Program.

STATE

Legislation

October 11 was the last day for the governor to act on legislation. Governor Schwarzenegger took action on 715 bills: 456 were signed and 259 were vetoed. Bills signed into law include the following transportation-related legislation:

- AB 116 (Beall) – This bill, co-sponsored by the San Mateo County Transit District and the Valley Transportation Authority (VTA), streamlines procurement requirements by raising the threshold for competitive bidding from \$25,000 to \$100,000 for the purchase of equipment, materials, and supplies and would provide for considerable cost and time savings by allowing the “best value” to be considered. The bill also allows the District's General Manager to purchase equipment, materials, and supplies under \$100,000 on behalf of the Board.
- AB 729 (Evans) – Extends the sunset date, from January 1, 2011 to January 1, 2015, for transit operators to enter into design-build contracts.
- AB 1072 (Eng) – Will apply the existing formula for allocation of future funding provided by the Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) program, providing transit operators with predictability in spending transit capital revenue made available through the allocation.

The bill will also allow recipients to “bank” their allocations over multiple years so that they can accumulate funds for high-priority projects.

- AB 672 (Bass) – Authorizes Letters of No Prejudice (LNOP) for certain bond-funded transportation projects, allowing these projects to move forward if bond funding is not yet available.
- AB 1203 (Ma) – Provides clarifying language that directs the administration of the 25 percent water transit component of the Transit System Safety, Security and Disaster Response Account (TSSSDRA) funds to be administered by way of an up-front allocation of funds as opposed to on a reimbursement basis. This will allow for faster receipt of these needed funds, and will ensure that these transit agencies are able to continue to provide essential disaster and emergency response services.
- SB 83 (Hancock) – Authorizes a countywide transportation planning agency to place on the ballot a majority-vote local measure that would impose a fee of up to \$10 on each vehicle registered in that county. The fee would be used to pay for programs and projects including providing matching funds for bond-funded transportation projects and creating or sustaining congestion or pollution mitigation programs and projects, such as transit projects.

The governor vetoed the following transportation-related bills:

- AB 338 (Ma) – Would have recast the area included in a transit village plan to include all land within a 1/2 mile of a transit station, and eliminate the requirement of voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and an issuance of bonds for the purpose of developing and financing a transit facility.
- AB 1158 (Hayashi) – Would have added to the list of specified characteristics that a transit village plan may address the characteristic of other land uses, including educational facilities, that provide direct linkages for people traveling to and from primary and secondary education schools, community colleges, and universities.

Commission on the 21st Century Economy

The 14-member bipartisan commission appointed by the governor and legislative leaders recently released its report detailing how the State should reform its revenue system. The report recommends phasing in dramatic changes to the existing system over a five-year period. The recommendations include several reforms that can be enacted statutorily by the legislature and the governor as well as a recommendation that would require voter approval to increase the size of the State’s Rainy Day Fund from 5 percent to 12.5 percent.

Statutory Recommendations:

- Reduce Personal Income Tax rates by 29 percent while maintaining the progressive nature of the tax
- Eliminate the 8.84 percent corporate tax
- Eliminate the State’s 5 percent general purpose sales tax, exempting the sales tax on gasoline and diesel fuel, which would continue to be dedicated to transportation

- Establish a Business Net Receipts Tax (BNRT), not to exceed 4 percent, extended to services as well as goods, with small businesses generating less than \$500,000 in gross receipts exempted

The Commission's recommendations have received enthusiastic support from the governor, who called a special session in late October to consider the report's findings, but they will face considerable opposition from both business and labor groups. Senate and Assembly leaders have directed that the report should be examined at the committee level. It is likely that there will be significant changes to the recommendations.

Government Affairs staff worked with members of the Commission on the 21st Century Economy and the California Transit Association to ensure that the sales tax on gasoline and diesel fuel was preserved as a traditional source of transportation in the report's recommendations. Staff will be working with legislators during the special session to ensure that this exemption is preserved and that it includes:

- Proposition 42 – State sales tax on gasoline
- Proposition 111 – Sales tax on 9 cents of the State's excise tax on gasoline
- Spillover – State gas tax revenues in excess of 0.25% of General Sales Tax revenues
- State sales tax on diesel fuel

California Transit Association (CTA) Litigation

In 2008, the CTA filed a lawsuit arguing that it was illegal for the state to transfer of Proposition 42 and other transportation funding away from the Public Transportation Account (PTA) for uses other than mass transportation. After a favorable ruling from the 3rd District Court of Appeals, the California Supreme Court recently denied the State's petition for review, upholding the 3rd District Court's ruling.

The case is now sent back to the lower court to issue a judgment specifying what action the State must take to comply with the ruling. While it remains uncertain what impact this decision will have on State funding for mass transportation, staff will be working with CTA to make sure funding is restored.

California High Speed Rail

Last week, the governor sent a \$4.7 billion application for the \$8 billion in high speed rail (HSR) funding included in the American Recovery and Reinvestment Act (ARRA). This application includes over \$980 million for projects associated with the Peninsula Rail Program (PRP) effort to deliver HSR along with electrified and modernized Caltrain service between San Jose and San Francisco. The amount included for PRP was reduced by about \$300 million from the \$1.2 billion amount approved by the California High Speed Rail Authority (CHSRA) on September 23. That \$300 million was intended to be used for unidentified High Priority Grade Separation projects along the Caltrain right of way. All of the Peninsula Corridor Investment Strategy projects, including Caltrain electrification, positive train control, station improvements and the San Bruno grade separation were preserved in the State's final application.

CHSRA is proposing to match ARRA funds with Proposition 1A funds on a dollar-for-dollar basis. The Federal Railroad Administration (FRA) is expected to award funding in late 2009 or early 2010. The FRA received 45 applications from 24 states totaling \$50 billion.

FEDERAL

FY2010 Transportation Housing and Urban Development (THUD) Appropriations - H.R. 3288

Before Federal funding for current FY2009 programs expired on September 30, Congress approved a Continuing Resolution (CR) to extend funding through October 31. The CR was approved in both chambers as a part of the FY 2010 Legislative Branch appropriations bill (H.R. 2918), House and Senate leaders will continue meeting in conference to finalize the other 11 appropriations bills including the THUD bill. House and Senate versions of this bill include:

House

- \$1 million for Caltrain Positive Train Control (PTC)
- \$4 billion for investment in HSR

Senate

- \$500,000 for Caltrain PTC
- \$50 million for nationwide PTC competitive grants
- \$1.2 billion for investment in HSR

Surface Transportation Authorization Act (STAA) - H.R. XXXX

There continues to be significant uncertainty over the timing of surface transportation authorization. Following the standoff created by the approval of the \$500 billion, six- year STAA by the House Transportation and Infrastructure Committee's Subcommittee on Highways and Transit, and the conflicting approval of an Administration-endorsed 18-month extension by the Senate Environment and Public Works, and Commerce Science and Transportation Committees, both chambers recently approved a one-month extension of SAFETEA-LU funding levels prior to the expiration of current authorization on September 30 as a part of the FY 2010 Legislative Branch appropriations bill (H.R. 2918).

The extension is less than the three-month extension approved earlier by the House. Initially, it appeared that the Senate would approve a three-month extension as well, but the Senate's extension would have retained \$8.7 billion in unused highway contracting authority. The House's extension (H.R. 3617), did not retain these funds. House Transportation and Infrastructure Committee Chairman James Oberstar said retention of these funds because it violates the House's "pay as you go" provisions and Republicans objected to the use of Troubled Asset Relief Program (TARP) funds for this purpose.

It is expected that House and Senate leaders will work on a longer extension that eliminates the rescission of unused SAFETEA-LU highway funds and will provide time to finish debate over pending health care reform legislation and to negotiate the revenue component necessary to fund the STAA. Congressional leaders have mentioned looking to the General Fund, TARP or a gas tax increase as possible funding options.

When substantive debate about STAA does occur, it is expected that the inclusion of transit operations funding will be a key issue. One bill, the Transit Operating Assistance Grant Program (H.R. 2746), would allow transit agencies to dedicate a portion of their federal formula funding share to transit operations.

Staff will be working with our Federal legislative advocates and the American Public Transportation Association to ensure that STAA includes:

- Revenue stream that ensures funding targets will double the current investment in public transportation programs
- At least \$50 billion for investment in future HSR
- A component that provides funding for efforts that link land use and transportation planning similar to the Livable Communities Act of 2009 (S. 1619), which would authorize over \$4 billion to develop and implement these efforts.

Climate Change Legislation - H.R. 2454/S.1733

The American Clean Energy and Security Act (ACES) passed the House in June; in the Senate, the Clean Energy Jobs and American Power Act was recently released by the Environment and Public Works Committee. ACES calls for a cap and trade program to fund emission reduction efforts and while the bill allows states to allocate 1 percent of total allowances to transportation projects, the bill fails to provide guaranteed transit investment. The Senate plan includes slightly stronger emissions reductions targets and mandates that transportation would receive 1 percent of overall allowances.

The Senate bill is scheduled for markup by the Senate Environment and Public Works Committee during the week of October 26. Staff will work to encourage the committee to adopt the emissions allowance allocation formula included in S. 575/H.R. 1329, the Clean, Low Emission, Affordable, New Transportation Efficiency Act (CLEAN-TEA). This bill specifies that a full 10 percent of total emission allowances will be dedicated to public transportation.

Close the SILO/LILO Loophole Act of 2009 (H.R. 3439/S. 1341)

These bills would protect transit agencies from investors seeking to collect penalties related to certain financial transactions that are in technical default as a result of the downgraded credit rating of guarantors such as AIG. The bills would enact a 100 percent excise tax on any financial gains to investors resulting from a transaction in technical default.

Staff has been working to encourage that the Bay Area Congressional delegation co-sponsor the legislation in both chambers.

Prepared By: Seamus Murphy, Government Affairs Manager

650-508-6388

Peninsula Corridor Joint Powers Board Legislative Matrix October 2009

Bill ID/Topic	Location	Summary	Position
<u>AB 116</u> <u>Beall</u> (D) Transportation authorities and districts: contracts.	ASSEMBLY CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 408, Statutes of 2009	<p>Existing law establishes bridge and highway districts and various regional transportation authorities and transit districts, including the Santa Clara Valley Transportation Authority, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge, Highway and Transportation District, and prescribes the powers and duties of each, including procedures for awarding contracts and procurement. Existing law, with respect to the purchases of supplies, equipment, and materials by bridge and highway districts that exceed \$20,000, requires the contract to be let to the lowest responsible bidder, and, with respect to purchases by the Santa Clara Valley Transportation Authority and the Alameda-Contra Costa Transit District that exceed \$25,000, requires the contract to be let to the lowest responsible bidder. Existing law requires the Santa Clara Valley Transportation Authority and the Alameda-Contra Costa Transit District to publish a notice requesting bids to be published in a newspaper of general circulation, and requires bridge and highway districts to advertise bids as specified.</p> <p>This bill instead would require contracts of the Santa Clara Valley Transportation Authority, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge, Highway and Transportation District, under which the expenditure for the purchase of supplies, equipment, and materials exceeds \$100,000, to be let to the lowest responsible bidder or to the responsible bidder who submits a proposal that provides the best value, as defined. The bill would revise the notice requirement to require that notice requesting bids be published at least once in a newspaper of general circulation and on the authority's or district's procurement Internet Web site. The bill also would require the authority or district, to the extent practicable, to obtain a minimum of 3 quotations, either written or oral, that permit prices and terms to be compared, whenever the expected expenditure required for the purchase of supplies, equipment, or materials exceeds \$2,500, but does not exceed \$100,000. This bill contains other related provisions and other existing laws. Last Amended on 04/21/2009</p>	
<u>AB 153</u> <u>Ma</u> (D) High-Speed Rail Authority.	SENATE T. & H. 07/02/2009-In committee: Set, first hearing. Hearing canceled at the request of author.	<p>Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law authorizes the authority to prepare a plan for the construction and operation of that system and to enter into contracts, acquire rights-of-way through purchase or eminent domain, and take other actions, subject to specified contingencies. Under existing law, a public entity may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity that meets certain requirements. Existing law generally prohibits a state agency from employing legal counsel other than the Attorney General unless there is a specific statute authorizing that employment.</p> <p>This bill would eliminate those contingencies to the exercise of the authority's authority and would specify that the authority constitutes a "governing body" for the purpose of adopting a resolution of necessity. The bill would authorize the authority to employ its own legal staff or contract with other state agencies for legal services, or both. This bill contains other related provisions and other existing laws.</p>	

Peninsula Corridor Joint Powers Board Legislative Matrix October 2009

Bill ID/Topic	Location	Summary	Position
<u>AB 231</u> <u>Huffman</u> (D) California Global Warming Solutions Act of 2006: Climate Protection Trust Fund.	SENATE E.Q. 06/18/2009-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on EQ.	Requires that revenues collected pursuant to the California Global Warming Solutions Act of 2006 be deposited into a Climate Protection Trust Fund, and establishes parameters by which those funds can be distributed for the reduction of GHG and mitigation of climate change impacts. Last Amended on 06/26/2009	
<u>AB 266</u> <u>Carter</u> (D) Transportation needs assessment.	SENATE RLS. 06/11/2009-Referred to Com. on RLS.	Requires the California Transportation Commission (CTC) to, on an every-5-year basis, to develop an assessment of the unfunded costs of programmed state projects and federally earmarked projects in the state, , as well as an assessment of available funding for transportation purposes and unmet transportation needs on a statewide basis. Last Amended on 04/20/2009	
<u>AB 277</u> <u>Ammiano</u> (D) Transportation: local retail transaction and use taxes: Bay Area.	ASSEMBLY VETOED 08/06/2009-Consideration of Governor's veto pending. VETOED	The Bay Area County Traffic and Transportation Funding Act establishes a process for each of the 9 counties in the San Francisco Bay area to impose a retail transactions and use tax for transportation purposes subject to voter approval. Existing law provides for a county transportation expenditure plan to be developed in that regard, with expenditures from tax revenues to be administered by a county transportation authority, or, alternatively, by the Metropolitan Transportation Commission. Existing law requires the membership of a county transportation authority to be specified either in the county transportation expenditure plan or in the retail transactions and use tax ordinance. This bill would delete the option of specifying the membership of the authority in the retail transactions and use tax ordinance. Last Amended on 05/11/2009	
<u>AB 282</u> Committee on Transportation Transportation.	ASSEMBLY CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 229, Statutes of 2009	The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of \$19.925 billion in general obligation bonds for various transportation improvements, of which \$2 billion are to be allocated, upon appropriation by the Legislature, to cities and counties for specified street and road improvements. The act requires a city or county to reimburse the state for funds it receives if it fails to comply with certain conditions applicable to the expenditure of the bond funds. This bill would require any interest or other return earned by a city or county from investment of bond funds received under these provisions to be expended or reimbursed under the same conditions as are applicable to the bond funds themselves. This bill contains other related provisions and other existing laws. Last Amended on 09/02/2009	

Peninsula Corridor Joint Powers Board Legislative Matrix October 2009

Bill ID/Topic	Location	Summary	Position
<u>AB 289</u> <u>Galgiani</u> (D) High-speed rail.	SENATE RLS. 08/17/2009-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on EQ. Withdrawn from committee. Re-referred to Com. on RLS.	Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes. This bill would require the High-speed Rail Authority, to the extent possible, to use the proceeds of bonds from the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to match federal funds made available from the American Recovery and Reinvestment Act of 2009. This bill contains other related provisions and other existing laws. Last Amended on 08/17/2009	
<u>AB 338</u> <u>Ma</u> (D) Transit village developments: infrastructure financing.	ASSEMBLY VETOED 10/11/2009-Vetoed by the Governor	Recasts the area included in a transit village plan to include all land within not more than 1/2 mile of the main entrance of a transit station, and eliminates the requirement of voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and an issuance of bonds for the purpose of developing and financing a transit facility. Last Amended on 06/25/2009	Support
<u>AB 597</u> <u>Gaines</u> (R) Transportation.	ASSEMBLY 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was PRINT on 2/25/2009)	Existing law authorizes the Department of Transportation to engage in any act necessary, convenient, or proper for the construction, improvement, or use of all highways under its jurisdiction. This bill would make nonsubstantive changes to these provisions.	
<u>AB 619</u> <u>Blumenfield</u> (D) Transportation projects: federal funds: delays.	SENATE T. & H. 06/17/2009-In committee: Set, first hearing. Hearing canceled at the request of author.	Existing law provides that the Department of Transportation has full possession and control of the state highway system. Existing law provides for allocation of federal transportation funds made available to the state. This bill would require the department to notify the Legislature within 30 days of making a determination that a project, including a project designated in the National Corridor Infrastructure Improvement Program, will be delayed beyond its scheduled completion date due to state cashflow or other funding issues, if the delay places at risk federal funds, including funds earmarked for the project.	
<u>AB 672</u> <u>Bass</u> (D) Transportation: bond-funded projects: letter of no prejudice.	ASSEMBLY CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 463, Statutes of 2009	Authorizes letters of no prejudice (LNOP) for certain bond-funded transportation projects, allowing these projects to move forward if bond funding is not yet available. Last Amended on 06/02/2009	

Peninsula Corridor Joint Powers Board Legislative Matrix October 2009

Bill ID/Topic	Location	Summary	Position
<u>AB 726</u> <u>Nielsen</u> (R) Transportation capital improvement projects.	SENATE T. & H. 06/16/2009-In committee: Set, first hearing. Hearing canceled at the request of author.	Existing law generally provides for allocation of transportation capital improvement funds pursuant to the State Transportation Improvement Program process. Existing law provides for 75% of funds available for transportation capital improvement projects to be made available for regional projects, and 25% for interregional projects. Existing law describes the types of projects that may be funded with the regional share of funds, and includes local road projects as a category of eligible projects. This bill would state that local road rehabilitation projects are eligible for these funds.	
<u>AB 729</u> <u>Evans</u> (D) Public contracts: transit design-build contracts.	ASSEMBLY CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 466, Statutes of 2009	Extends the sunset date for transit operators to enter into design-build contracts to January 1, 2015. Last Amended on 06/30/2009	Support
<u>AB 732</u> <u>Jeffries</u> (R) Transportation projects: design-sequencing contracts.	SENATE APPR. SUSPENSE FILE 08/27/2009-In committee: Held under submission.	Existing law authorizes the Department of Transportation, until January 1, 2010, to conduct phase 2 of a pilot project through the utilization of design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, which are selected by the Director of Transportation taking into consideration specified geographical considerations. This bill would extend the operative date of those provisions until July 1, 2010, thereby extending the authority of the department to conduct phase 2 of the pilot project. The bill would instead specify that the pilot project consist of not more than 9 transportation projects. Last Amended on 06/16/2009	
<u>AB 733</u> <u>Galgiani</u> (D) High-Speed Rail Authority.	ASSEMBLY VETOED 10/11/2009-Vetoed by the Governor	Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, authorizes \$9.95 billion in general obligation bonds for high-speed rail development and other related purposes. This bill would authorize the authority to consider, to the extent permitted by federal and state law, the creation of jobs in California when awarding major contracts or purchasing high-speed trains, as specified.	
<u>AB 798</u> <u>Nava</u> (D) California Transportation Financing Authority: toll facilities.	ASSEMBLY CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 474, Statutes of 2009	Creates the California Transportation Financing Authority to issue bonds to fund transportation projects. Creates the California Transportation Financing Authority Fund, which would be continuously appropriated for these purposes. Last Amended on 06/24/2009	

Peninsula Corridor Joint Powers Board Legislative Matrix October 2009

Bill ID/Topic	Location	Summary	Position
<u>AB 810</u> <u>Caballero</u> (D) Circulation and transportation element.	SENATE L. GOV. 06/04/2009-Referred to Com. on L. GOV.	<p>Existing law requires a general plan to include a statement of development policies and, among other elements, a circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.</p> <p>This bill would rename the circulation element the circulation and transportation element and make other technical and conforming changes.</p>	
<u>AB 878</u> <u>Caballero</u> (D) Infrastructure financing.	ASSEMBLY 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was L. GOV. on 4/21/2009)	<p>Existing law permits a governmental agency to solicit proposals and enter into agreements with private entities for the design, construction, or reconstruction by, and may lease to, private entities, for specified types of fee-producing infrastructure projects. Existing law permits these agreements to provide for the lease of, or ownership of, infrastructure facilities owned by a governmental entity, but constructed by a private entity, to that private entity for a period of up to 35 years.</p> <p>This bill would authorize a local governmental agency, as defined, to enter into an agreement with a private entity for financing for specified types of revenue-generating infrastructure projects. The bill would require an agreement entered into under these provisions to include adequate financial resources to perform the agreement, and would permit the agreements to lease, license, or provide other permitted uses by the governmental agency to extend for a term of up to 50 years, after which time the project would revert to the governmental agency. Last Amended on 04/20/2009</p>	
<u>AB 1062</u> <u>Garrick</u> (R) Design-build contracts: Labor compliance program: exemptions.	ASSEMBLY 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was B. & P. on 3/31/2009)	<p>Existing law requires public entities to comply with certain procedures in soliciting and evaluating bids and awarding contracts for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law authorizes school district governing boards, the governing boards of specified community college districts and community college facility construction projects, certain cities, certain counties, and transit operators, to enter into design-build contracts, as specified. Existing law requires proposals to be evaluated and scored using certain minimum factors, including skilled labor force availability. Existing law defines "skilled labor force availability" to mean that an agreement exists with a registered apprenticeship program, approved by the California Apprenticeship Council, which has graduated apprentices in the preceding 5 years, except as specified.</p> <p>This bill would revise the definition of "skilled labor force availability" for purposes of these provisions to a commitment to training the future construction workforce of California through apprenticeship, as specified, and would require the design-build entity to provide specified information from which it intends to request the dispatch of apprentices for use on the design-build contract.</p>	

Peninsula Corridor Joint Powers Board Legislative Matrix October 2009

Bill ID/Topic	Location	Summary	Position
<u>AB 1063</u> <u>Garrick</u> (R) Design-build contracts: labor compliance program: exemptions.	ASSEMBLY 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was B. & P. on 3/31/2009)	<p>Existing law requires public entities to comply with certain procedures in soliciting and evaluating bids and awarding contracts for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law authorizes school district governing boards, the governing boards of specified community college districts and community college facility construction projects, certain cities, certain counties, and transit operators, to enter into design-build contracts, as specified. Existing law provides that, for purposes of these provisions, the "safety record" of a bidder on these design-build contracts is deemed acceptable if it meets certain standards or if the bidder is party to an alternative dispute resolution system, as specified.</p> <p>This bill would delete the provision that a bidder's "safety record" is deemed acceptable if the bidder is party to an alternative dispute resolution system.</p>	
<u>AB 1072</u> <u>Eng</u> (D) Public Transportation Modernization, Improvement, and Service Enhancement Account.	ASSEMBLY CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 271, Statutes of 2009	<p>Provides transit operators with predictability in spending transit capital revenue made available through the issuance of the Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) by locking in a formula for allocation of the funds. Allows recipients to "bank" their allocations over multiple years so that they can accumulate funds for large high-priority projects.</p> <p>Last Amended on 06/18/2009</p>	
<u>AB 1158</u> <u>Hayashi</u> (D) Transit village plan.	ASSEMBLY VETOED 10/11/2009-Vetoed by the Governor	<p>Adds the characteristic of other land uses, including educational facilities that provide direct linkages for people traveling to and from primary and secondary education schools, community colleges, and universities, to the list of specified characteristics that a transit village plan may address.</p> <p>This bill would become operative only if AB 338 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last. Last Amended on 06/25/2009</p>	
<u>AB 1203</u> <u>Ma</u> (D) Transportation bond funds: transit system safety.	ASSEMBLY CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 516, Statutes of 2009	<p>Requires the California Emergency Management Agency (Cal EMA), by February 1 of each fiscal year, to select eligible applicants for transit system safety projects from the Transit System Safety, Security and Disaster Response program (TSSSDRA) pursuant to Proposition 1B, and provide the State Controller with a list of the projects and sponsoring agencies eligible to receive an allocation.</p>	
<u>AB 1277</u> <u>Harkey</u> (R) State bonds: sale.	ASSEMBLY 2 YEAR 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 05/20/2009)	<p>Existing law authorizes the Treasurer to cancel or postpone the sale of state bonds to an indefinite date prior to or at the time and place fixed for the sale of state bonds. This bill would further authorize the Treasurer to delay the sale of certain bonds under 3 specified conditions.</p>	

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<u>AB 1321</u> <u>Eng</u> (D) Environment: The Advance Infrastructure Mitigation Program Act.	ASSEMBLY 2 YEAR 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009)	<p>The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.</p> <p>This bill would enact the Advance Infrastructure Mitigation Program Act, which would establish the Advance Infrastructure Mitigation Program, including defining terms for that purpose. The bill would authorize the Natural Resources Agency to administer and implement the program by taking certain actions. Those actions would include preparing, approving, and implementing regional advance mitigation plans, the contents of which the bill would specify, for planned infrastructure projects, as defined, identified by an infrastructure planning agency, as defined. The bill would specify that the purpose of a regional advance mitigation plan is to provide effective mitigation and conservation of natural resources and natural processes on a landscape, regional, or statewide scale, to expedite the environmental review of planned infrastructure projects, and to facilitate the implementation of measures to mitigate the impacts of those projects by identifying and implementing mitigation measures in advance of project approval. The bill also would authorize the agency to acquire, restore, manage, monitor, and preserve lands, waterways, aquatic resources, or fisheries, or fund those actions, in accordance with an approved regional advance mitigation plan or as otherwise specified, and to establish or fund the establishment of mitigation banks and conservation banks and purchase credits at those types of banks . The bill would authorize the agency to take other actions with respect to mitigation credits or values created or acquired under the program. This bill contains other related provisions. Last Amended on 05/06/2009</p>	
<u>AB 1364</u> <u>Evans</u> (D) Public contracts: state bonds: grant agreements.	ASSEMBLY CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 526, Statutes of 2009	<p>Existing law permits the modification of contracts by state agencies in specified instances.</p> <p>This bill would provide that, notwithstanding any other provision of law, any state agency that has entered into a grant agreement for the expenditure of state bond funds where the state agency or grant recipient is, or may be, unable to comply with the terms of that agreement because of the suspension of interim funding for projects and contracts by the Pooled Money Investment Board on or after December 18, 2008, shall, with the consent of the grant recipient, have the authority to either renegotiate, modify, or eliminate the deadlines and timetables for and deliverables within the grant agreement in order to address the suspension or to terminate the grant agreement if no grant funds have yet been delivered thereunder. The bill would specify that it does not modify any act under which bonds are authorized to be issued or the State General Obligation Bond Law. This bill contains other related provisions. Last Amended on 08/17/2009</p>	

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<u>AB 1375</u> <u>Galgiani</u> (D) High-speed rail.	ASSEMBLY 2 YEAR 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 04/28/2009)	<p>Existing law, the California High-Speed Train Act, creates the High-Speed Rail Authority to develop and implement a high-speed train system in the state, with specified powers and duties. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes.</p> <p>This bill would revise and recast these provisions by repealing and reenacting the California High-Speed Train Act. The bill would continue the High-Speed Rail Authority in existence to make policy decisions relative to implementation of high-speed rail consistent with Proposition 1A. The bill would create the Department of High-Speed Trains within the Business, Transportation and Housing Agency, which would implement those policies. The bill would transfer certain of the existing powers and responsibilities of the authority to the department, and would specify additional powers and duties of the authority and department relative to implementation of the high-speed rail project, including the annual submission of a 6-year high-speed train capital improvement program and progress report to the Legislature. The director of the department would be appointed by the authority, who would serve at the pleasure of the authority, and the Governor would be authorized to appoint up to 10 executive employees of the department who would be exempt from civil service and serve at the pleasure of the director. The bill would provide for acquisition and disposition by the department of rights-of-way for the high-speed rail project. The bill would enact other related provisions.</p>	

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<u>AB 1404</u> <u>De Leon</u> (D) California Global Warming Solutions Act of 2006: offsets.	ASSEMBLY VETOED 10/11/2009-Vetoed by the Governor	<p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. The act authorizes the state board to adopt by regulation, after a public workshop, a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the act. The fee revenues are deposited into the Air Pollution Control Fund and are available, upon appropriation by the Legislature, for purposes of carrying out the act. The state board is authorized to adopt market-based compliance mechanisms, as defined, meeting specified requirements to be used for compliance with those regulations. The state board is required, before including any market-based compliance mechanism, to maximize additional environmental and economic benefits for California, as appropriate.</p> <p>This bill would require the state board, if the state board allows the use of market-based compliance mechanisms, to limit the use of compliance offsets, as defined, that meet specific criteria, to no more than 10% of the greenhouse gas emission reductions expected from market mechanisms during the compliance period. The bill would require the state board to apply the limit as a percentage of each regulated party's reported emissions in a compliance period. The bill would require the state board to impose an administrative fee pursuant to the fee authority described above for deposit into the fund to pay for expenses related to state board administration of the compliance offset program, upon appropriation by the Legislature. This bill contains other related provisions.</p> <p>Last Amended on 09/04/2009</p>	
<u>AB 1456</u> <u>Buchanan</u> (D) County bridges.	ASSEMBLY 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was PRINT on 2/27/2009)	Existing law provides for the construction and operation of bridges in counties, as specified. This bill would make a nonsubstantive change to these provisions.	

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<u>ABX3 20</u> <u>Bass</u> (D) Federal transportation economic stimulus funds.	ASSEMBLY CHAPTERED 03/27/2009-Chaptered by Secretary of State. Chapter 21, Statutes of 2009-10 Third Extraordinary Session.	<p>Existing law generally provides for programming and allocation of state and federal transportation capital improvement program funds pursuant to the state transportation improvement program process administered by the California Transportation Commission. Under these provisions, 25% of available funds are available for interregional improvement projects nominated by the Department of Transportation, subject to a requirement that 60% of these funds be available for projects in nonurbanized areas on the interregional road system and for intercity rail projects. The remaining 75% of available funds are available for regional improvement projects nominated by regional agencies. All funds programmed through the state transportation improvement program process are subject to the north-south split, and the regional improvement funds are further subject to the county shares formula.</p> <p>This bill would appropriate to the department, and provide for programming and apportionment of, federal economic stimulus funds made available to the state for highway purposes under the American Recovery and Reinvestment Act of 2009. The bill would provide for 37.5% of the funds to be programmed by the department for allocation by the commission, and for 62.5% of the funds to be apportioned to the regional agencies based on the existing formula for allocation of federal regional surface transportation improvement program funds. The bill would require a portion of these funds to be programmed and allocated for transportation enhancement activities and would establish priorities in that regard. The bill would require the department, from the funds to be programmed by the department, to program a minimum of \$935,000,000 for projects in the state highway operation and protection program and would authorize not more than \$310,000,000 of those funds to be temporarily loaned by the department to advance bond-funded projects pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 that meet certain requirements. This bill contains other related provisions and other existing laws. Last Amended on 03/23/2009</p>	
<u>ACA 9</u> <u>Huffman</u> (D) Local government bonds: special taxes: voter approval.	ASSEMBLY THIRD READING 08/31/2009-From committee: Be adopted. (Ayes 12. Noes 5.) (August 27). Read second time. To third reading.	<p>Creates an additional exemption to the 1% limit on the tax rate on real property for a rate imposed by a city, county, or city and county to service bonded indebtedness, incurred to fund specified public improvements, facilities, and housing, and related costs that is approved by 55% of the voters of the city, county, or city and county.</p> <p>Last Amended on 06/26/2009</p>	

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<u>ACR 14 Niello</u> (R) California Global Warming Solutions Act of 2006.	ASSEMBLY NAT. RES. 04/27/2009-Be adopted and be re-referred to the Committee on Appropriations.(AYES 3. NOES 6.) (FAIL)	This measure would call upon the State Air Resources Board, prior to any regulatory action being taken consistent with the scoping plan for the implementation of the California Global Warming Solutions Act of 2006, to perform an economic analysis that will give the State of California a more complete and accurate picture of the costs and benefits of the act's implementation. The measure would also call upon the Governor to use the authority granted by the act to adjust any applicable deadlines for regulations. Last Amended on 03/27/2009	
<u>SB 31 Pavley</u> (D) California Global Warming Solutions Act of 2006: revenue allocations.	SENATE 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 6/3/2009)	Specifies certain uses for revenues collected pursuant to the California Global Warming Solutions Act of 2006. Last Amended on 05/05/2009	
<u>SB 93 Kehoe</u> (D) Redevelopment: payment for land or buildings.	SENATE CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 555, Statutes of 2009	<p>The Community Redevelopment Law authorizes a redevelopment agency, with the consent of the legislative body, to pay all or a part of the value of the land for, and the cost of the installation and construction of, any building, facility, structure, or other improvement that is publicly owned either within or without the project area if the legislative body makes specified determinations. These determinations by the agency and the local legislative body are final and conclusive. Existing law requires the agency, with respect to the financing, acquisition, or construction of a transportation, collection, and distribution system and related peripheral parking facilities, in a county with a population of 4 million persons or more, to enter into an agreement with the rapid transit district that includes the county, or a portion thereof, under which the rapid transit district is required to be given specified responsibilities.</p> <p>This bill would instead authorize a redevelopment agency, with the consent of the legislative body, to pay all or a part of the value of the land for, and the cost of the installation and construction of, any building, facility, structure, or other improvement that is publicly owned and is located inside or contiguous to, as defined, the project area if the legislative body makes specified determinations. The bill would delete the requirement that the agency, with respect to the financing, acquisition, or construction of a transportation, collection, and distribution system and related peripheral parking facilities, in a county with a population of 4 million persons or more, enter into an agreement with the rapid transit district that includes the county, or a portion thereof, under which the rapid transit district is required to be given specified responsibilities. The bill would authorize an agency to pay for all or part of the value of the land for, and the cost of the installation and construction of, any building, facility, structure, or other improvement that is publicly owned and is partially located in the project area, but extends beyond the project area's boundaries, if the legislative body makes specified determinations. This bill contains other related provisions and other existing laws. Last Amended on 08/31/2009</p>	

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<u>SB 99</u> Committee on Local Government Joint exercise of powers: reporting and disclosures.	SENATE CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 557, Statutes of 2009	<p>Under the Marks-Roos Local Bond Pooling Act of 1985, a joint exercise of powers authority may issue or purchase bonds to assist local agencies in financing public capital improvements, working capital, liability, or other insurance needs, or projects whenever there are significant public benefits for taking that action. Under the Ralph M. Brown Act, all meetings of the legislative body of a local agency must, subject to designated exceptions, be open and public. That act requires the legislative body to hold regular meetings, and permits the legislative body to hold special and emergency meetings, requiring certain notices and agendas.</p> <p>This bill would require additional reporting and public disclosures by specified public entities that issue certain revenue bonds, including conduit revenue bonds, as defined. This bill would require entities formed under the Joint Exercise of Powers Act, and related officers, that fail or refuse to make required reports to forfeit specified amounts to the state, and would authorize, under certain conditions, the Attorney General to prosecute an action for these forfeitures. This bill would require that a resolution issued pursuant to the Marks-Roos Local Bond Pooling Act of 1985 relating to bonds, as specified, be adopted by the local agency during a regular meeting. Last Amended on 08/31/2009</p>	
<u>SB 128</u> <u>Padilla</u> (D) California Climate Change Institute.	SENATE 2 YEAR 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 05/28/2009)	<p>The existing California Global Warming Solutions Act of 2006 requires the State Air Resources Board (state board) to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions.</p> <p>This bill would create the California Climate Change Institute to (A) identify and support, through a merit-based peer-reviewed competitive grant process, research and education to be undertaken at academic and research institutions and laboratories throughout the state, (B) oversee, coordinate, and manage a nonduplicative, targeted research and development program for the purposes of achieving the state's targets for reducing emissions of greenhouse gases and mitigating the effects of those emissions, (C) develop effective model education pathways, training, model curriculum, and professional development necessary for emerging green technologies and industries, and (D) ensure that its climate change research is conducted in a manner that is targeted and nonduplicative of other research programs. The bill would make implementation of its provisions subject to sufficient funds being appropriated by the Legislature for its purposes. Last Amended on 04/02/2009</p>	

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SB 187 Benoit (R) Employment: working hours.	SENATE 2 YEAR 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/13/2009)	<p>Existing law, with certain exceptions, establishes 8 hours as a day's work and a 40-hour workweek, and requires payment of prescribed overtime compensation for additional hours worked. Existing law authorizes the adoption by 2/3 of employees in a work unit of alternative workweek schedules providing for workdays no longer than 10 hours within a 40-hour workweek.</p> <p>This bill would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without any obligation to pay overtime compensation. The bill would require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations.</p>	
SB 295 Dutton (R) California Global Warming Solutions Act of 2006.	SENATE 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was E.Q. on 5/1/2009)	<p>The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions. The state board is required to evaluate the total potential costs and total potential economic and noneconomic benefits of the plan. The state board is required by January 1, 2011, to adopt greenhouse gas emissions limits and emission reduction measures by regulation to achieve the prescribed emission reductions.</p> <p>This bill would require the state board to complete a study to reevaluate the evaluation of costs discussed above, and provide this study to the Legislature by October 1, 2009. The state board would be required to report to the Legislature by November 1, 2009, on whether the revised analysis has led, or will lead, to any changes to the scoping plan, and whether any changes should be made to the act' s timelines. The bill would require the Legislative Analyst to review the state board's implementation of these requirements, as provided. This bill contains other related provisions. Last Amended on 05/13/2009</p>	

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<u>SB 333</u> <u>Hancock</u> (D) Voluntary Greenhouse Gas Emission Offset Program Fund.	SENATE 2 YEAR 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 05/28/2009)	<p>The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020.</p> <p>This bill would create the Voluntary Greenhouse Gas Emission Offset Program Fund, and would provide that funds received by the state on a voluntary basis from the federal government, individuals, businesses, organizations, industry, or other sources for the mitigation of climate change impacts related to greenhouse gas emissions be deposited in this fund. The moneys in the fund would be available, upon appropriation, for expenditure by the Natural Resources Agency for specified projects through a competitive grant process . The bill would require that moneys from the fund be directed to the California Conservation Corps and local conservation corps for specified projects. The Natural Resources Agency would be required, by October 1, 2012 , to adopt guidelines for the distribution of moneys from the fund and to develop strategies for the sale of voluntary greenhouse gas emission offsets by the state and other opportunities for contributions by the public to the Voluntary Greenhouse Gas Emission Offset Program Fund. Last Amended on 05/04/2009</p>	
<u>SB 338</u> <u>Alquist</u> (D) Energy: California Alternative Energy and Advanced Transportation Financing Authority.	SENATE 2 YEAR 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 05/28/2009)	<p>The California Alternative Energy and Advanced Transportation Financing Authority Act creates the Alternative Energy and Advanced Transportation Financing Authority and requires the authority to establish a renewable energy program to provide financial assistance to specified entities to generate new and renewable energy sources, develop clean and efficient distributed generation, and demonstrate the economic feasibility of new technologies. The act defines "project" for the purposes of the act to include specified property and activities that utilize or are designed to utilize an alternative source, or that are utilized for the design, technology transfer, manufacture, production, assembly, distribution, or service of advanced transportation technologies.</p> <p>This bill would additionally define "project" to apply to specified property and activities that are utilized for the design, technology transfer, manufacture, production, assembly, distribution, or service of renewable energy technologies, renewable energy projects, and renewable energy manufacturing service of renewable energy technologies , renewable energy projects, and renewable energy manufacturing , and would make conforming changes. Last Amended on 04/15/2009</p>	

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<u>SB 391</u> <u>Liu</u> (D) California Transportation Plan.	SENATE CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 585, Statutes of 2009	<p>Existing law requires various transportation planning activities by state and regional agencies, including preparation of sustainable communities strategies by metropolitan planning organizations. Existing law provides for the Department of Transportation to prepare the California Transportation Plan for submission to the Governor by December 1, 1993, as a long-range planning document that incorporates various elements and is consistent with specified expressions of legislative intent.</p> <p>This bill would require the department to update the California Transportation Plan by December 31, 2015, and every 5 years thereafter. The bill would require the plan to address how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions to 1990 levels by 2020 and 80% below 1990 levels by 2050. The bill would require the plan to identify the statewide integrated multimodal transportation system needed to achieve these results. The bill would require the department, by December 31, 2012, to submit to the California Transportation Commission and specified legislative committee chairs an interim report providing specified information regarding sustainable communities strategies and alternative planning strategies, including an assessment of how their implementation will influence the configuration of the statewide integrated multimodal transportation system. The bill would also specify certain subject areas to be considered in the plan for the movement of people and freight. The bill would require the department to consult with and coordinate its planning activities with specified entities and to provide an opportunity for public input. The bill would make additional legislative findings and declarations and require the plan to be consistent with that statement of legislative intent. Last Amended on 05/04/2009</p>	
<u>SB 425</u> <u>Simitian</u> (D) Personal and corporate income taxes: deductions: parking: credits: ridesharing expenses.	SENATE APPR. SUSPENSE FILE 08/27/2009-Held in committee and under submission.	<p>The Personal Income Tax Law and the Corporation Tax Law allow various deductions in computing the income that is subject to the taxes imposed by those laws. Existing law allows an employer to deduct its expenses in carrying out a parking subsidy and a parking cash-out program, as defined, for employees.</p> <p>This bill would disallow a deduction for expenses of specified employers for parking subsidies unless all employees provided with a parking subsidy are offered a parking cash-out program in accordance with a specified statute. This bill contains other related provisions and other existing laws. Last Amended on 07/23/2009</p>	
<u>SB 454</u> <u>Lowenthal</u> (D) Department of Transportation: Division of Rail.	SENATE 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was RLS. on 3/12/2009)	<p>Existing law creates the Division of Rail within the Department of Transportation.</p> <p>This bill would make a nonsubstantive change to that provision.</p>	

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<u>SB 476</u> <u>Correa</u> (D) Environment: California Environmental Quality Act: noncompliance allegations: public comment.	ASSEMBLY NAT. RES. 07/07/2009-Hearing postponed by committee. (Refers to 6/22/2009 hearing)	<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 (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides for a public review period for the public to review a draft EIR, proposed negative declaration, or proposed mitigated negative declaration. CEQA requires a lead agency to evaluate and respond to comments on a draft EIR, proposed negative declaration, or proposed mitigated negative declaration made during the public review period and authorizes a lead agency to evaluate and respond to comments made on a draft EIR when the comments are submitted after the public review period. CEQA requires an action or proceeding alleging noncompliance with its requirements to be based on grounds that were presented to the public agency orally or in writing by any person, and prohibits a person from maintaining an action or proceeding unless the person objected to the approval of the project orally or in writing, during the public comment period provided under CEQA or prior to the close of the public hearing on the project before the issuance of the notice of determination.</p> <p>This bill instead would prohibit these actions or proceedings unless the oral or written presentation or objection occurs during the public comment period provided under CEQA or prior to the close of the public hearing on the project before the filing, rather than issuance, of the notice of determination.</p> <p>Last Amended on 04/30/2009</p>	
<u>SB 526</u> <u>Ashburn</u> (R) Intercity rail: San Joaquin Corridor: Altamont Pass extension.	SENATE 2 YEAR 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 05/28/2009)	<p>Existing law provides for the Department of Transportation to contract with Amtrak for intercity rail services and connecting feeder buses.</p> <p>This bill would require the Department of Transportation to enter into negotiations with the relevant operating freight and passenger commuter railroads for the purpose of developing a service plan and an operating agreement for the extension of at least one San Joaquin Corridor intercity passenger train using the Altamont Corridor to and from San Francisco. The bill would require the department to report to the Legislature by March 31, 2010, on the status of the negotiations .</p> <p>Last Amended on 04/02/2009</p>	
<u>SB 527</u> <u>Kehoe</u> (D) Bicycles.	SENATE CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 594, Statutes of 2009	<p>Existing law prohibits a person from operating a bicycle on a highway if that person is riding other than upon or astride a permanent and regular seat attached to the bicycle.</p> <p>This bill would prohibit a person from operating a bicycle on a highway if that person is riding other than upon or astride a permanent and regular seat attached to the bicycle, unless the bicycle was designed by the manufacturer to be ridden without a seat. Last Amended on 05/06/2009</p>	

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<u>SB 528</u> <u>Negrete McLeod</u> (D) Toll facilities: comprehensive development lease agreements.	SENATE 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was T. & H. on 5/12/2009)	<p>Existing law authorizes the Department of Transportation and regional transportation agencies, as defined, until January 1, 2012, to enter into comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge users of those projects tolls and user fees, subject to various terms and conditions. Existing law limits the number of projects authorized pursuant to these provisions to 2 in northern California and 2 in southern California. Existing law provides that a lease agreement may provide for reasonable compensation to the leaseholder for the adverse effects on toll or user fee revenue due to competing transportation projects that may be undertaken, as specified.</p> <p>This bill would prohibit a lease agreement entered into on or after January 1, 2010, from providing for compensation for adverse effects of competing projects.</p>	
<u>SB 555</u> <u>Kehoe</u> (D) Eminent Domain Law: conservation easement.	SENATE VETOED 10/11/2009-Vetoed by the Governor	<p>Existing law authorizes various agencies to acquire land for purposes related to conservation. Existing law provides for a conservation easement to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition. Existing law establishes procedures for the independent appraisal review of land to be acquired for conservation and establishes a conservation easement registry. Existing law prohibits, with a specified exception, the sale of conservation lands to another owner or the transfer of possession and control of conservation lands to another agency, unless specified actions occur.</p> <p>This bill would revise the Eminent Domain Law to establish requirements for acquisition of property subject to a conservation easement. The bill would require the person seeking to acquire the property to give the holder of the conservation easement a notice containing specified information and an opportunity to comment on the acquisition. The bill would require the holder of the conservation easement to provide notice, under certain circumstances and as specified, of the proposed acquisition to each public entity that helped fund the purchase of the conservation easement or that imposed conditions on approval or permitting of a project that were satisfied, in whole or in part, by the conservation easement, and other information, as specified. The bill would require a person seeking to acquire the property subject to the conservation easement to respond to any comments in writing and provide by first-class mail the response to each easement holder or public entity that filed comments. The bill would require the notice of the hearing on the resolution of necessity to be sent to any holder of the conservation easement and public entity, as specified, and to contain information regarding the effect of failing to file a written request to appear and be heard. The bill would require that a resolution of necessity to acquire property subject to the conservation easement refer to specific authority for the acquisition of the property. The bill would specify that the holder of the conservation easement is entitled to compensation under the Eminent Domain Law, as specified. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 09/03/2009</p>	

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Bill ID/Topic	Location	Summary	Position
<u>SB 560</u> <u>Ashburn</u> (R) Regional transportation plans: sustainable communities strategy.	SENATE 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was PRINT on 2/27/2009)	<p>Existing law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires metropolitan planning organizations to adopt a sustainable communities strategy as part of their regional transportation plan, which is to be designed to 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. Existing law generally requires transportation planning and programming activities by the metropolitan planning organization to be consistent with the sustainable communities strategy, with certain exceptions. Existing law, to the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, requires the affected metropolitan planning organizations to prepare an alternative planning strategy showing how the targets may be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.</p> <p>This bill would provide that greenhouse gas emission credits for counties and cities that site and permit commercial wind, solar, and biomass projects may be used as credit in the formulation of the sustainable communities strategy or an alternative planning strategy. The bill would also provide that transportation trips outside of federal lands that are directly related to activities of a federal or state military installation shall not be included in the emissions inventory otherwise required to be considered to achieve any reductions in greenhouse gas emissions. This bill contains other related provisions and other existing laws.</p>	
<u>SB 648</u> <u>Oropeza</u> (D) Transportation.	SENATE 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was RLS. on 3/19/2009)	<p>Existing law creates the Department of Transportation within the Business, Transportation and Housing Agency.</p> <p>This bill would state the intent of the Legislature to enact legislation on the subject of transportation.</p>	
<u>SB 659</u> <u>Pavley</u> (D) Transportation.	SENATE 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was T. & H. on 3/26/2009)	<p>Existing law generally provides for programming of transportation capital projects pursuant to the state transportation improvement program process. Existing law authorizes a local agency to request that a portion of the cost of any project in the program funded by the local agency be eligible for reimbursement from federal funds, as specified.</p> <p>This bill would make a nonsubstantive change to these provisions.</p>	

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<u>SB 686</u> <u>DeSaulnier</u> (D) Environment: CEQA exemption: addition and deletion.	ASSEMBLY NAT. RES. 05/11/2009-To Com. on NAT. RES.	<p>The California Environmental Quality Act requires the Office of Planning and Research to adopt guidelines that include criteria for public agencies to follow in determining whether or not a proposed project may have a significant effect on the environment and a list of classes of projects that are exempted from the act's requirements. The act establishes procedures for the certification and adoption of the guidelines. The act authorizes a public agency to request, in writing, the addition or deletion of a class of projects to the list. The office is required to review each request and, as soon as possible, submit its recommendation to the Secretary of Natural Resources Agency.</p> <p>This bill would make technical, nonsubstantive changes to the provision regarding the addition or deletion of a class of projects.</p>	
<u>SB 716</u> <u>Wolk</u> (D) Local transportation funds.	SENATE CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 609, Statutes of 2009	<p>Existing law requires that 1/4% of the local sales and use tax be transferred to the local transportation fund of the county for allocation, as directed by the transportation planning agency, to various transportation purposes. Existing law specifies the allowable uses for local transportation funds, and generally requires these funds to be used for transit purposes in urban counties, while in counties with a population under 500,000 as of the 1970 census and certain other counties, these funds may also be used for local streets and roads, if the transportation planning agency finds that there are no unmet transit needs or no unmet transit needs that are reasonable to meet, and for other specified purposes.</p> <p>This bill, for counties that had a population of less than 500,000 as of the 1970 decennial census, but that have a population of 500,000 or more as of the 2000 decennial census or at a subsequent census, would require the local transportation funds apportioned to the urbanized areas of those counties to generally be allocated for public transit purposes and not for street and road purposes, except that cities in those counties with a population of 100,000 or fewer would be exempt from this requirement. Local transportation funds apportioned to the nonurbanized areas in those counties would remain available for allocation to street and road purposes and for other specified purposes. The bill would delay, until July 1, 2014, the application of these new provisions in counties where they apply. The bill would exempt Ventura County from these provisions and instead authorize the Ventura County Transportation Commission to submit, by December 31, 2011, a report to the Legislature analyzing options for organizing public mass transportation services in the county and for expenditure of revenues in the local transportation fund, along with a recommended legislative proposal. If a legislative proposal is not enacted by the end of the 2011-12 Regular Session of the Legislature, local transportation funds in Ventura County would be available solely for transit purposes beginning July 1, 2014. The bill, in counties and areas of counties where local transportation funds may be allocated to local streets and roads, would also authorize allocation of those funds for specified farmworker vanpool purposes upon a finding by the transportation planning agency that there are no unmet transit needs or no unmet transit needs that are reasonable to meet and after all of the capital and operating funds necessary to meet unmet transit needs that are reasonable to meet are allocated. The bill would make other related changes. Last Amended on 09/03/2009</p>	

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<u>SB 721</u> <u>Steinberg</u> (D) Energy: greenhouse gas emissions.	SENATE 2 YEAR 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 05/28/2009)	<p>The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas (GHG) emissions limit equivalent to the statewide GHG emissions levels in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The act requires all state agencies to consider and implement strategies to reduce their GHG emissions.</p> <p>This bill would create the Climate Action Team (CAT), consisting of representatives from specified state agencies that would be responsible for coordinating the state's overall climate policy. The CAT, on or before January 1, 2011, and annually thereafter, would be required to prepare, adopt, and present to the Legislature, a strategic research, development, demonstration, and deployment plan that establishes priorities and identifies key expenditure categories for research, development, demonstration, and deployment funds to be expended by the state agencies represented on the CAT for the following fiscal year. The bill would require a state agency that is represented on the CAT to expend research, development, demonstration, and deployment funds, which would be administered by the Department of Transportation and allocated for clean technology, environmental protection, and public interest energy research, consistent with this plan. The CAT, on or before January 1, 2011, and biennially thereafter, would also be required to prepare and adopt a climate change impact mitigation and adaptation plan that includes specified information. Last Amended on 04/23/2009</p>	
<u>SB 728</u> <u>Lowenthal</u> (D) Air pollution: parking cash-out program.	SENATE CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 359, Statutes of 2009	<p>Existing law requires an employer of 50 persons or more who provides a parking subsidy to employees and who is in an air basin that is designated as a nonattainment area in terms of air quality to offer a parking cash-out program, defined as an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space.</p> <p>This bill would authorize the State Air Resources Board to impose a civil penalty for a violation of this requirement. The bill would also authorize a city, county, and air pollution control district or air quality management district to adopt a penalty or other mechanism to ensure compliance. The bill would authorize the imposition of a penalty by the state board or the local agency, but not both. This bill contains other related provisions. Last Amended on 08/20/2009</p>	

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<u>SB 729</u> <u>Walters</u> (R) California Global Warming Solutions Act of 2006.	SENATE 2 YEAR 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was RLS. on 3/19/2009)	<p>The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions.</p> <p>This bill would make a technical, nonsubstantive change to a legislative finding within the act.</p>	
<u>SB 734</u> <u>Lowenthal</u> (D) Transportation.	SENATE CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 200, Statutes of 2009	<p>Existing law provides that every person riding a bicycle upon a highway has all the rights applicable to the driver of a vehicle and is subject to specified provisions in the Vehicle Code, including the rules of the road and specified equipment requirements. Existing law also does not prohibit the operation of bicycles on any shoulder of a highway.</p> <p>This bill would define a "bicycle path crossing" as either that portion of a roadway included within the prolongation or connection of the boundary lines of a bike path, as defined, at intersections where the intersecting roadways meet at approximately right angles or as any portion of a roadway distinctly indicated for bicycle crossing by lines or other markings on the surface, except as specified. This bill contains other related provisions and other existing laws. Last Amended on 08/27/2009</p>	
<u>SB 783</u> <u>Ashburn</u> (R) High-speed rail.	SENATE CHAPTERED 10/11/2009-Chaptered by the Secretary of State, Chapter Number 618, Statutes of 2009	<p>Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law requires the authority to prepare and to submit to the Legislature a revised business plan containing specified elements by September 1, 2008.</p> <p>This bill would require the authority to prepare, publish, adopt, and submit to the Legislature a business plan addressing specified elements no later than January 1, 2012, and every 2 years thereafter, with a draft of the business plan to be available at least 60 days in advance for public review and comment, followed by a public hearing. Last Amended on 07/02/2009</p>	

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<u>SCA 15</u> <u>Calderon</u> (D) State budget.	SENATE B. & F. 04/13/2009-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on B. & F.R.	<p>The California Constitution requires the Governor to submit to the Legislature by January 10 of each year a budget for the ensuing fiscal year, accompanied by a Budget Bill itemizing recommended expenditures. The Constitution requires specified bills, including a bill making a change in state taxes for the purpose of raising revenue, a bill containing an urgency clause, and a bill, including the Budget Bill, that makes certain appropriations from the General Fund, to be passed in each house of the Legislature by a 2/3 vote.</p> <p>This measure would exempt General Fund appropriations in the Budget Bill for the ensuing fiscal year from the 2/3 -vote requirement if the total amount of General Fund revenues estimated by the Legislative Analyst, on or after May 15, for the current fiscal year is at least 5% below the estimate of General Fund revenues set forth in the Budget Bill enacted for the current fiscal year. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 04/13/2009</p>	
<u>SCR 10</u> <u>Liu</u> (D) Railroad Safety Month.	SENATE CHAPTERED 06/02/2009-Chaptered by Secretary of State. Res. Chapter 42, Statutes of 2009.	This measure would designate September as "Railroad Safety Month."	