



AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

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

May 6, 2010 – 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 MOTION
Members of the public or Board may request that an item under the Consent Calendar be considered separately
 - a) Approval of Minutes of April 1, 2010
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 – March 2010
 - b) Peninsula Rail Program Update
 - c) Annual Passenger Counts
9. Acceptance of Statement of Revenues and Expenses for March 2010 MOTION
10. Preliminary Fiscal Year 2011 Operating Budget INFORMATIONAL
11. Preliminary Fiscal Year 2011 Capital Budget INFORMATIONAL
12. Call for a Public Hearing on June 3, 2010 to Declare a Fiscal
Emergency on the Peninsula Corridor Joint Powers Board for Fiscal
Year 2011 MOTION
13. Acceptance of the Quarterly Investment Report and Fixed Income
Market Review and Outlook for the Quarter Ended March 31, 2010 MOTION

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| 14. Adoption of the Caltrain Comprehensive Access Program – Policy Statement | RESOLUTION |
| 15. Authorize Publication and Approval of the Proposed Disadvantaged Business Enterprise (DBE) Overall Goal of 10.5 Percent for Federal Transit Administration (FTA) Assisted Contracts for Fiscal Years 2011-2013 | RESOLUTION |
| 16. Authorize Award of Contract to URS Corporation for Construction Management Services for a Total Not-to-Exceed Amount of \$11,775,000 Over a Three Year Period | RESOLUTION |
| 17. Authorize Executing Purchase Orders of Over \$100,000 for Information Technology License Renewals, Maintenance Services and Professional Services for Fiscal Year 2011 for an Aggregate Not-to-Exceed Amount of \$700,000 | RESOLUTION |
| 18. Authorize Execution of Purchase Orders for Technical Related Products and Services to Vendors Under Cooperative Purchasing Programs for an Aggregate Not-to-Exceed Amount of \$300,000 for Fiscal Year 2011 | RESOLUTION |
| 19. Legislative Update | INFORMATIONAL |
| 20. Correspondence | |
| 21. Board Member Requests | |
| 22. General Counsel Report | |
| 23. Date/Time of Next Meeting Thursday, June 3, 2010, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2 nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070 | |
| 24. 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
April 1, 2010**

MEMBERS PRESENT: O. Ahmad, M. Church, J. Cisneros, S. Elsbernd (Chair), N. Ford, D. Gage, A. Lloyd, K. Yeager

MEMBERS ABSENT: A. Kalra

MTC LIAISON: S. Lempert

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

Chair Sean Elsbernd called the meeting to order at 10:04 a.m. and Director José Cisneros led the Pledge of Allegiance.

PUBLIC COMMENT

Elizabeth Newton, Sunnyvale, said every time she has tried to take Caltrain with her bike there have been capacity issues. Getting bumped from Caltrain is a large risk for passengers and she has gone back to driving her car.

Jeff Carter, Burlingame, said the Caltrain Web site is one of the best among transit agencies for providing information to the public. He asked if presentations given at the Board and Citizen Advisory Committee (CAC) meetings could be posted.

Pat Giorni, Burlingame, said she knows negotiations have been ongoing regarding the San Bruno Grade Separation and wondered why they are negotiated through the San Mateo County Transit District (SamTrans). Also, are all these properties necessary for electrification or are they also for High Speed Rail (HSR).

Legal Counsel David Miller said the Joint Powers Agreement (JPA) does not give the JPB the right of eminent domain. The practice of the JPB has been to ask member agencies, in whose counties property is needed for a JPB project, to exercise the powers. This is a San Bruno Grade Separation Project for the JPB, which has the capacity to accommodate HSR, but the acquisition is fundamentally for the purpose of grade separation, not for HSR or electrification.

Ed DeLanoy, San Carlos, shared a newspaper article entitled “Caltrain Will Not Coddle”.

CONSENT CALENDAR

The Board approved the following items (Gage/Church):

- a. Approval of Minutes of March 4, 2010
- b. Authorize Disposition of Eight Service Support Vehicles

CHAIRPERSON'S REPORT

Chair Elsbernd announced the recruitment of nine members for the Bicycle Advisory Committee (BAC) consisting of three members from each of the member counties. There will be a staff person from each county; one person will represent the bicycle coalition within the county and one person from the general public who is a bicycle rider. The application is on the Caltrain website and applications are due April 19.

The JPB CAC is recruiting for three members, one from each county, and applications are due May 10.

METROPOLITAN TRANSPORTATION COMMISSION (MTC) LIAISON REPORT

MTC Liaison Sue Lempert reported:

- There have been a lot of discussions on the gas tax and this looks to be a more secured source of funding for transit. The downside is the Legislature is still able to play with this money.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

CAC Chair John Hronowski reported the following presentations were given at the March meeting:

1. The BAC from Executive Officer, Public Affairs Mark Simon.
2. The Comprehensive Access Plan from Manager, Planning and Development Marisa Espinosa.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Michael Scanlon reported:

- Monthly Performance Statistics – February 2010 compared to February 2009
 - a. Total Ridership was 865,569, a decrease of 2 percent.
 - b. Average Weekday Ridership was 35,041, a decrease of 2 percent.
 - c. Total Revenue was \$3,189,889, an increase of 0.9 percent.
 - d. On-time Performance was 95.9 percent, a decrease of 1.4 percent.
 - e. Caltrain Shuttle Ridership was 5,309, a decrease of 12.4 percent.
- Year-to-date Performance Statistics ending February 2010 compared to February 2009
 - f. Total Ridership was 7,861,126, a decrease of 8.3 percent.
 - g. Average Weekday Ridership was 37,371, a decrease of 8.1 percent.
 - h. Total Revenue was \$27,809,413, a decrease of 3.9 percent.
 - i. On-time Performance was 94 percent, a decrease of 0.9 percent.
 - j. Caltrain Shuttle Ridership was 5,606, a decrease of 9.7 percent.
- Decals for bike cars suggesting non-bike passengers sit elsewhere are on hold since the BAC is imminent. Staff would like to wait and discuss this with the committee.
- Special events included six NCAA men's basketball games at HP Pavilion carried an average of 350 additional riders per day; Sharks ridership is averaging about 230 additional riders and baseball service begins tonight with an exhibition game and opening day is Friday, April 9.
- Annual train counts are completed and staff is waiting for the comprehensive report.
- Onboard bike counts will be done in May, including boarding and alighting and total number of bikes that are denied boarding.
- Work continues at the Meadow and Charleston crossings in Palo Alto and a significant amount of vegetation has been removed, which has greatly improved the sightlines.
- A mailer was sent to households within a half-mile of the Caltrain station to complete a survey online and receive two complimentary tickets.

- TransLink will officially hard launch April 2 on Caltrain.
- Earth Day is April 22 and staff will be at the San Francisco and San Jose Caltrain stations distributing goodie bags to thank customers for riding transit.
- The Bike Access brochure has been updated and put on the trains.
- Chair Elsbernd was thanked for his help and support in securing an action of approval from the San Francisco Board of Supervisors for improvements on the Jerrold Avenue Bridge Project.

Mr. Scanlon said he needs to speak candidly about the very real fiscal crisis that this agency is facing. At last month's meeting, the Board was told that the JPB was okay for this year and that remains the case. But it also was predicted that the subsequent years would be extremely problematic due largely to reduced sales taxes, drastic reductions in State monies, ridership and revenue declines and the continuing aftermath of the great recession.

Mr. Scanlon said the business model is simply not sustainable. This operation is a \$100 million a year and nearly 40 percent of that comes from the three member agencies, San Francisco Municipal Transportation Authority (SFMTA), Santa Clara Valley Transportation Authority (VTA) and San Mateo County Transit District. None of these three agencies are in the shape to continue providing the level of funding they have traditionally done. The reason it is not sustainable is 40 percent is coming out of three partners who individually and collectively are beyond broke.

Mr. Scanlon said he will be recommending to the San Mateo County Transit District that the annual contribution be reduced, which is currently about \$16.5 million just for the operating side by nearly 70 percent. That won't have to happen in one step, but by Fiscal Year 2012. Under the terms of the JPA that would trigger similar reductions from the other two partners, so collectively we would be looking at cutting the \$40 million roughly by \$28 million leaving about \$12 million from the partner agencies. When this amount of money is taken out of the revenue side of the equation, we are not going to be able to sustain the current service level.

Such funding cuts will require draconian reductions in service and it could be done in one lump sum or two, but it is realistic to say by January of next year we could be looking at a railroad of about one-half the size it is today. Caltrain has a 43 percent farebox recovery which is very, very high and very high in this area with the exception of BART. So when routes get cut, the revenue side of the equation gets cut.

Mr. Scanlon said the cuts are likely to include no mid-day service, no weekend service, no late night service and other trains would go by the wayside, too.

Mr. Scanlon noted the irony that such cuts will force people back into automobiles and onto congested freeways, polluting the air, making more traffic and doing everything counter to what our society should be doing at this moment in time. Public transit is the one industry that is positioned through investments at the national, state, local and regional level to provide jobs, improve the economy, reduce our reliance on energy and improve the environment.

Peninsula Rail Program Update

Peninsula Rail Program Director Bob Doty reported:

- Caltrain is setting national precedent in three areas:

1. Staff has been working on the Communication Based Overlay Signal System (CBOSS) package with the Federal Railroad Administration (FRA) for more than three years and the technical document is now finished and incorporates all the mandated items.
 2. The waiver process for Electric Multiple Units (EMUs) is off docket. There was one comment and it was positive.
 3. At the APTA legislative conference, during a meeting on HSR also attended by Mr. Scanlon, an administrator of the FRA announced that within three to four weeks he would put out national guidelines for operating mixed traffic.
- The future of Federal funding is the connectivity to the network and those systems who support a HSR network will get special attention from the Federal government.
 - The Alternative Analysis Report for the the corridor will be presented at the next HSR board meeting next week. At the request of staff, there will be no time limit for comments on the report.
 - The Context Sensitive Solutions toolkit will be posted to the Web on April 2.

Director Don Gage asked if there is a Board committee looking at financials. Mr. Scanlon said there is a committee looking at the Request for Proposals for the service provider of Caltrain. Director Gage said he would like to receive updates from this committee.

Director Gage said with the financial situation the JPB is in, events such as Earth Day should be considered due to cost and is it something needed. The Board and staff need to look at special service to baseball games and other events. It is nice to have these services, but if cuts are going to occur Caltrain needs to get down to a basic transit system and when things start to turnaround things can be brought back.

Mr. Scanlon said he asked staff to do the Earth Day event in conjunction with the American Public Transportation Association's (APTA) events around the country.

Ms. Lempert asked what could be done to mitigate things in the forecast that could improve the situation in a positive way.

Mr. Scanlon said there is still an effort to get an initiative on the State budget to get the funding voters approved through different measures. Staff is grateful to receive the few cents out of the dollar that were due to Caltrain out of the gas tax swap, but \$3 billion was diverted from public transit over the last three years.

Ms. Lempert said the long-term situation of not having a dedicated source of funding for Caltrain and the solution lies in some kind of a regional rail. A dedicated source funding has been discussed at MTC.

Director Ken Yeager thinks the mailer and outreach for new riders is excellent. The State is bankrupt and it is going to get worse. Mr. Scanlon said staff needs to continue to do the work to make a bright future.

Director Gage suggested a Board workshop to discuss this financial issue.

Director Nat Ford asked if the State Transit Assistance (STA) was made whole, what impact would this have on Caltrain. Director Budgets and Grants April Chan said about \$10 million each year which equates to a \$30 million loss. Director Ford said the message SFMTA is putting out to its customers is the cuts at Muni are dollar for dollar from funding cuts from STA.

Public Comment

Pat Burt, Mayor of Palo Alto, thanked staff for the collaboration in the security issues and ways to address the suicides over the last year in a certain segment along the Caltrain corridor. Palo Alto is the second largest boarding city in the entire Caltrain system. The city is a community that will support taxing itself to provide valuable public transportation. Three ways suggested to move toward the goals discussed today include:

- Strengthening the relationship with constituent cities and stakeholders as a foundation for going forward.
- Leveraging the greater public focus on this corridor as a result of HSR being considered for this corridor. This is a transformative period right now and is both an opportunity and a risk.
- Focus on the regional transportation interests as the foremost concern. This may seem redundant, but there are going to be some crossroad decisions here that may shed light.

Mr. Burt said he participated as a member of the Peninsula Cities Consortium. This consortium has come about because some of the most highly impacted cities on the Peninsula, those with residential areas that straddle the corridor have not felt their voices adequately represented. He said there are some outstanding representatives on the JPB, but there is no representative in Santa Clara County, north of San Jose. The city does not have ongoing relationships with the Board as an entity and the voices of the communities do not have an adequate voice to lend the support the JPB clearly needs going forward. He said VTA has a government structure that recognizes geographical areas for representation on a primary board and then it has a sub-tier structure that has a policy advisory group which feeds into the VTA and those sections of the county. He would like to recommend the JPB consider a similar structure. Since the inception of Caltrain, there hasn't been as great of a focus on this transportation corridor, as there is today, as a result of HSR now being under consideration. This is both a risk to this organization and an opportunity. It is a risk if that system should be put in a way that undermines the support of the JPB's constituent cities, stakeholders and populaces for what Caltrain is doing. He said it is an opportunity if a way can be figured out to leverage all of this engagement into support for a system that we truly believe in.

The foremost focus must be on Caltrain and there must be an equating between HSR and the interests of Caltrain. As the legislative analysts and experts throughout the state question the viability of the business plan that has been presented to-date by the California High Speed Rail Authority (CHSRA) this organization needs to make sure there is a plan b and a plan that will be for the success of this organization. Mr. Burt believes the possibility of a regional bond measure or a sub-regional one is a possibility.

Greg Conlon, Atherton, asked staff to continue to their focus on safety along the Caltrain right of way.

Mike Cohn, San Francisco, asked if the five spare gallery cars be put into service as bike cars to ease the bumping situation.

Jeff Carter, Burlingame, said he has been advocating a tax for a dedicated funding source for Caltrain for years. The partner agencies should consider the major projects they have and consider putting the money towards Caltrain.

Mari Hunter, San Francisco Bicycle Coalition (SFBC), said she is glad to hear about a bike study and bike bumps. The SFBC is willing to work with staff on this study and recommend the study be done in the April/May timeframe and not the May/June timeframe as planned.

ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR FEBRUARY 2010

No discussion on this item.

A motion (Church/Ford) to accept the February statement was approved unanimously.

AUTHORIZE AWARD OF CONTRACT TO ORRICK, HERRINGTON AND SUTCLIFFE, LLP TO SERVE AS SPECIAL COUNSEL IN CONNECTION WITH THE FISCAL YEAR 2011 FUEL HEDGING PROGRAM FOR A TOTAL AMOUNT NOT-TO-EXCEED OF \$125,000

Deputy CEO Gigi Harrington said Staff Coordinating Council (SCC) is recommending Board approval to begin the fuel hedging program.

Director Gage asked if special counsel was used last year. Ms. Harrington said special counsel was used last year.

Public Comment

Jeff Carter, Burlingame, thanked the Board and staff to have the foresight to use a fuel hedge program because it provided cost savings benefits to Caltrain.

A motion (Church/Gage) to authorize award of contract to Orrick, Herrington and Sutcliffe, LLP was approved unanimously by roll call.

CALTRAIN ELECTRIFICATION PROJECT

- **Authorize Certification of the Caltrain Electrification Project Environmental Assessment (EA)/Final Environmental Impact Report (FEIR)**
- **Adopt the California Environmental Quality Act (CEQA) Findings of Fact Report and Mitigation Monitoring and Reporting Program (MMRP) Documents**
- **Authorize the Approval of the Caltrain Electrification Program**

Executive Officer, Planning and Development Marian Lee made the following points:

- This is an action item for a combined State and Federal environmental document on the Caltrain Electrification Project. The SCC is asking the Board to take actions in environmentally clearing the project at the State level. These actions are what has already been accomplished on the Federal side. The FTA declared the project has no significant impact on the environment and, in fact, declared the project is environmentally beneficial to society.

- The purpose of this project is to improve performance, reduce noise, improve regional air quality and modernize Caltrain.
- The project is converting 51 miles between San Francisco and Tamien stations from diesel to electrification. This project will increase the level of service to six trains in the peak hour per direction, attract more riders and increase fare revenue.
- Project achievements include the Boards' commitment with the approval of the Rapid Rail Plan in 1999; preliminary engineering was completed in 2008; final environmental document and Federal clearance in 2009.
- Environmental clearance puts projects in a good position to obtain funding and move to final design. There are opportunities available now to get State money.
- The project is at 35 percent design and there is a lot more design work to do before it can be stated what will be built.
- The total cost of the project is \$1.2 billion; \$785 million is for the infrastructure and \$40 million is for the electric trains. There is a gap of about \$600 million and staff's strategy is go to after HSR money on the State and Federal side. To do this, staff has included the project in necessary programming documents, such as the MTC's Regional Transportation Plan and lined up local commitments to leverage as much funding as possible from outside sources. Staff's current request to address this gap is to the FRA for HSR American Recovery Reinvestment Act (ARRA) money and a request to the California Transit Commission (CTC) for State Proposition 1A money.
- Staff is asking the Board to certify the Environmental Impact Report (EIR), adopt the Findings of Fact Report and Mitigation Program and approve the Electrification Project.
- Positive impacts of the project include reduced congestion, reduced energy consumption by 64 percent, reduced air pollutants by 90 percent and reduced noise and vibration by 81 percent.
- The project comes with negative impacts that can be mitigated.
- The public outreach followed State and Federal guidelines.
- Following Board action today the next step is Filing a Notice of Determination with a State clearinghouse with a 30-day review period. This is not a comment period, but a review period in accordance with State regulations. The document will be at various locations for public viewing.

Public Comment

Kathy Hamilton, Menlo Park, said she is concerned about a 2004 EIR being approved when the entire situation has changed since then. She is concerned about funding. This is not good enough to proceed with anything that disrupts the corridors and the community. She is concerned about hazardous waste sites in the document being near schools and would like to know where the 180 waste sites are as noted in the document.

Gary Patton, Santa Cruz, said he is an attorney representing the Planning and Conservation League (PCL), the PCL Foundation and the Community Coalition on HSR. He has filed a letter and essentially disagrees with staff that the Board is legally in a position under CEQA to certify an EIR at this time and move ahead. He said this is an opportunity to develop public support for the kind of rail system the communities need. He believes it is legally wrong to move ahead using a six-year-old EIR and urges staff to revise and circulate the document and get buy-in from the public.

Paul Jones, Atherton Rail Committee, urges the Board to not approve the EIR. CHSRA has not designated a vertical alignment for use along the corridor. Staff said there is no significant environmental impact and that is not true. The town of Atherton has many trees that were planted to screen the adjacent residences from the visual and noise impact of Caltrain that would have to be removed.

Jack Ringham, Atherton, said he is not questioning the merits of electrification, but why rush the EIR with no current public comment. Clearly the rush to certify is motivated by stimulus funds. This should not justify false and misleading claims in the EIR. Failure to coordinate Caltrain electrification with HSR is an illogical waste of stimulus funds and irresponsible from engineering, financial and common sense standpoints. Certification should be delayed until electrification is integrated into a HSR EIR or HSR on the Caltrain corridor is cancelled.

Rosemary Maulbetsch, Atherton, urges the Board to not approve the EIR. The EIR is based on an old study and only one arborists was contacted. Trees have grown and changed and there needs be well qualified arborist from the area.

Pat Giorni, Burlingame, said this document just came out for the public to review at the same time as the HSR Program EIR. All these documents are coming at the same time for the public to comment. She asked the Board to not approve the EIR.

Jim Bigelow, Redwood City-San Mateo County Chamber of Commerce, said the Board is only taking three steps today on the EIR which only relates to Caltrain and not HSR. He urged the Board to approve the EIR.

Shirley Carlson, Atherton, said the Board needs to stop and think, as good neighborhoods of Caltrain, there is a lot of tree impact and screening. Please do not approve the EIR today.

Jerry Carlson, Atherton, referred to the Atherton letters sent to the Board. He thinks the EIR needs to be put on hold, it is dated and Caltrain cannot afford to put any money into it. HSR will have additional plans and the EIR will have to be revised and recirculated before implementation.

Nadia Naik, Californians Advocating Responsible Rail Design (CARRD), is a grassroots organization and encourages the public to participate in the environmental review process in order to help shape the community. She requested the Board not approve the EIR and is very concerned the public has not been able to comment in six years.

Elizabeth Alexis, Palo Alto, said she is opposed to the electrical substation location in the Greenmeadow neighborhood of Palo Alto. She is concerned the document is final and it does not recognize citizens' concerns. Please do not approve the EIR today.

Paul Wendt, Belmont, representing Bay Rail Alliance, said electrification has been a high priority of Bay Rail Alliance and hopes the Board will approve the EIR.

Morris Brown, Menlo Park, urged the Board to not approve the EIR. He said one-quarter of the funding to build the electrification system will be wasted because of HSR. This is a regional

electrification project and does not qualify for ARRA funding. This invites a lawsuit by approving an outdated EIR.

Jeff Carter, Burlingame, urged the Board to approve the EIR.

Doug DeLong, Mountain View, offered congratulations to staff and supports the Board certifying the EIR to move forward to position for funding.

Mr. Miller said a lot of has been heard this morning and a lot has come in the last few days to ruminate, digest and assess. This is a landmark day, 10 years in the making, to get to the point where an important benchmark decision would be made to place the Joint Powers Board in a position where it could be more eligible for funding and regulatory approvals to move forward with Caltrain electrification. He said after consideration, the staff recommendation is a sound one.

Mr. Miller said the recommendation that the Board certify the electrification EIR under CEQA is an action that quite logically flows from and complements decisions recently reached by the Federal Transit Administration (FTA) that the requirements of the National Environmental Policy Act (NEPA) have been met. The FTA issued a formal Finding of No Significant Impact (FONSI) for the Caltrain Electrification Program. It's noteworthy that the FTA, in its FONSI report, actually reviewed the lengthy project history. To those who raised questions as to whether the adequacy of the JPB environmental document can stand up given the passage time since the initial preparation and circulation of the draft EIR the FTA FONSI offers constructive responses. After tracing the project history dating back to 2005 with the release of the environmental assessment, the FTA said the following:

“In 2008, the Joint Powers Board developed a revised funding plan for the shortened electrification program. With a funding plan in place, the JPB updated the technical studies and the environmental assessment to reflect the reduction in project scope. The JPB submitted a final EA to the FTA in July 2009. Since almost four years have passed since the submittal of the draft environmental assessment, the FTA requested the JPB complete an environmental reevaluation to assess whether significant changes have been made to the project. Upon review, FTA concluded that the changes in project scope were minor and that the revised project would result in lesser environmental impacts than the project described in the 2005 EA.”

He said in light of this, FTA did not require the completion of the submittal EA. The FONSI issued by the FTA goes on to find, that far from being a project that creates environmental problems instead, electrification offers “environmental advantages.” Additionally, any negative environmental effects can be mitigated.

Mr. Miller said to those who have commented in recent days that the Board should not certify the EIR because of the absence of full funding for the project at this time I offer the following for consideration. First, environmental clearance is a necessary prerequisite to position the JPB to seek and obtain funding. Second, environmental certification will allow the JPB to seek necessary regulatory approval, such as from the State Public Utilities Commission, to implement the project.

He said to those who have commented that the project will start under construction without full funding is not imaginable. No project starts, certainly not by this Board or any agency without a full funding plan. The funding that is to be made available would go to the next logical step – final design.

Mr. Miller said to those who have commented in recent days that mitigation for tree protection and visual impacts are needed there is an agreement with that. It is noteworthy that the resolution before you contains a comprehensive environmental mitigation plan and a monitoring program that is integral to the resolution certifying the EIR. It is noteworthy, too, that this project is only at 35 percent design. Between 35 percent design and 100 percent design is the typical timeframe to refine the design, work with the community and implement the kinds of requirements and protections that are envisioned, which we would wholeheartedly support.

He said he and Mr. Scanlon are recommending that action on the environmental document is postponed today. The public has requested postponement. Additionally, a series of letters arrived only yesterday, one even after close of business. We believe the letters can be evaluated dispassionately and ultimately responded to carefully.

Mr. Miller said he must confess to a fair amount of surprise and disappointment to have read the letter by Mr. Patton last night on behalf of the Planning and Conservation League (PCL). As he reflected on that letter, he thought “is this the same Planning and Conservation League that fundamentally made it possible for us to be here today?” Thinking back, the Planning and Conservation League sponsored Proposition 116. Proposition 116 was a comprehensive statewide bond measure designed to improve public transit in the State. It included \$124 million for a single purpose – acquisition of the Caltrain rail line, the Southern Pacific (SP). That was a visionary measure and represented quite a macro view of environmental issues on the part of the Planning and Conservation League. That measure didn’t say you had to undertake environmental impact reports to determine how many people would be coming to a rail station on a given day or how many trains would be running. The focus of that initiative was to say that it was far better to get people out of their cars and get them into mass transit. It was largely as a result of that initiative and the vision of this Board and its predecessors, we were able to acquire the right of way from SP on very favorable terms, including a 105 foot wide corridor. SP wanted to sell a 50 foot wide corridor that would accommodate only two tracks.

He said can you imagine starting today: If you talked about rail expansion, you would be buying real estate at today’s values instead of 20 years ago. As a result of the acquisition of the corridor Caltrain, without a regional subsidy, has been able to expand its service significantly, has been able to attract many riders to the system. It is facing a financial problem today, but the electrification program represents the next stage in the Caltrain future for its preservation and protection. Mr. Miller is stunned that the Conservation League would now be approaching this from such a micro view. That instead of sitting down, a letter is received under a veiled threat of litigation to stop what is fundamentally an environmentally betterment project. Staff invites the PCL and anyone else who has commented to sit down and talk this through. From that high altitude perspective that has so characterized their actions in the past, and recognized what they have meant to this organization, staff is ready to meet during this period of time in which we are suggesting that the Board put this matter on hold.

Sue Lempert left at 12:07 p.m.

Director Omar Ahmad supports postponement, but is extremely upset by the letter received from Mr. Patton and believes there will be litigation. He wants to make sure the public is appropriately engaged and the right things are done.

Mr. Miller said his recommendation is to engage in a dialogue to see what the intent is. He said this project has been the cornerstone and foundation of what the JPB intends to do.

Mr. Ahmad said there are legitimate issues that the public wants addressed. He would support any efforts by Mr. Miller and staff to make certain that the concerns are appropriately addressed and dealt with.

Director Lloyd said he is 100 percent in favor of electrification and requested staff to come back as quickly as possible for approval to move this forward.

A motion (Ahmad/Lloyd) to postpone approval of the Caltrain Electrification Project was approved unanimously.

AUTHORIZE THE SUBMITTAL OF A FUND PROGRAMMING REQUEST OF \$41.026 MILLION IN PROPOSITION 1A FUNDS FOR THE CALTRAIN CORRIDOR ELECTRIFICATION PROJECT

Ms. Chan said SCC is requesting Board approval to submit a programming request to the State to receive a total of \$41.026 million in Proposition 1A funds for the Electrification Project. The voters approved Proposition 1A in November 2008. This is a \$9.9 billion bond program and \$760 million is available for connectivity for commuter and urban rail systems. This action allows for this project to be put in line for funding.

A motion (Ford/Lloyd) to submit a programming request for Proposition 1A funds for the Caltrain Corridor Electrification Project was approved unanimously by roll call.

AUTHORIZE FILING AN APPLICATION TO RECEIVE \$685,145 OF FISCAL YEAR 2010 PROPOSITION 1B CALIFORNIA TRANSIT SECURITY GRANT PROGRAM FUNDS AND A CONCURRENT LETTER OF NO PREJUDICE WITH THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY

Ms. Chan said SCC is requesting the Board authorize staff to file an application to receive \$685,145 in Proposition 1B funding and file a Letter Of No Prejudice.

A motion (Gage/Church) to file an application to receive Proposition 1B California Transit Security Grant Program Funds was approved unanimously by roll call.

AUTHORIZE AWARD OF CONTRACT TO FEHR & PEERS TO PROVIDE ON-CALL TRANSPORTATION PLANNING AND PROGRAM SUPPORT SERVICES FOR UP TO \$1,500,000 OVER A THREE-YEAR PERIOD

Director of Contracts and Procurement Cheryl Cavitt said SCC is requesting approval for award of contract to Fehr & Peers to provide on-call transportation planning and program support.

A motion (Ford/Yeager) to award a contract to Fehr & Peers for on-call transportation planning

was approved unanimously by roll call.

Director Ford left at 12:20 p.m.

STATE AND FEDERAL LEGISLATIVE UPDATE

Government Affairs Manager Seamus Murphy introduced Mike Robson from Edelstein, Gilbert, Robson and Smith who made the following report.

Mr. Robson said the legislature came to a conclusion of about \$2 billion in revenue solutions for the State. Almost all of this \$2 billion came in the form of the gas tax swap, which eliminates the sales tax on gas and increases the excise tax. This gives the State more General Fund flexibility. Caltrain will be receiving about \$5 million from the end of this fiscal year to the end of FY2011.

CORRESPONDENCE

None

BOARD MEMBER REQUESTS

None

DATE/TIME/PLACE OF NEXT MEETING

Thursday, May 6, 2010, 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

Public Comment

Ron Cox, Artichoke Joes, said he supports the San Bruno Grade Separation Project. At the start of this project Artichoke Joes was going to be losing 65 parking spots and they have worked with staff and are now down to minus two parking spaces. He appreciates how much staff has worked with Artichoke Joes on this issue.

Alan Titus, attorney representing Artichoke Joes, said he supports the San Bruno Grade Separation Project. This is a family owned business and parking means a lot to this business and a deal has been put together for a win for all parties involved.

- a. Closed Session: Conference with Legal Counsel – Anticipated Litigation Pursuant to Government Code Section 54956.9(b)(1) (One Potential Case)
- b. Closed Session: Real Estate Negotiations – Pursuant to Government Code 54956.8:
Agency Negotiators: David J. Miller and Brian Fitzpatrick
Under Negotiation: Price and Terms of Purchase
Property and Negotiating Parties:

| Owner | Address/Location | APN |
|--------------------------|----------------------|-------------|
| Welch Family Partnership | 104 San Bruno Avenue | 020-111-150 |
| Usman and Fatima Shaikh | 111 San Bruno Avenue | 020-121-360 |

| | | |
|----------------------------------|----------------------------------|--------------|
| Federick J.Firpo Trust | Huntington Avenue | 020-111-140 |
| Lester and Rhoda Kaplan | 222 San Bruno Avenue | 020-193-360 |
| Paul and Rita Kaplan | | |
| Artichoke Joes | 659 Huntington Avenue | 020-131-570 |
| Artichoke Joes | 205 Angus Avenue | 020-131-410 |
| City and County of San Francisco | Angus and Huntington Avenue | SBE 845-41-5 |
| | San Mateo and Huntington Avenues | SBE 846-41-5 |

Mr. Miller said the Board will convene in closed session to discuss a series of real estate issues involved with the San Bruno Grade Separation Project and a construction claim involving the Centralized Equipment Maintenance Operations Facility (CEMOF) project.

Adjourned to closed session at 12:27 p.m.

Director Church left at 12:35 p.m.

Reconvened to open session at 12:35 p.m.

Mr. Miller said the Board met in closed session. It is being recommended that the Board approve execution of principle points of agreement with Artichoke Joes, which would lay the foundation for further negotiations with that company and the City and County of San Francisco.

A motion (Lloyd/Gage) to approve execution of principle points with Artichoke Joes and the City and County of San Francisco was approved unanimously.

Mr. Miller said the second item pertains to the CEMOF project and a construction claim filed by the prime contractor. Legal Counsel and the Executive Director are recommending the Board approve execution of a settlement agreement and release with Shimmack Obayashi Joint Venture to close out the project at a total additional cost of \$2.250 million, subject to the concurrence of the Federal Transit Administration.

A motion (Gage/Lloyd) to approve execution of settlement agreement and release with Shimmack Obayashi Joint Venture was approved unanimously.

ADJOURNED

Adjourned at 12:45 p.m.

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 MARCH 2010

For March 2010, Caltrain average weekday ridership (AWR) decreased 1.3 percent when compared to March 2009. AWR based on ticket sales was 36,056 for March 2010, a decrease of 473 compared to March 2009. The total number of passengers for the month of March 2010 was 999,004. This is a 0.5 percent increase from last year's March total of 993,600. The local economy is continuing to negatively impact ridership.

In March 2010, on-time performance was 96.7 percent, as compared to 98.1 percent in March 2009. This represents a decline of 1.4 percentage points but is still above the JPB goal of 95 percent on-time.

Average weekday shuttle ridership was estimated at 5,465. Marguerite shuttle ridership reporting has become more regular as they transition back to a fully automated counting method and the new management and shuttle service provider gain knowledge and experience of their systems. Staff will continue to report shuttle ridership both with and without Marguerite counts to allow meaningful comparisons. It is estimated that non-Marguerite shuttle ridership is down 13.7 percent from March 2009. There are large variations among individual shuttles that reflect the local area economy impact on companies directly served by these shuttles. For the station shuttles, the Millbrae-Broadway shuttle averaged 116 daily riders. The Tamien-San Jose shuttle averaged 42 riders per Saturday/Sunday. The Belmont-Hillsdale shuttle averaged 54 daily riders.

Table A shows performance indicators for March 2010. Graph A shows AWR for the past 13 months as compared to the rolling average.

Caltrain Promotions – March 2010

Hello Neighbor – The rise in the number of housing developments near the Caltrain line presents an opportunity to outreach to these communities. A direct mail piece was sent to more than 5000 individual housing units in Santa Clara County to kick off the Hello Neighbor promotion. In order to receive two free round-trip tickets, respondents were asked to complete an online survey about their use of Caltrain. To date, more than 300 people have responded to the offer. San Mateo and San Francisco counties are the next to be targeted by the promotion.

San Jose Sharks – Despite a sluggish start following the return from the Olympic break, the Sharks are on their way to the playoffs. The sharks played eight home games in March and ridership is up 12 percent compared to last year. This year's cooperative promotion with the Sharks includes a print campaign in local newspapers, adcards on the trains and a Web button on the Caltrain Web site.

Disney on Ice – To offer added value to our customers, Caltrain is partnering with the promoters of *Disney On Ice – Worlds of Fantasy*. Caltrain riders receive a discount of \$3 when they show a Caltrain pass or ticket at the Disney on Ice box office. Shows were held at the HP Pavilion in February and are scheduled at the Oracle Arena in March. Caltrain posted adcards inside trains, and a photo from the *Disney On Ice - Worlds of Fantasy* show is displayed on the cover of the winter issue of *Weekend Edition* to help promote easy access to the shows.

San Carlos Chamber of Commerce Map – Hotels, real estate agents, new chamber members and anyone seeking information about the “city of good living”, receive a copy of the San Carlos Chamber of Commerce map. An ad promoting Caltrain appeared in the annual publication with a distribution of 10,000.

Prepared by: Patrick Boland, Marketing Manager
Ted Yurek, Senior Planner

650.508.6245
650.508.6471

Table A

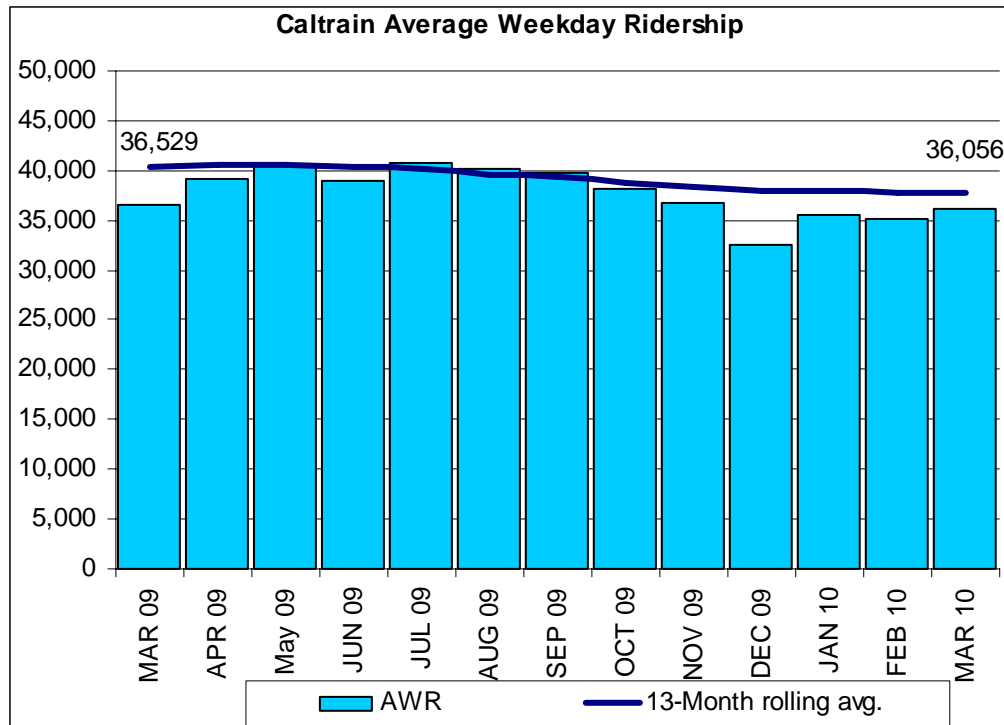
March 2010

| | FY09 | FY10 | %Change |
|----------------------------------|-------------|-------------|----------------|
| Total Ridership | 993,600 | 999,004 | 0.5% |
| Average Weekday Ridership | 36,529 | 36,056 | -1.3% |
| Total Revenue | \$3,387,013 | \$3,501,706 | 3.4% |
| On-time Performance | 98.1% | 96.7% | -1.5% |
| Caltrain Shuttle Ridership | 6,333 | 5,465 | -13.7% |
| Non-Marguerite Shuttle Ridership | 3,692 | 3,188 | -13.7% |

Year to Date

| | FY09 | FY10 | %Change |
|------------------------------------|--------------|--------------|----------------|
| Total Ridership | 9,568,136 | 8,860,131 | -7.4% |
| Average Weekday Ridership | 40,237 | 37,225 | -7.5% |
| Total Revenue | \$32,314,984 | \$31,311,119 | -3.1% |
| On-time Performance | 95.3% | 94.3% | -1.0% |
| Average Caltrain Shuttle Ridership | 6,155 | 5,674 | -7.8% |

Graph A



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 MARCH 31, 2010 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 March 2010 and supplemental information.

SIGNIFICANCE

Revenue: For March of Fiscal Year 2010, *Total Operating Revenue* (line 7) is \$200,733 or 0.5 percent **better** than budget. This is due to *Other Income* (line 5) which is **better** than budget by \$824,590 or 73.5 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 \$682,906 or 2.0 percent **worse** than budget. Compared to the prior year, *Total Operating Revenue* (line 7) is \$1,278,785 or 3.6 percent **higher**, due to *Other Income* (line 5) which is \$2,040,192 or 2186.4 percent **higher** and is offset by *Farebox Revenue* (line 1) which is \$1,004,259 or 3.1 percent **lower**.

Expense: *Grand Total Expenses* (line 44) show a favorable variance of \$7,100,660 or 9.8 percent. *Total Operating Expense* (line 31) is \$6,014,089 or 9.4 percent **better** than budget. Within total operating expense *Contract Operating & Maintenance* (line 23) is \$2,462,256 or 5.5 percent **better** than budget and *Fuel* (line 25) is **better** than budget by \$2,734,369 or 26.3 percent. *Total Administrative Expense* (line 40) is \$1,086,570 or 14.9 percent **better** than budget.

Compared to prior year, *Grand Total Expenses* (line 44) are \$1,733,401 or 2.6 percent **lower**. The decrease in expense over the prior year is mainly due to *Fuel* (line 25) which is \$996,861 or 11.5 percent **lower** than the prior year.

Budget Revisions: There are no budget revisions for the month of March 2010.

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

MARCH 2010

| | | | | | | % OF YEAR ELAPSED | | 75.0% |
|---|-------------------|-----------------|-------------------|-------------------|-----------------|--------------------|-------------------|-----------------|
| | 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 | 3,501,706 | 32,315,378 | 31,311,119 | 31,784,295 | 98.5% | 43,762,048 | 43,762,048 | 71.5% |
| 2 Parking Revenue | 214,499 | 1,579,534 | 1,739,437 | 1,949,167 | 89.2% | 2,598,890 | 2,598,890 | 66.9% |
| 3 Shuttles | 112,619 | 806,173 | 850,343 | 823,878 | 103.2% | 1,098,504 | 1,098,504 | 77.4% |
| 4 Rental Income | 154,677 | 1,257,645 | 1,296,424 | 1,263,840 | 102.6% | 1,682,800 | 1,682,800 | 77.0% |
| 5 Other Income | 53,699 | (93,312) | 1,946,880 | 1,122,290 | 173.5% | 1,492,090 | 1,492,090 | 130.5% |
| 6 | | | | | | | | |
| 7 TOTAL OPERATING REVENUE | 4,037,200 | 35,865,418 | 37,144,203 | 36,943,470 | 100.5% | 50,634,332 | 50,634,332 | 73.4% |
| 8 | | | | | | | | |
| CONTRIBUTIONS: | | | | | | | | |
| 10 AB-434-Peninsula Feeder Shuttle | 83,333 | 767,177 | 750,000 | 750,000 | 100.0% | 1,000,000 | 1,000,000 | 75.0% |
| 11 Operating Grant | 2,480 | 76,654 | 1,112,135 | 1,112,135 | 100.0% | 2,316,867 | 2,316,867 | 48.0% |
| 12 JPB Member Agencies | 3,284,715 | 29,562,440 | 29,562,440 | 29,562,483 | 100.0% | 39,416,585 | 39,416,585 | 75.0% |
| 13 Other Sources | 0 | 0 | 0 | 3,786,325 | 0.0% | 3,787,512 | 3,787,512 | 0.0% |
| 14 | | | | | | | | |
| 15 TOTAL CONTRIBUTED REVENUE | 3,370,528 | 30,406,271 | 31,424,574 | 35,210,942 | 89.2% | 46,520,964 | 46,520,964 | 67.5% |
| 16 | | | | | | | | |
| 17 GRAND TOTAL REVENUE | 7,407,728 | 66,271,689 | 68,568,777 | 72,154,412 | 95.0% | 97,155,296 | 97,155,296 | 70.6% |
| 18 | | | | | | | | |
| 19 | | | | | | | | |
| EXPENSE | | | | | | | | |
| OPERATING EXPENSE: | | | | | | | | |
| 23 Contract Operating & Maintenance | 4,743,425 | 42,907,351 | 42,471,008 | 44,933,264 | 94.5% | 60,425,885 | 60,425,885 | 70.3% |
| 24 Shuttles (Including Peninsula Pass) | 249,345 | 2,213,219 | 2,187,633 | 2,194,465 | 99.7% | 2,926,620 | 2,926,120 | 74.8% |
| 25 Fuel | 909,753 | 8,642,197 | 7,645,336 | 10,379,705 | 73.7% | 13,839,649 | 13,839,649 | 55.2% |
| 26 Timetables & Tickets | 29,595 | 153,767 | 135,364 | 150,317 | 90.1% | 210,000 | 210,000 | 64.5% |
| 27 Insurance | 365,970 | 3,490,002 | 3,318,666 | 3,401,226 | 97.6% | 4,535,000 | 4,535,000 | 73.2% |
| 28 Facilities and Equipment Maintenance | 77,903 | 816,607 | 751,837 | 985,005 | 76.3% | 1,595,296 | 1,595,296 | 47.1% |
| 29 Utilities | 84,970 | 956,524 | 806,643 | 1,123,437 | 71.8% | 1,502,400 | 1,502,400 | 53.7% |
| 30 Services | 73,688 | 692,458 | 680,941 | 844,099 | 80.7% | 1,155,630 | 1,156,130 | 58.9% |
| 31 TOTAL OPERATING EXPENSE | 6,534,650 | 59,872,125 | 57,997,428 | 64,011,517 | 90.6% | 86,190,480 | 86,190,480 | 67.3% |
| 32 | | | | | | | | |
| ADMINISTRATIVE EXPENSE: | | | | | | | | |
| 34 Wages & Benefits | 446,174 | 3,932,876 | 4,263,386 | 4,748,232 | 89.8% | 6,318,279 | 6,323,513 | 67.4% |
| 35 Board Of Directors | 708 | 6,468 | 8,257 | 9,600 | 86.0% | 12,300 | 12,300 | 67.1% |
| 36 Professional Services | 99,594 | 1,318,279 | 922,321 | 1,378,298 | 66.9% | 1,976,628 | 1,951,594 | 47.3% |
| 37 Communications/Marketing | 16,587 | 123,998 | 122,900 | 189,554 | 64.8% | 265,000 | 265,000 | 46.4% |
| 38 Other Office Expense and Services | 105,783 | 1,043,777 | 912,304 | 990,054 | 92.1% | 1,289,734 | 1,309,534 | 69.7% |
| 39 | | | | | | | | |
| 40 TOTAL ADMINISTRATIVE EXPENSE | 668,846 | 6,425,398 | 6,229,168 | 7,315,738 | 85.1% | 9,861,941 | 9,861,941 | 63.2% |
| 41 | | | | | | | | |
| 42 Long Term Debt Expense | 91,906 | 489,630 | 827,156 | 827,157 | 100.0% | 1,102,875 | 1,102,875 | 75.0% |
| 43 | | | | | | | | |
| 44 GRAND TOTAL EXPENSES | 7,295,402 | 66,787,153 | 65,053,752 | 72,154,412 | 90.2% | 97,155,296 | 97,155,296 | 67.0% |

"% 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 2010

SEAN ELSBERND, CHAIR
MARK CHURCH, VICE CHAIR
OMAR AHMAD
JOSÉ CISNEROS
NATHANIEL P. FORD, SR.
DON GAGE
ASH KALRA
ARTHUR L. LLOYD
KEN YEAGER

MICHAEL J. SCANLON
EXECUTIVE DIRECTOR

PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF MARCH 31, 2010

| TYPE OF SECURITY | MATURITY DATE | INTEREST RATE | PURCHASE PRICE | MARKET RATE |
|---|------------------|------------------|-------------------|----------------|
| ----- | ----- | ----- | ----- | ----- |
| Local Agency Investment Fund (Restricted) | Liquid Cash | 0.577% | \$ 2,000,000 | \$ 2,002,366 |
| Local Agency Investment Fund (Unrestricted) | Liquid Cash | 0.577% | 13,911,095 | 13,927,553 |
| Investment Portfolio (Unrestricted) | Liquid Cash | 2.867% | 9,868,512 | 9,967,129 |
| ----- | ----- | ----- | ----- | ----- |
| | | | \$ 25,779,606 | \$ 25,897,048 |
| | | | | |
| Accrued Earnings for March 2010 | \$29,600.64 | (1) | | |
| Cumulative Earnings FY2010 | \$252,946.01 | | | |

(1) Earnings do not include prior period adjustments

* The market value of Local Agency Investment Fund (LAIF) was derived from the fair value factor of 1.001183091 as reported by LAIF for quarter ending March 31, 2010.

** 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.

AGENDA ITEM # 10
MAY 6, 2010

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: PRELIMINARY FISCAL YEAR 2011 CALTRAIN OPERATING BUDGET

The Preliminary Fiscal Year 2011 Caltrain Operating Budget will be presented to the Board on May 6, 2010 as an informational item, and will be available for distribution at the meeting.

AGENDA ITEM # 11
MAY 6, 2010

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: PRELIMINARY FISCAL YEAR 2011 CALTRAIN CAPITAL BUDGET

The Preliminary Fiscal Year 2011 Caltrain Capital Budget will be presented to the Board on May 6, 2010 as an informational item, and will be available for distribution at the meeting.

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **CALL FOR A PUBLIC HEARING: A DECLARATION OF FISCAL
EMERGENCY FOR THE PENINSULA CORRIDOR JOINT POWERS
BOARD FOR FISCAL YEAR 2011**

ACTION

Staff Coordinating Council (SCC) recommends that the Board hold a public hearing on June 3, 2010, to receive public comment concerning a proposed declaration of a fiscal emergency under California Public Resources Code section 21080.32 and California Environmental Quality Act implementing guidelines, Title 14 of the California Code of Regulations section 15285 for FY2011. The SCC recommends this action in light of the following considerations:

1. The JPB, as it has in the past several fiscal years, utilized one-time sources of funds to balance the FY2010 budget. The amount of unrestricted net assets is estimated to be a negative \$17.8 million at the end of FY2011 and is insufficient to support current service levels.
2. Staff is reviewing various options to balance the FY2011 budget including reductions in service levels and increased fares.
3. When a transit agency's revenues are insufficient to fund operations and facilities, the California Environmental Quality Act (CEQA) provides a statutory exemption from environmental review to any public service, program, project or activity for reducing or eliminating services and for initiating or increasing fees, rates or charges through declaration of a fiscal emergency.
4. The criterion for declaring a fiscal emergency is that the transit agency expects to have negative working capital within one year from the date of the declaration.
5. The JPB must respond within 30 days of the public hearing to suggestions made by the public.
6. After responding to these comments, the JPB may declare a fiscal emergency for its Caltrain operation caused by the failure within one year of revenues to adequately fund programs and facilities.

SIGNIFICANCE

The JPB partners continue to face financial uncertainty due in part to the State of California's budget crisis and the reduction of State Transit Assistance funds. At this time it is unclear what level of partner support will be available for the FY2011 budget. The preliminary Operating budget includes a reduction of 35.5% from the member agencies. To plan for the worst-case scenario, the SCC recommends that the JPB undertake the process outlined in CEQA for declaring a fiscal emergency. If a fiscal emergency is declared, the JPB can pursue appropriate service scenarios for the FY2011 budget, including reductions in service and increases in fees, rates and charges in compliance with applicable laws and regulations.

The California Environmental Quality Act considers reductions in transit service as "projects" that typically require evaluation of any potential environmental impact, unless a statutory exemption applies. The requirement for environmental review of the specified public transit changes is exempted in the case of a declared fiscal emergency. (California Public Resources Code section 21080.32; 14 Code of California Regulations section 15285).

A fiscal emergency is deemed to exist if the transit agency is projected to have negative working capital within one year from the date of the fiscal emergency declaration. To calculate available working capital, the transit agency adds together all unrestricted cash, unrestricted short-term investments and unrestricted short-term accounts receivable and then subtracts unrestricted accounts payable, where applicable. Employee retirement funds, including Internal Revenue Code Section 457 deferred compensation plans and Section 401(k) plans, health insurance reserves, bond payment reserves, workers' compensation reserves, and insurance reserves, are excluded from the calculation of available working capital.

Once the working capital analysis is complete and the transit agency concludes the declaration of a fiscal emergency is warranted, the agency is required to hold a public hearing on the issue and to respond to comments and suggestions made by the public within 30 days.

Staff recommends that the JPB hold a public hearing on the issue of a fiscal emergency for Caltrain operations on June 3, 2010. At the hearing, staff will explain why a fiscal emergency exists and the JPB will receive testimony from the public. Staff further recommends that the JPB respond to the public comments at a meeting to be scheduled within 30 days after the June 3 meeting. Staff will propose the JPB response to the Board of Directors for its consideration via the regular agenda process. A staff report containing the proposed response to the public comments will be available prior to the meeting.

After the response to the public comments has been received, the JPB can declare that a fiscal emergency exists. A declaration of fiscal emergency does not by itself implement service reductions or changes to fees or fares.

BUDGET IMPACT

There is minimal budget impact directly associated with holding a public hearing to take comment concerning the potential declaration of a fiscal emergency. Should the Board choose to declare a fiscal emergency after consideration of public comment, the JPB will evaluate service scenarios and possible fare adjustments and staff would present a proposed FY2011 budget for consideration by the Board of Directors.

BACKGROUND

The FY2010 JPB adopted budget included the use of one-time revenues to support the proposed service levels. There are not sufficient revenues to support existing services in FY2011. Staff is undertaking a comprehensive review of both the revenue and expense options and will develop a number of alternatives that would balance the FY2011 budget. Both revenue increases and service reductions will be included in some scenarios.

Prepared by: Gigi Harrington, Deputy CEO

650.508.7950

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 March 31, 2010.

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 April 14, 2010 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 JPB 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 CSI Capital Management, Inc. ("CSI"), recently transferred from Tamalpais Wealth Advisors; 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.

CSI 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.

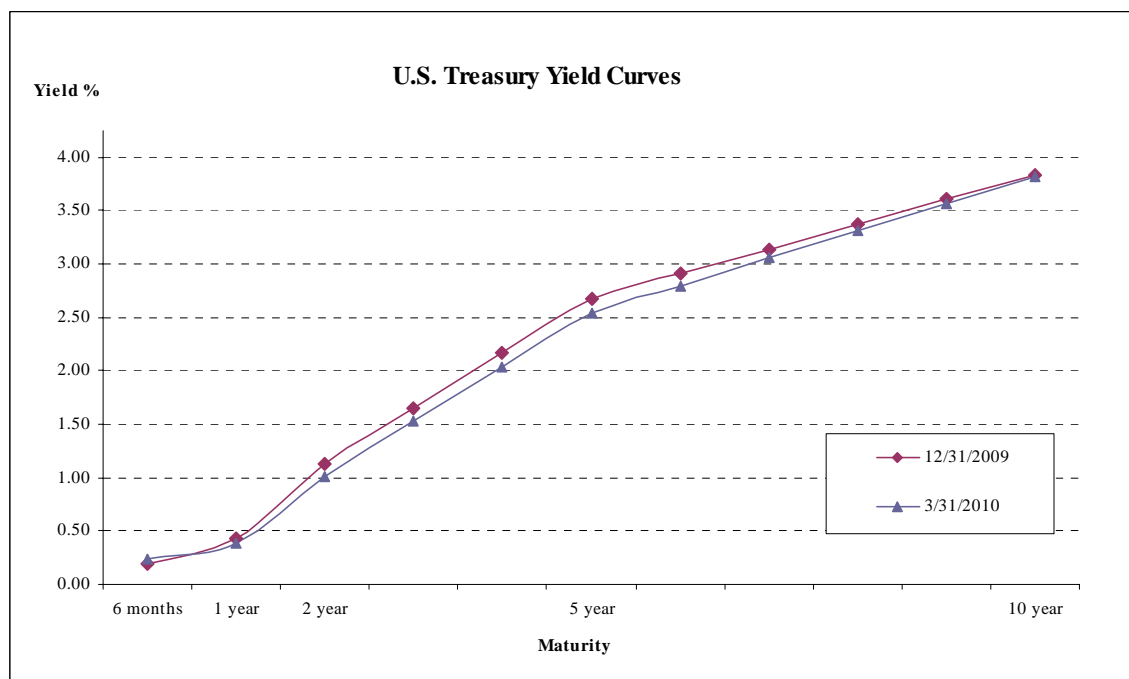
Due to the nature of securities which are bought and sold in a principal market, such as fixed income securities, multiple market values may exist for a given security at any given time. CSI has chosen IDC as an unbiased estimator of these prices based on their leading role as a provider of end of the 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, CSI 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, CSI uses 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 were quite volatile during the first quarter of 2010, initially falling and then retracing most of their earlier decline. By the end of the quarter, the market was trading near beginning of the year levels, but with decidedly more concern about the future direction of rates. With the Fed signaling an end to many of its programs, the market began to focus on when the Fed was likely to start moving short-term interest rates higher again.

One of the enduring characteristics of the recent crisis and subsequent recovery has been the sheer number of important issues that have the potential to appreciably influence the outlook.

What follows is a list of what CSI believes to be some of the more important issues that have the potential to influence the future course of both the economy and interest rates:

1. *Greece and the Euro:* Due to financial troubles in European countries such as fiscal deficits and possible default on debt, the concept of the European Monetary Union, including the Euro, has been called into question. A favorable outcome here could strengthen the Euro versus the dollar, while an unfavorable outcome would likely have the opposite effect.
2. *China and the Yuan:* Depending on the source, the yuan may currently be undervalued 25 to 50 percent. Devaluing will bring down the price of U.S. exports to China making them more attractive, but also substantially lower the value of the U.S. Government Securities China holds in reserves. The U.S. believes the yuan should be allowed to

appreciate, while China has been reluctant to increase the relative value of the yuan to the dollar.

3. *TIPS and Inflation:* TIPS (Treasury Inflation Protected Securities) provide investors with a way to protect themselves from any unanticipated increases in inflation. By comparing the yield on a regular Treasury bond to a comparable TIP, investors can glean the market's expectations for future inflation. Since the beginning of the year, expectations for future inflation have been steadily falling and have declined by 25 basis points consequently causing TIPS to under-perform their comparable Treasury Bonds.
4. *Forward Rates:* Despite the modestly lower inflation expectations discussed above, the market has also been steadily building in an expectation of an increasing pace of interest rate hikes over the coming year.
5. *Poor Treasury Auctions:* While the United States Treasury auctioned off \$1.6 Trillion dollars of securities in the first quarter of 2010, recently auctions have not gone well and the Treasury had to offer securities at higher rates than expected.
6. *Equity Market Rally:* Since the bottom of the market in early March 2009, the S&P 500 has increased by a stunning 77 percent including dividends. During the same period, housing prices stabilized. Economists have determined that both the values of an individual's investment portfolio as well as their home(s) are important factors when it comes to spending decisions. Of the two, the value of the stock market is deemed to have the larger and more immediate impact. Consumer spending continues to surprise on the strong side. As long as the stock market remains strong, consumers are likely to continue to drive economic growth. In such an environment, it will not be long before employment picks up (as evidenced by the March employment data) and the Fed starts to raise rates.
7. *Fed Activity:* The Federal Reserve Board has maintained an exceptionally low Fed Funds rate since the end of 2008. Estimates for the likely level of Fed Funds by the end of the year range from unchanged to as high as 1.75 percent. CSI anticipates a modest increase in the Fed Funds rate by year-end, followed by another extended period of inactivity.
8. *Health Care:* Although health care reform is now a reality, it remains an extremely polarizing issue among the electorate. If small business owners remain uncertain of the future impact on their employee costs, hiring is likely to be constrained. It is important not to dismiss these concerns, real or imagined, as small businesses have historically been the driver of employment in our country.
9. *Employment:* The hope is that employment numbers finally climb out of negative territory and show signs of solid yet unspectacular growth. This could lead to higher interest rates, and the market is likely to reflect this confidence rather quickly.
10. *Financial Reform:* When Congress returns from its break, financial reform is likely to be its top priority. The centerpiece of this legislation is likely to be a banking bill. The risk for the economy here is over-regulation. Should financial regulation take the form of putting safety and soundness ahead of the banking system's ability to make loans, we could be in for an extended period of sluggish growth.

The issues portrayed here paint a picture which when considered as a whole, certain inevitable conclusions emerge. Namely, the economy is emerging from a recession, interest rates are poised to rise, the global economy still faces many hurdles before it can fully return to health,

and policy mistakes are likely to prove costly.

CSI's strategy in this environment is threefold. First, avoiding credit risk, as the consequences of a low probability event are still too severe and the likelihood of such an occurrence is still not quite low enough to provide comfort. Second, choosing the middle ground for new investments, investing for higher yields but not going so far out on the curve that we could experience big price declines if rates jump. Lastly, remaining patient, choosing those periods when rates are trading towards the upper end of their recent range before committing any capital.

Strategy

Interest rates have begun to factor in a modest increase in the Fed Funds Rate by the middle of the year. Spread product has continued to narrow with high quality paper returning to pre-crisis levels and low quality paper continuing to show improvement.

Over the foreseeable future CSI expects interest rates to move gradually higher. Currently the portfolio's sensitivity to a change in interest rates is below that of the benchmark. The current 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 more than already anticipated by the market. As of the end of the quarter, the JPB's portfolio consisted of approximately 10.1 percent FDIC guaranteed Corporate Bonds, 67.1 percent Agency Securities, 22.8 percent US Treasury securities and 0 percent Cash Equivalents; see Exhibit 6.

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 March 31, the portfolio returned **0.22** percent. This compares to the benchmark return of **0.41** 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 5 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 March 31, the portfolio's yield to maturity was 0.44 percent. The benchmark's yield to maturity was 0.60 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 2.08 percent.

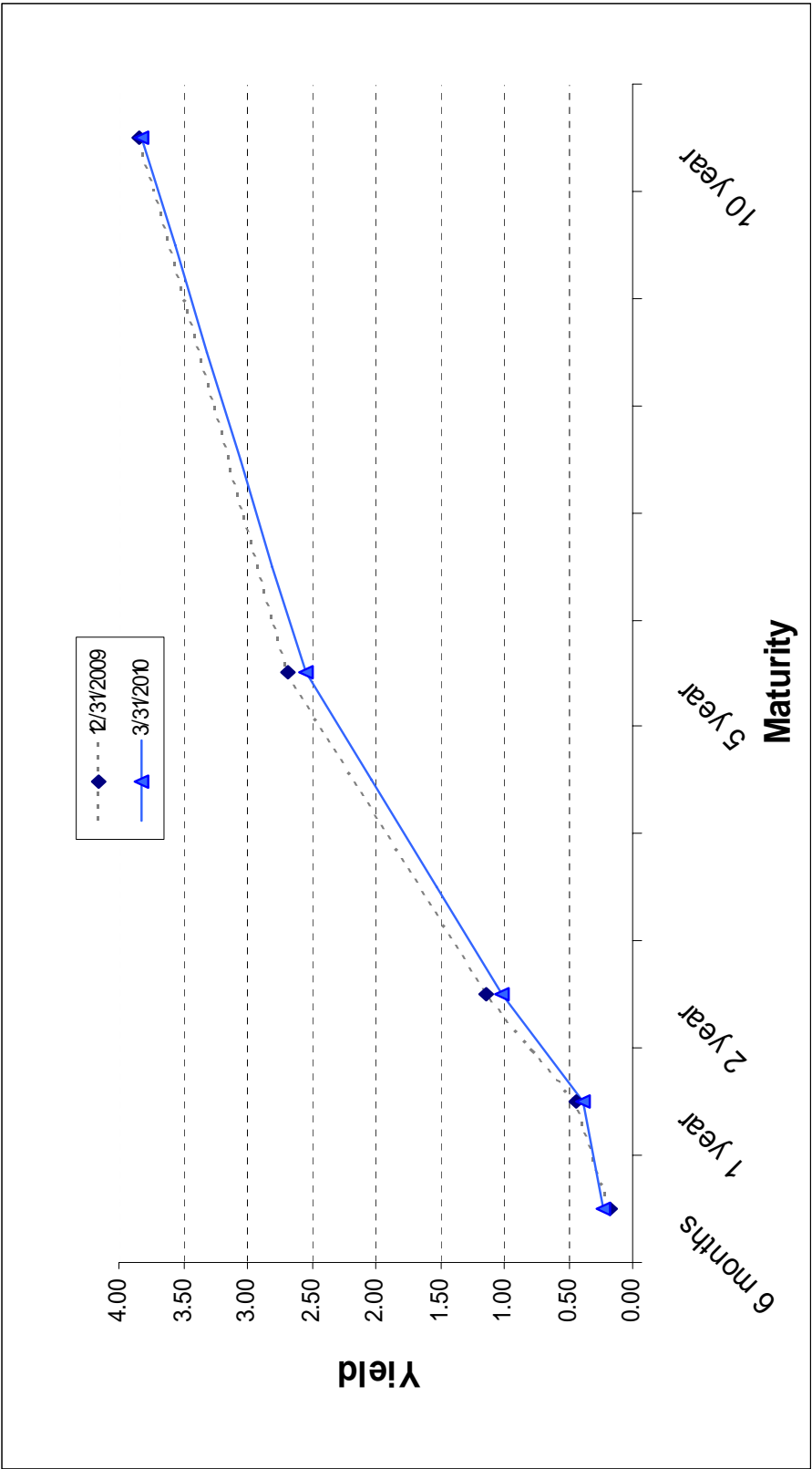
EXHIBIT 1

**PENINSULA CORRIDOR JOINT POWERS BOARD
REPORT OF INVESTMENTS
FOR QUARTER ENDED MARCH 31, 2010**

| TYPE | DATE OF MATURITY | PAR VALUE | CARRYING AMOUNT | MARKET VALUE | ACCRUED INTEREST | MARKET VALUE +ACCR. INT. |
|--|-----------------------------|------------------|----------------------------|-------------------------|-----------------------------|---|
| <u>FUNDS MANAGED BY CSI CAPITAL MANAGEMENT, INC.:</u> | | | | | | |
| <u>INVESTMENT PORTFOLIO:</u> | | | | | | |
| CORPORATE BONDS | | | | | | |
| JP Morgan Chase & Co. | 12-01-10 | 500,000 | 512,130 | 507,250 | 4,375 | 511,625 |
| Bank of America Corp. | 12-23-10 | 500,000 | 505,778 | 504,585 | 2,314 | 506,899 |
| GOVERNMENT BONDS | | | | | | |
| FHLM | 05-28-10 | 2,000,000 | 2,030,900 | 2,006,875 | 16,229 | 2,023,104 |
| FHLB | 07-16-10 | 2,000,000 | 2,050,625 | 2,019,375 | 14,583 | 2,033,958 |
| FNMA | 11-15-11 | 2,000,000 | 2,180,625 | 2,141,875 | 40,313 | 2,182,188 |
| FHLM | 01-19-12 | 500,000 | 500,345 | 499,372 | 0 | 499,372 |
| TREASURY INFLATION PROTECTED SECURITIES | | | | | | |
| US Inflation Indexed | 04-15-10 | 2,000,000 | 2,251,020 | 2,287,797 | 8,817 | 2,296,614 |
| TOTAL FUNDS MANAGED BY CSI CAPITAL MANAGEMENT, INC. | | 9,500,000 | 10,031,423 | 9,967,129 | 86,630 | 10,053,759 |
| <u>LIQUIDITY FUNDS MANAGED BY DISTRICT STAFF:</u> | | | | | | |
| BANK OF AMERICA CHECKING | | | 2,846,577 | 2,846,577 | 0 | 2,846,577 |
| LAIF | | | 15,911,095 | 15,911,095 | 22,226 | 15,933,321 |
| SAN MATEO COUNTY POOL | | | 0 | 0 | 0 | 0 |
| TOTAL FUNDS MANAGED BY DISTRICT STAFF | | | 18,757,672 | 18,757,672 | 22,226 | 18,779,898 |
| <u>TRUST FUNDS MANAGED BY THIRD PARTY TRUSTEE:</u> | | | | | | |
| First American Treas. Oblig. CID Corp Tr | | | 1,115,394 | 1,115,394 | 0 | 1,115,394 |
| TOTAL FUNDS MANAGED BY THIRD PARTY TRUSTEE | | 0 | 1,115,394 | 1,115,394 | 0 | 1,115,394 |
| TOTAL AS OF MARCH 31, 2010 | | 9,500,000 | 29,904,488 | 29,840,194 | 108,857 | 29,949,051 |

EXHIBIT 2

Peninsula Corridor Joint Powers Board
Historical Yield Curve

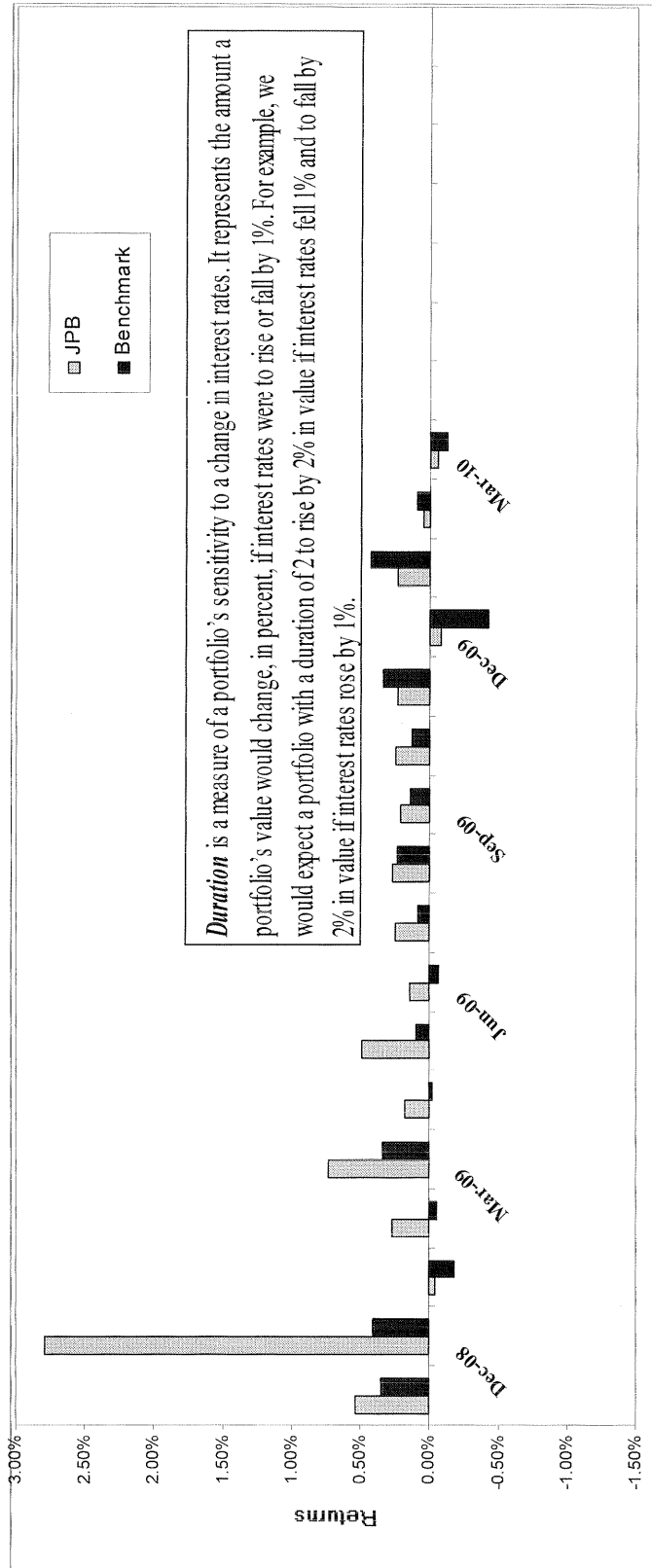


Data Source: Bloomberg

Tamalpais Wealth Advisors

EXHIBIT 3

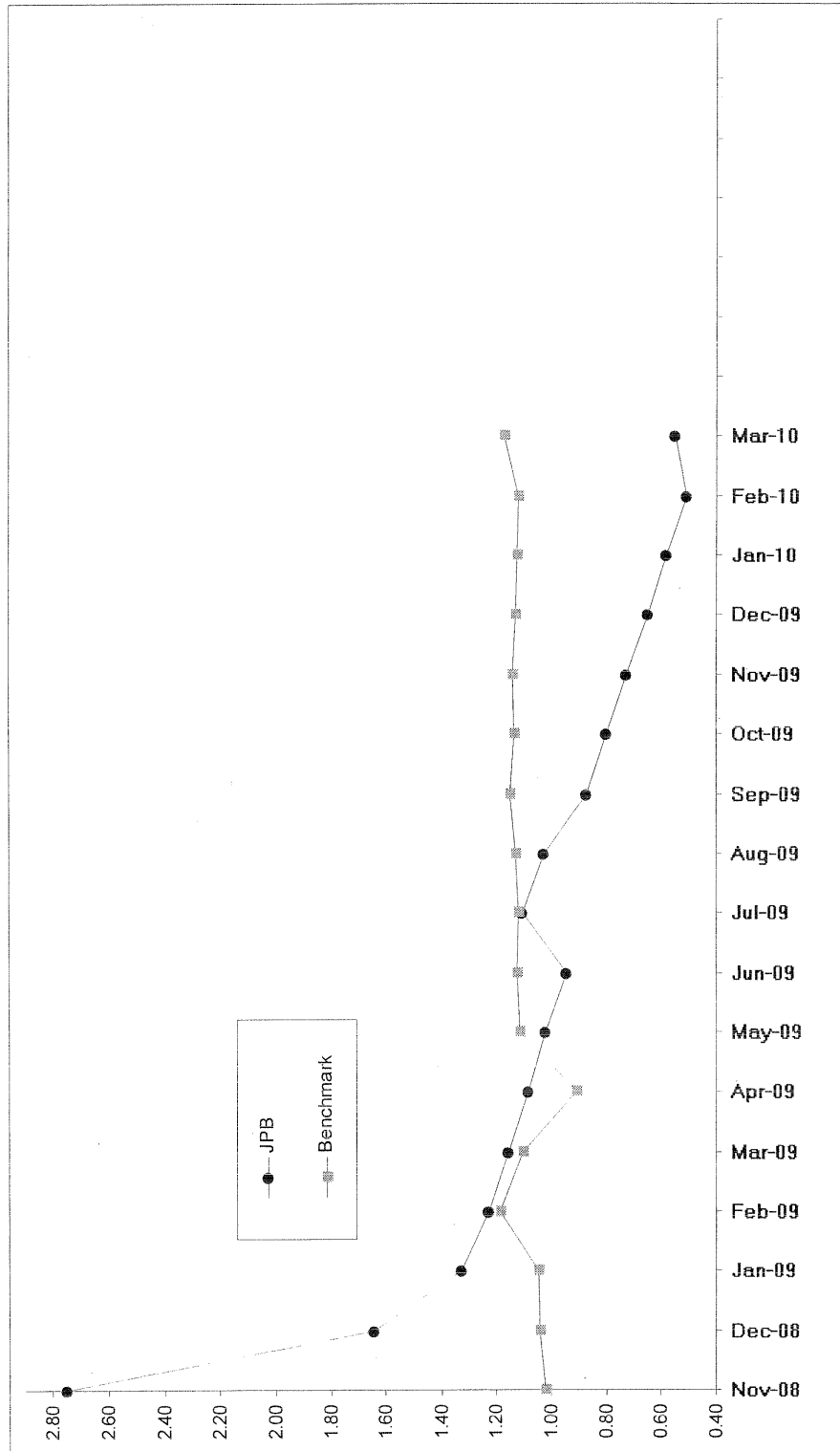
Peninsula Corridor Joint Powers Board Monthly Review – Account vs. Benchmark *Rolling 24 Months*



| Trailing 12 Months | Apr-09 | May-09 | Jun-09 | Jul-09 | Aug-09 | Sep-09 | Oct-09 | Nov-09 | Dec-09 | Jan-10 | Feb-10 | Mar-10 | Trailing 12 |
|--------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------------|
| MONTHLY PERFORMANCE DATA | | | | | | | | | | | | | |
| JPB | 0.18% | 0.49% | 0.14% | 0.25% | 0.27% | 0.21% | 0.25% | 0.24% | -0.08% | 0.23% | 0.05% | -0.05% | 2.20% |
| Benchmark | -0.01% | 0.10% | -0.06% | 0.09% | 0.24% | 0.15% | 0.13% | 0.34% | -0.42% | 0.43% | 0.10% | -0.12% | 0.95% |

EXHIBIT 4

**Peninsula Corridor Joint Powers Board
Duration vs. Benchmark**



Tampa Bay Wealth Advisors

EXHIBIT 5

Tamalpais Wealth Advisors

Peninsula Corridor Joint Powers Board Growth of One Thousand Dollars *Rolling 24 months*

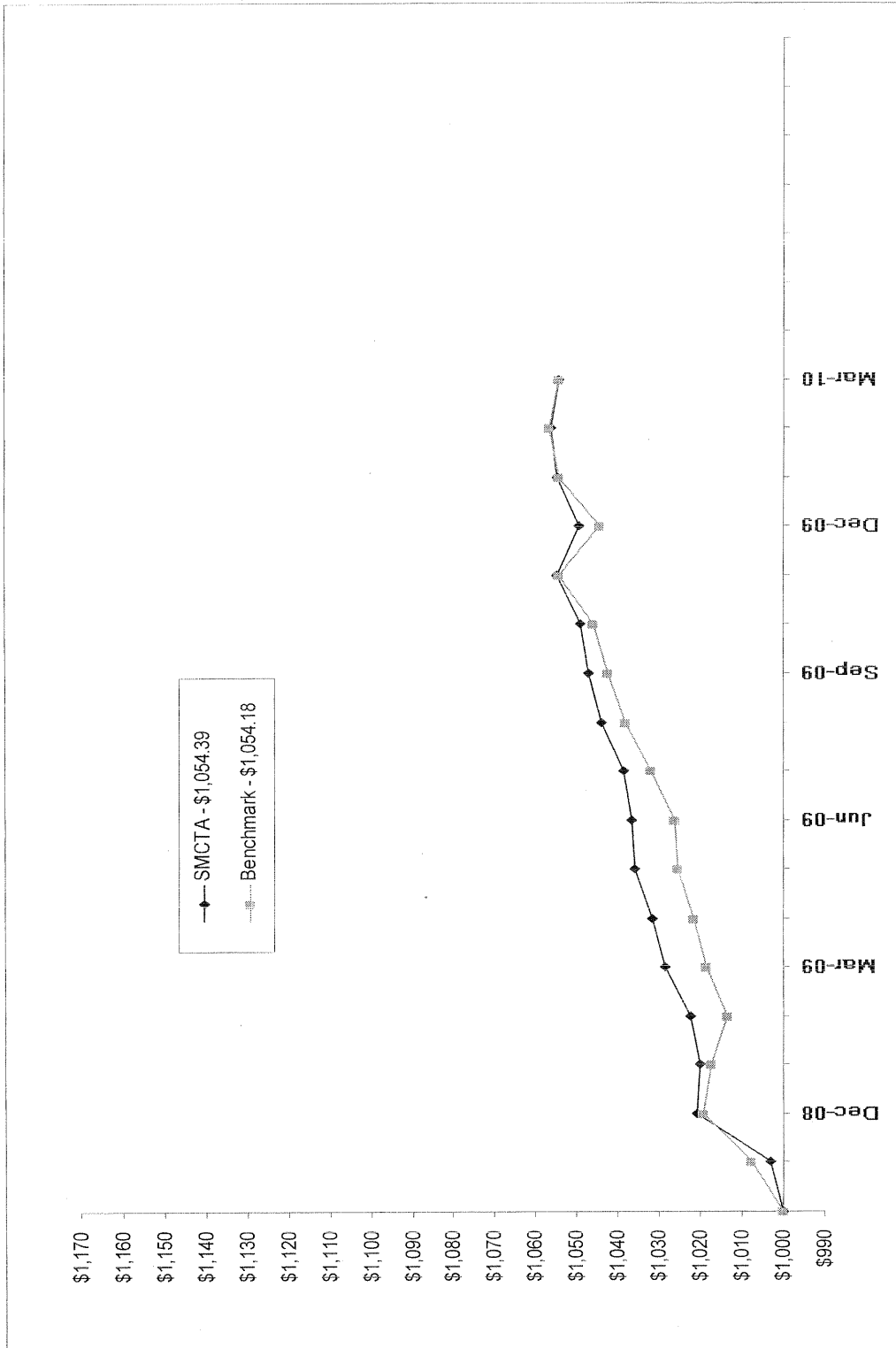
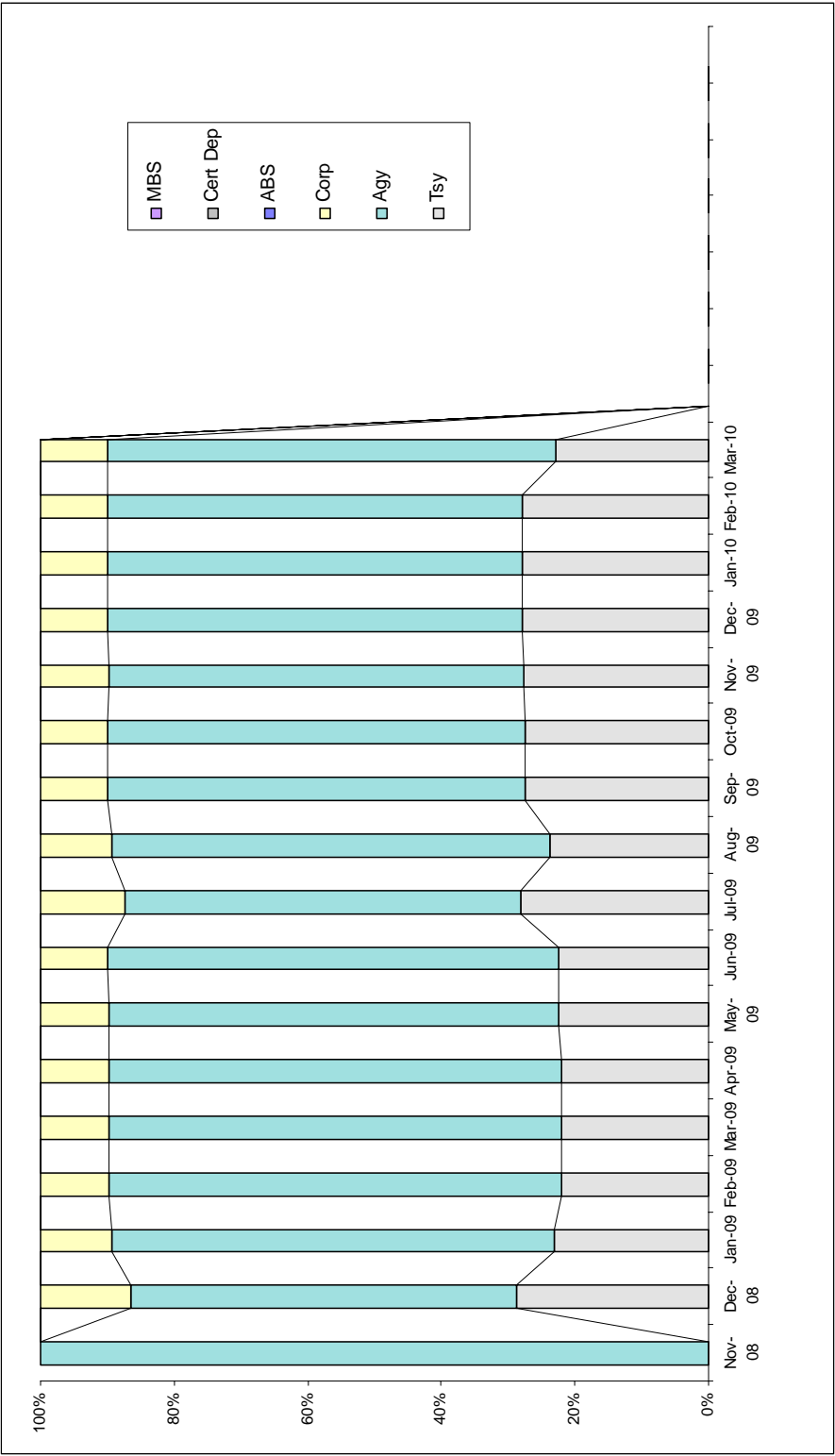


EXHIBIT 6

Tamalpais Wealth Advisors

Peninsula Corridor Joint Powers Board
Percent of Assets Held by Type



**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: **CALTRAIN COMPREHENSIVE ACCESS PROGRAM - POLICY
STATEMENT**

ACTION

The Staff Coordinating Council (SCC) recommends adoption of the Caltrain Comprehensive Access Program - *Policy Statement*.

SIGNIFICANCE

Today, Caltrain moves more than 12 million riders annually. With future service expansion plans, there is potential to double ridership by 2030. The goal of the Comprehensive Access Program is to provide sufficient access to Caltrain services, enabling Caltrain to realize this potential market growth. Given the JPB's financial challenges, it is essential to develop policies and programs that focus on maximizing ridership with cost-effective strategies.

The key components of the Comprehensive Access Program, which was introduced to the Board in March 2010, include:

1. *Policy Statement*
2. *Strategic Plan*
3. *Capital Improvement Program*
4. *Monitoring Program*

The March presentation focused on the framework for the *Policy Statement*, which outlined strategies for shifting the modes of transportation used to access Caltrain services away from auto trips to sustainable transportation options including walking, biking and using transit. The term "access" is used to include both trips to and from the Caltrain system.

The draft *Policy Statement* is attached. Adoption of the proposed policy is the first step in developing the full access program. Development of the program is subject to funding availability.

BUDGET IMPACT

There is no impact to the budget.

BACKGROUND

Staff conducted stakeholder outreach in March and April. Input was solicited specifically from:

- JPB Citizens Advisory Committee (CAC)
- San Mateo City/County Association of Governments (C/CAG) Bicycle and Pedestrian Advisory Committee and Technical Advisory Committee
- Bicycle coalitions

A public notice also solicited comments from the general public.

In general, the public and stakeholder comments reflected strong support for the development of the plan and policy statement. Other key themes included:

- Support for transit-oriented development creating walkable station areas
- Strategies for pedestrian safety and circulation
- Requests for bike access and onboard bicycle capacity improvements to be prioritized over transit
- Concerns regarding transit connections being both too costly and complicated

Comments related to access strategies have been addressed in the draft policy. Other comments will be addressed through the development of the remainder of the program.

Prepared by: Marisa Espinosa, Manager, Planning and Research 650.508.6226



Caltrain Comprehensive Access Program Policy Statement

(May 2010)

Purpose

Today, Caltrain moves more than 12 million riders annually. By 2030, with planned service expansion, ridership could double. Providing sufficient access* to the Caltrain system is necessary to capture the future ridership market. Given Caltrain's financial challenges, it is essential to develop policies that focus investment decisions on maximizing ridership with cost-effective strategies.

** The term "access" includes both trips to and from the Caltrain system.*

Context

Today, Caltrain's predominate access mode of transportation is auto. Compared to walk, transit and bike, auto is not a sustainable access mode of transportation. Energy and land consumption necessary to support auto access is expensive and unsustainable. In planning for tomorrow, Caltrain needs to shift the access mode of transportation away from auto to sustainable options – walk, transit and bike.

Adoption of the Caltrain Access Policy Statement is the first step in developing a full access program composed of the following key components:

1. Policy Statement
2. Strategic Plan
3. Capital Improvement Program
4. Monitoring Program

Guiding Principles

The Caltrain access guiding principles are:

- Increase access capacity to support ridership growth
- Prioritize sustainable (“green”) access
- More effectively manage land and capital assets
- Prioritize cost-effective access modes
- Enhance customer satisfaction
- Solidify partnerships to implement improvements

System-wide Access Priorities



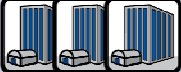





















Founded on the guiding principles, the system-wide access mode of transportation priority is:

| | |
|---|---------|
| 1 | Walk |
| 2 | Transit |
| 3 | Bike |
| 4 | Auto |

Station Access Priorities

While the overall focus of capital investments at the system-wide level support walking, riding transit and bicycling, access mode prioritization at the station level will need to vary. Land uses and densities around the Caltrain stations vary from urban to suburban. Access strategies in an urban station area will differ from that of a suburban station area. Transportation investments need to be tied to land use decisions to result in context-sensitive solutions and maximize return on investment.

Four station types have been identified to address station-level needs:

| Station Type | TODAY Key Station Characteristics | | | FUTURE Station Access Priority |
|-------------------------|---|---|--|---|
| | Primary Access Mode | Density/Dominant Land Use | Service Level | |
| Transit Center |   |  |  |     |
| Intermodal Connectivity |  |  |  |    |
| Neighborhood Circulator |  |  |  |   |
| Auto-Oriented |  |  |  |   |

1. **Transit Center** stations are located in high employment density areas with high Caltrain service levels and strong transit feeder service. Today, the primary access modes are auto and transit. The parking lot is or near full. Future transit-oriented development (TOD) opportunities are high. The access priority for this station type is transit, walk, bike then auto.
2. **Intermodal Connectivity** stations are located in high residential density areas with moderate Caltrain service levels and strong intermodal connections to light rail, rapid rail or bus. Today, the primary access mode is auto. The parking lot is near full. Future TOD opportunities are high. The access priority for this station type is walk, transit then bike.
3. **Neighborhood Circulator** stations are located in moderate residential density areas with low Caltrain service levels. Today, the primary access mode is walk. The parking lot is underused. Future TOD opportunities are moderate. The access priority for this station type is walk then bike.
4. **Auto-oriented** stations are located in low residential density areas with low Caltrain service levels. Today, the primary access mode is auto. The parking lot is underused. Future TOD opportunities are low. Bikes are still a viable option since the average bike trips are greater than three miles. The access priorities for this station type are auto and bike.

Access Strategies (Examples)

The following are example access strategies by mode. They are the types of capital investments that can be made throughout the Caltrain system to shift our access mode of transportation away from auto to walk, transit and bike. These strategies will be considered in the development of the Access Strategic Plan and the Capital Investment Plan, the next key steps in developing the Comprehensive Access Program.

| Mode | Example Access Strategies |
|-----------|--|
| All Modes | <ul style="list-style-type: none">• Real-time information• Signage/ Wayfinding• Lighting• Security• Universal Design (Americans with Disabilities Act requirements)• Pedestrian/Bicycle Crossing Signal Priority• Demand-based pricing strategies• Inviting public spaces |
| Walk | <ul style="list-style-type: none">• Transit-oriented development (TOD)• Direct circulation• Platform circulation management• Traffic controls• Traffic calming |
| Transit | <ul style="list-style-type: none">• Timed transfers• Enhanced service frequency and capacity• Platform proximity |
| Bike | <ul style="list-style-type: none">• Bike routes/lanes/paths• On-board accommodations• Bike parking and stations• E-lockers• Bike sharing |
| Auto | <ul style="list-style-type: none">• Reserved parking• Shared parking• Car sharing• Dedicated drop-off spaces (kiss-n-ride, taxis, ADA)• Parking fees/permits |

RESOLUTION NO. 2010-
BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA

* * *

**AUTHORIZING ADOPTION OF THE CALTRAIN COMPREHENSIVE ACCESS
PROGRAM POLICY STATEMENT**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) and Caltrain move over 12 million riders annually; and

WHEREAS, with future service expansion plans, there is potential to double ridership by 2030; and

WHEREAS, providing sufficient access to the system is necessary to realize the potential ridership market growth and, given the JPB's financial challenges, it is essential to develop policies and programs that focus on maximizing ridership with cost-effective strategies; and

WHEREAS, for these reasons, a new Comprehensive Access Program, comprised of a Policy Statement, Strategic Plan, Capital Improvement Program, and Monitoring Program, is being developed by the JPB; and

WHEREAS, a Policy Statement defining guiding principles that focus on shifting modes of transportation access away from auto use to sustainable options including walking, biking, and using transit has been developed with stakeholder and public input; and

WHEREAS, adoption of the Policy Statement is the first step in development of the Caltrain Comprehensive Access Program; and

WHEREAS, the Staff Coordinating Council has recommended that the Policy Statement, attached to this resolution and incorporated herein by reference, be adopted.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the JPB
adopts the attached Policy Statement.

Regularly passed and adopted this 6th day of May, 2010 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 C. H. (Chuck) Harvey
Deputy CEO Deputy CEO

SUBJECT: **PROPOSED DBE OVERALL GOAL FOR FY2011 THROUGH FY2013
FOR FTA ASSISTED CONTRACTS**

ACTION

The Peninsula Corridor Joint Powers Board (JPB) Disadvantaged Business Enterprise (DBE) Review Committee and Staff Coordinating Council (SCC) recommend Board approval of the following actions:

- a. Publish the proposed DBE overall goal of 10.5 percent for Federal Transit Administration (FTA)-assisted contracts for public inspection and comment;
- b. In the event that no public comments are received that require a change to the proposed goal, authorize the Executive Director to formally adopt the goal for Federal fiscal years 2011 through 2013;
- c. Authorize the Executive Director to submit the DBE overall goal to the FTA by the designated deadline of August 1, 2010.

SIGNIFICANCE

The U.S. Department of Transportation (DOT) issued amending regulations, effective March 5, 2010, requiring DOT grantees to establish a DBE overall goal as a percentage of all FTA funds expected to be expended in the three forthcoming Federal fiscal years. This contrasts with previous DOT requirements calling for the establishment of an annual overall goal. Pursuant to prescribed Federal methodologies, the proposed DBE overall goal of 10.5 percent for FTA-assisted contracts is based upon the JPB's assessment of FTA-assisted contracting activity for FY2011 through FY2013, and the projected availability of ready, willing, and able DBEs to participate in the activity.

BUDGET IMPACT

The proposed DBE overall goal for FTA-assisted contracts should have no significant impact on the budget under present procurement practices.

BACKGROUND

The DOT regulations, 49 Code of Federal Regulations Part 26, pertaining to the Disadvantaged Business Enterprise Program (Regulations) require DOT grantees to establish an overall goal for DBE participation in federally assisted contracts, and prescribe various methods for doing so. Moreover, effective March 5, 2010, DOT amended the Regulations to require grantees to submit an overall goal for review every three years, rather than annually. A grantee also must submit to DOT for approval any significant adjustment to the overall goal during the three-year period based on changed circumstances. According to DOT, the rule change was modeled largely on the success of a comparable provision in DOT's airport concessions DBE rule in 49 CFR Part 23.

The proposed DBE overall goal of 10.5 percent for FTA-assisted contracts for FY2011 through FY2013 is based upon the JPB's assessment of the FTA-assisted expenditures for contracts projected for FY2011 to FY2013, a review of U.S. Census and other data sources concerning the availability of DBEs in the industries and geographical markets relevant to the JPB's contracting activity, and consideration of the JPB's historical utilization of DBEs, among other factors. Consistent with DOT guidance and the findings from a business availability and utilization study released by the JPB in 2008, staff recommends implementing the DBE program for FY2011 through FY2013 with a combination of race-neutral and race-conscious measures. Specifically, staff recommends limited use of race-conscious contract goals on its construction activities, only when necessary to meet its overall goal during the forthcoming three fiscal years.

For FY2010, the overall annual goal is 13 percent for FTA-assisted contracts. As of March 31, 2010, DBE participation on FTA-assisted contracts is approximately 9.4 percent on a race-neutral basis, with another six months remaining for the rest of this Federal fiscal year. Several upcoming contracts will have race-conscious measures (i.e. contract goals) and staff will continue to closely monitor DBE participation to determine if current race-neutral and race-conscious practices are sufficient to meet this year's obligations. Quarterly progress will continue to be reported in the JPB's Quarterly Capital Program Status Report.

Taking into consideration the JPB's historic utilization of DBEs, the DBE availability data, as well as the mixed types of contracts projected in FY2011 through FY2013, the 10.5 percent goal for FTA-assisted contracts is a reasonable projection of DBE participation overall for the upcoming three fiscal years.

With the Board of Directors' approval, the proposed FY2011 through FY2013 overall DBE goal of 10.5 percent for FTA-assisted contracts will be published in general circulation, trade association and DBE-oriented media to provide for public inspection for a period of 30 days and public comment for 45 days from the date of publication. It is recommended that final adoption of the goal be delegated to the Executive Director in the event that no comments are received that require the Board to modify the proposed goal. If reconsideration is needed, the Board will be asked to review and approve the final overall goal after completion of the public comment period. The JPB will submit the proposed DBE overall annual goal to the Federal Transit Administration by August 1, 2010.

| | |
|---|--------------|
| Prepared by: Raymond Lee, DBE Officer | 650.508.7939 |
| Bill Carson, Manager, Employee Relations & Civil Rights | 650.508.6234 |

RESOLUTION NO. 2010-

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

*** * ***

**AUTHORIZING PUBLICATION OF PROPOSED DISADVANTAGED BUSINESS
ENTERPRISE OVERALL GOAL FOR FISCAL YEARS 2011 THROUGH 2013 FTA
ASSISTED PROJECTS**

WHEREAS, effective March 5, 2010, the United States Department of Transportation (“DOT”) issued amending regulations regarding the participation of Disadvantaged Business Enterprises (“DBEs”) in federally assisted contracts (“Regulations”); and

WHEREAS, the Regulations require that an overall goal for DBE participation in federally assisted contracts be established for the three forthcoming fiscal years for each operating administration that the JPB receives Federal funds from; and

WHEREAS, the Executive Director has recommended the establishment of a proposed DBE overall goal of 10.5 percent for Fiscal Year (“FY”) 2011 through FY 2013 for Federal Transit Administration (“FTA”) assisted contracts, in accordance with the methodology set forth in the Regulations; and

WHEREAS, the Regulations prescribe that a notice be published providing for a 30-day public inspection period and a 45-day public comment period regarding the proposed DBE overall goal; and

WHEREAS, the Board of Directors finds that the proposed Fiscal Year 2011-2013 DBE overall goal is appropriate and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the publication of the proposed Disadvantaged

Business Enterprise overall goal for Fiscal Year 2011-2013 of 10.5 percent for FTA-assisted contracts for public inspection for a period of 30 days and for public comment for a period of 45 days, with the understanding that final adoption of the Disadvantaged Business Enterprise overall goal will be considered at the completion of such public comment period; and

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Executive Director to adopt the DBE overall goal for Fiscal Year 2011-2013 on behalf of the Peninsula Corridor Joint Powers Board, in the event that no public comments are received that require the Board to reconsider or modify the proposed goal; and

BE IT FURTHER RESOLVED that the Board of Directors directs the Executive Director to submit the adopted Disadvantaged Business Enterprise overall goal for Fiscal Year 2011-2013 to the United States Department of Transportation through the Federal Transit Administration by August 1, 2010, in accordance with the Regulations.

Regularly passed and adopted this 6th day of May 2010 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
Deputy CEO

C.H. (Chuck) Harvey
Deputy CEO

SUBJECT: **AWARD OF A CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES**

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Award a contract to URS Corporation of San Francisco, CA, to provide construction management (CM) services for a total not-to-exceed amount of \$11,775,000 over a three-year period.
2. Authorize the Executive Director or his designee to execute a contract for a three-year term with URS Corporation in full conformity with the terms and conditions of the solicitation documents and negotiated agreement.

SIGNIFICANCE

Award of this contract will provide the JPB with construction management services to oversee the construction phases of the San Mateo Bridges Retrofit project, San Francisco Roadway Bridges Replacement project, Quint and Jerrold Street Bridge Replacement projects, San Bruno Grade Separation program and the South San Francisco Station Parking Lot Project.

BUDGET IMPACT

This contract is to be funded by budgets approved for the capital projects that require CM services as outlined above. In general, project budgets are funded by a mix of Federal, State, regional, and/or local revenues and grants.

BACKGROUND

CM services in the past have been provided on a project-by-project basis by the agency's on-call General Engineering Consultants under work directives. While this approach has been successful, the proposed contract will provide for a more focused and efficient delivery of construction management services.

As a result of the current economic conditions, this RFP provided the JPB with an opportunity to lower consultant fees from 8 percent to 6 percent.

A Request for Proposals (RFP) to provide construction management services was issued

detailing the scope of services for the JPB. The solicitation was advertised in a newspaper of general circulation and on the JPB's procurement Web site. Solicitation notices were also sent to interested firms, small business enterprises, and disadvantaged business enterprises (DBEs). Three proposals were received.

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

- | | |
|--------------------------------------|-------------|
| • Key Personnel | 0-40 points |
| • Approach | 0-30 points |
| • Organization | 0-20 points |
| • Relevant Experience and References | 0-10 points |

After review, evaluation, and initial scoring of proposals, all firms were invited for interviews. Following interviews, the Committee completed the final evaluation and consensus ranking. The Committee determined that URS Corporation, the highest-ranked firm, is qualified to be selected for contract award. Firms that submitted proposals are listed below in the order of their consensus ranking:

URS Corporation
AECOM
STV Incorporated - C2PM, A Joint Venture

Negotiations were conducted successfully with URS Corporation. The firm possesses the requisite depth of experience, has the required qualifications to successfully perform the scope of services defined in the solicitation documents, and is fully capable of providing the specified services at a fair and reasonable price. Therefore staff recommends award of a contract to this firm.

In order for Federal funds to be used under this contract, the proposal from URS Corporation will undergo a post-award audit by an outside auditor.

The DBE Office reviewed the RFP prior to release and encouraged proposers to provide subconsulting opportunities to small businesses, including DBEs. Proposers were required to document their solicitation and negotiation activities with their subconsultants to ensure that the process was carried out in a non-discriminatory manner. The DBE Office reviewed the proposal submitted by URS Corporation and determined that the firm was responsive to the RFP requirements for DBE purposes. URS Corporation included nine subconsultants in its consulting team, including four DBE firms and another minority female owned business that was a former DBE participant.

| | |
|--|--------------|
| Contract Officer: Helen Hoang | 650.508.7964 |
| Project Manager: Alfred Darmousseh, Program Manager, Construction Services | 650.838.1090 |

RESOLUTION NO. 2010-

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

* * *

**AUTHORIZING AWARD OF CONTRACT TO
URS CORPORATION FOR CONSTRUCTION MANAGEMENT SERVICES IN A
TOTAL NOT-TO-EXCEED AMOUNT OF \$11,775,000 FOR A THREE-YEAR TERM**

WHEREAS, the Peninsula Corridor Joint Powers Board (“JPB”) is in need of a construction management firm to oversee the construction phases of the San Mateo Bridges Retrofit project, San Francisco Roadway Bridges Replacement project, Quint and Jerrold Street Bridge Replacement projects, San Bruno Grade Separation program and the South San Francisco Station Parking Lot Project; and

WHEREAS, the JPB solicited proposals for such Construction Management Services; and

WHEREAS, in response to the JPB’s Request for Proposals (RFP), three firms submitted proposals; and

WHEREAS, an Evaluation Committee reviewed the proposals and interviewed the firms, and after ranking all the proposals according to the evaluation criteria set forth in the RFP, has determined that URS Corporation of San Francisco, California is the highest ranked proposer; and

WHEREAS, staff and Legal Counsel have reviewed the URS Corporation proposal and determined that it complies with the requirements of the solicitation documents; and

WHEREAS, the Staff Coordinating Council has recommended that a contract for a construction management services be awarded to the highest-ranked proposer, URS Corporation, for a three-year term.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a contract for construction management services to URS Corporation of San Francisco, CA, for a three-year term in a not-to-exceed amount of \$11,775,000; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is authorized to execute a contract on behalf of the Peninsula Corridor Joint Powers Board with URS Corporation, in full conformity with all the terms and conditions of the solicited documents and negotiated agreement, subject to post-award audit by the California Department of Transportation or a designee auditor.

Regularly passed and adopted this 6th day of May, 2010 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA COORIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

**SUBJECT: AUTHORIZATION TO EXECUTE PURCHASE ORDERS OF MORE
THAN \$100,000 FOR INFORMATION TECHNOLOGY LICENSE
RENEWALS, MAINTENANCE SERVICES AND PROFESSIONAL
SERVICES FOR FY 2011 FOR AN AGGREGATE NOT-TO-EXCEED
AMOUNT OF \$700,000**

ACTION

Staff Coordinating Council (SCC) proposes that the Board authorize the Executive Director or his designee to execute purchase orders for more than \$100,000 to product licensors and maintainers or their distributors, directly and without the utilization of cooperative purchasing agreements if not available or competitive solicitations if not applicable, to procure recurring maintenance services and license renewals necessary to permit continued effective use and upkeep of JPB-owned computer and telecommunications hardware and software used for the management and oversight of Caltrain. This authorization shall also include purchase orders for the provision of sole source professional services necessary to expand or modify previously competitively procured proprietary software when an original provider is the only source of such services. Expenditures with manufacturers, vendors and consultants under this authority will not exceed the budgeted amount of \$700,000 throughout Fiscal Year 2011 (FY 2011).

SIGNIFICANCE

Delegation of purchase order approval authority will allow the JPB to pay for recurring maintenance services, license renewal fees and professional services for proprietary software in excess of \$100,000 without bringing actions individually before the Board for approval. This delegation would not eliminate the requirement that all other procurement policies and procedures be followed with respect to these actions.

Recurring support and license agreements are, by their nature, repetitive and routine, and are required to ensure continued and effective operation of information technology assets owned by the JPB. The sole source purchase of additional modules to existing software or professional services to modify existing proprietary software will allow the JPB's changing business needs to be met in a timely manner.

Delegating this authority expedites the JPB's ability to continue needed operations and services in the management of Caltrain and reduces the time and resources otherwise required to obtain individual approval of such support and license agreements.

BUDGET IMPACT

Funds for these purchases are programmed in the proposed FY 2011 Capital and Operating budgets.

BACKGROUND

Software and hardware are typically sold with licenses and maintenance agreements that require periodic renewal. Failing to renew maintenance support means loss of software updates, problems obtaining resolution assistance, and repair services typically needed to keep a product in good operating order. In some cases, the product may not be legally used if a maintenance and license renewal has not been obtained.

It is not always possible to find cooperative purchasing agreements with contracts for the necessary maintenance support and license renewals. This is particularly true for transit industry-specific information technology products. The types of licensing and maintenance agreements contemplated are generally unobtainable under any other method because they are proprietary in nature to the manufacturers of the software. Similarly, many manufacturers do not allow third parties access to source code or to provide services. As a result, professional services to upgrade, modify, or add to existing software must be performed by the original manufacturer.

JPB assets requiring payment of recurring annual or multi-year maintenance support and license fees in excess of \$100,000 that may need to be accommodated in FY 2011 outside of cooperative purchase agreements or other pre-existing contracts include, but are not necessarily limited to:

- TRA Inc. TransitSafe (safety management system)
- Digital Concepts Inc. Digicon (rail traffic control system)
- VenTek (ticket vending machine hardware & software)

Issuance of purchase orders for maintenance and continued operation of assets like these will need to be brought individually before the Board for approval, unless authority is delegated to the Executive Director or his designee.

Project Manager: David Verderosa, Director, Information Technology

650.508.7954

RESOLUTION NO. 2009 -

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

**AUTHORIZING EXECUTION OF PURCHASE ORDERS FOR INFORMATION
TECHNOLOGY LICENSES, MAINTENANCE SERVICES AND PROFESSIONAL
SERVICES FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$700,000
FOR FISCAL YEAR 2011**

WHEAREAS, the Peninsula Corridor Joint Powers Board (JPB) will require continuing product support and licenses for computer and telecommunications hardware and software throughout Fiscal Year 2011 (FY 2011), to permit the continued effective use and upkeep of information technology assets owned by the JPB; and

WHEAREAS, maintenance support and software license agreements for the information technology assets in use are, by their nature, repetitive and routine; and

WHEAREAS, the JPB will also require professional services necessary to expand or modify previously competitively procured proprietary software when an original provider is the only source of such services; and

WHEAREAS, the Staff Coordinating Council recommends that the Executive Director or his designee be authorized to execute purchase orders that exceed \$100,000 to original equipment manufacturers, product licensors, and their authorized distributors and consultants to meet the technology operational requirements for FY2011, pursuant to the JPB's statutory procurement authority and policy, up to an aggregate not to exceed amount of \$700,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby takes the following actions:

1. Authorizes the procurement of product support and license renewal agreements for information technology assets owned by the JPB for FY2011, pursuant to the JPB's statutory

procurement authority and policy, in an aggregate not-to-exceed amount of \$700,000 for FY2011; and

2. Authorizes the Executive Director or his designee to execute purchase orders exceeding \$100,000 to original equipment manufacturers, product licensors, or their authorized distributors for recurring product support and license renewals necessary to permit continued effective use and upkeep of JPB owned computer and telecommunications hardware and software; and

3. Authorizes the Executive Director or his designee to execute purchase orders exceeding \$100,000 to original equipment manufacturers, product licensors, or their authorized consultants for the provision of sole source professional services necessary to expand or modify previously competitively procured proprietary software when an original provider is the only source of such services; and

4. Authorizes the Executive Director or his designee to execute all necessary purchase orders, contracts and other documents and to take such other actions as may be necessary to give effect to this Resolution.

Regularly passed and adopted this 6th day of May, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Chair, Peninsula Corridor Joint Powers Board

JPB Secretary

**PENINSULA COORIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

**SUBJECT: AUTHORIZING EXECUTION OF PURCHASE ORDERS FOR
TECHNOLOGY RELATED PRODUCTS AND SERVICES TO VENDORS
UNDER COOPERATIVE PURCHASING PROGRAMS FOR AN
AGGREGATE NOT-TO-EXCEED AMOUNT OF \$300,000 FOR FY 2011**

ACTION

Staff Coordinating Council (SCC) recommends that the Board authorize the purchase, lease and/or rental of computer and telecommunications equipment and related services, digital reprographic equipment, hardware, software, licensing, installation and configuration of telecommunications equipment, maintenance agreements, and computer peripherals to vendors under approved cooperative intergovernmental purchasing programs available to the JPB such as the California Multiple Award Schedule (CMAS), the State of California Strategic Sourcing Initiative (CSSI), the Western States Contracting Alliance (WSCA), the California Integrated Information Network 2 (CALNET 2), GSA Schedules (also referred to as Multiple Award Schedules and Federal Supply Schedules), and other cooperative programs as the JPB needs are identified. This action includes delegation of authority to the Executive Director to issue purchase orders over \$100,000 to vendors under approved cooperative purchasing programs. Expenditures with vendors under these programs will not exceed the budgeted amount of \$300,000 throughout Fiscal Year 2011 (FY 2011).

SIGNIFICANCE

Approval of this contracting authority will provide the JPB with a cost-effective means to support its standardization policy and provide the latest technology and related services through cooperative intergovernmental purchasing programs. Purchase orders issued under this authority will address the JPB's requirements for equipment, hardware, software, services, licensing, maintenance agreements, and programmed replacement of equipment that has reached the end of its useful life or has become unsuited to address the JPB's future needs.

BUDGET IMPACT

Funds for these purchases are programmed in the proposed FY 2011 Capital and Operating budgets.

BACKGROUND

Given the rapidly changing technology of information system hardware, software and related services, the State of California, among other state agencies nationwide, has established agreements with vendors under various cooperative purchasing programs such as CMAS, CSSI, GSA, WSCA and CALNET 2 for providing these goods and services. Special districts, cities, counties and joint powers authorities are given statutory permission to procure competitively priced goods and services arising out of these vendor agreements. By utilizing such cooperative purchasing programs, the JPB saves considerable time and expense associated with independent procurements which would not likely yield more favorable pricing or service.

All vendors selected will hold valid agreements under the corresponding cooperative purchasing program. Purchase orders will be executed only with vendors whose contracts under a cooperative buying agreement were awarded on a basis that complies with the JPB's statutory procurement authority and policy and will include the JPB's terms and conditions, as appropriate. Other cooperative purchasing consortia may be added to this program and utilized for acquisition of technology items during FY 2011 but only to the extent each fully complies with the JPB's statutory procurement authority and policy.

Project Manager: David Verderosa, Director, Information Technology

650.508.7954

RESOLUTION NO. 2009 -

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

**AUTHORIZING EXECUTION OF PURCHASE ORDERS FOR TECHNOLOGY
RELATED PRODUCTS AND SERVICES TO VENDORS UNDER COOPERATIVE
PURCHASING PROGRAMS FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF
\$300,000 FOR FISCAL YEAR 2011**

WHEAREAS, the Peninsula Corridor Joint Powers Board (JPB) will require new personal computers, computer and telecommunications equipment and related services, digital reprographic equipment, software, hardware, licensing and maintenance agreements, and computer peripherals throughout Fiscal Year 2011 (FY 2011), to fulfill new technology requirements, to support the JPB's standardization policy and to replace technology equipment that has reached the end of its useful life; and

WHEAREAS, in light of the need to standardize, update and purchase the latest technology in personal computers, telecommunications equipment, and other related equipment and services in the most cost-effective manner, the JPB has determined that an independent JPB-initiated solicitation process for the procurements described above may not be in the JPB's best interests; and

WHEAREAS, the State of California and other cooperative purchasing consortiums including the California Multiple Award Schedule (CMAS), State of California Strategic Source Initiative (CSSI), Western States Contracting Alliance (WSCA), the California Integrated Information Network 2 (CALNET 2) and the General Services Administration (GSA) have established programs in which the JPB can participate in order to procure favorably priced technology systems equipment and related services; and

WHEAREAS, the Staff Coordinating Council (SCC) recommends that the JPB participate in the above-mentioned programs, to the extent such programs fully comply with the JPB's statutory procurement authority and policy, and that the JPB may add other cooperative purchasing programs to this authorization for FY 2011 to the extent that each additional program fully complies with the JPB's statutory procurement authority and policy; and

WHEAREAS, the SCC also recommends that the Executive Director or his designee be authorized to place purchase orders that exceed \$100,000 to vendors under JPB-approved cooperative purchasing programs to meet its personal computer, telecommunications equipment, and other related technology equipment and services requirements for FY 2011, pursuant to the terms and conditions of each programs' vendor agreements, up to an aggregate not-to-exceed amount of \$300,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby takes the following actions:

1. Determines that an independent JPB initiated solicitation process for each purchase, lease and/or rental of new personal computers, computer and telecommunications equipment and services, digital reprographic equipment, hardware, software, licensing and maintenance agreements, and computer peripherals may not be in the JPB's best interests; and
2. Authorizes the procurement of technology systems equipment and related services through JPB-approved cooperative purchasing programs, including CMAS, CSSI, WSCA, CALNET 2 and GSA vendors to meet its technology equipment and services requirements for FY 2011 pursuant to the terms and conditions of each vendor agreement and to the extent that each vendor agreement fully complies with JPB's statutory procurement authority and policy; and

3. Authorizes the Executive Director to utilize additional cooperative purchasing programs for FY 2011 to the extent that each additional program fully complies with the JPB's statutory procurement authority and policy; and

4. Authorizes the Executive Director or his designee to execute purchase orders exceeding \$100,000 to vendors under the JPB-approved cooperative purchasing programs up to an aggregate, not-to-exceed, amount of \$300,000 for FY 2011; and

5. Authorizes the Executive Director or his designee to execute all necessary purchase orders, contracts and other documents to effectuate this resolution, including any agreements with the State of California or other intergovernmental cooperative program for administrative fees for processing these purchases.

Regularly passed and adopted this 6th day of May, 2010 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: Mark Simon
Executive Officer, Public Affairs

SUBJECT: **STATE AND FEDERAL LEGISLATIVE UPDATE**

ACTION

This report is for information only. No Board action is required.

SIGNIFICANCE

Staff will provide regular updates to the Board consistent with the approved Legislative Program.

STATE ISSUES

State High Speed Rail Legislation

AB 2121 (Harkey) would have reduced the amount of State of California general obligation bond debt authorized pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the amount contracted by the California High-Speed Rail Authority as of January 1, 2011. The bill was defeated in the Assembly Transportation Committee on April 19th. The vehicle was subsequently amended to include language that provides enhanced accountability and oversight over the expenditure of bond proceeds. Staff worked with our legislative advocates and regional stakeholders to oppose this bill.

AB 1375 (Galgiani) would reorganize the staff responsible for delivering the California high-speed train project so that it is under the jurisdiction of the Business Transportation and Housing Agency (BTH) along with Caltrans. The bill was recently amended to create a Department of Railroads under BTH and to transfer all California High Rail Authority (CHSRA) staff to that Department. The amendments retain the CSHRA Board of Directors to advise the Department of Railroads and make key decisions regarding alignment and funding for each section.

Staff will continue to monitor this bill and report to the Board as needed.

SB 965 (DeSaulnier) would authorize the High-Speed Rail Authority (HSRA) to expend the \$2.25 billion in federal funds made available by the Federal American Recovery and Reinvestment Act (ARRA) for high-speed rail purposes, upon appropriation of those funds by the Legislature. The bill is one component of Senate President Pro Tem Steinberg's Jobs Agenda and has the goal of maximizing opportunities for job creation.

SB 965 passed out of the Senate Appropriations Committee On April 26th by a vote of 8 to 1. The next stop for the bill is the Senate Floor. Additional amendments are expected. Staff will continue to monitor the bill closely to ensure that it advances opportunities for the Caltrain system to benefit from available funding.

Prepared By: Seamus Murphy, Manager, Government Affairs

650.508.6388

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

| Bill ID/Topic | Location | Summary | Position |
|--|--|---|----------|
| <u>AB 153</u> <u>Ma D</u> High-Speed Rail Authority. | SENATE T. & H. 7/2/2009 - In committee: Set, first hearing. Hearing canceled at the request of author. | 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. 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. | |
| <u>AB 231</u> <u>Huffman D</u> California Global Warming Solutions Act of 2006: Climate Protection Trust Fund. | SENATE E.Q. 6/18/2009 - 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 6/26/2009 | |
| <u>AB 266</u> <u>Carter D</u> Transportation needs assessment. | SENATE RLS. 6/11/2009 - 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 4/20/2009 | |

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

| Bill ID/Topic | Location | Summary | Position |
|--|---|---|----------|
| <u>AB 289</u> <u>Galgiani D</u> High-speed rail. | SENATE T. & H. 4/21/2010 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on T. & H. | <p>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. Existing law provides for appointment of an executive director by the authority, who is exempt from civil service and serves at the pleasure of the authority. This bill would authorize the Governor to appoint up to 5 deputy directors exempt from civil service who would serve at the pleasure of the executive director. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 4/21/2010</p> | |
| <u>AB 619</u> <u>Blumenfield D</u> Transportation projects: federal funds: delays. | SENATE T. & H. 6/17/2009 - In committee: Set, first hearing. Hearing canceled at the request of author. | <p>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 cash flow or other funding issues, if the delay places at risk federal funds, including funds earmarked for the project.</p> | |
| <u>AB 726</u> <u>Nielsen R</u> Transportation capital improvement projects. | SENATE T. & H. 6/16/2009 - In committee: Set, first hearing. Hearing canceled at the request of author. | <p>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.</p> | |

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

| Bill ID/Topic | Location | Summary | Position |
|---|--|--|----------|
| <u>AB 732</u> <u>Jeffries</u> R Transportation projects: design-sequencing contracts. | SENATE APPR. SUSPENSE FILE 8/27/2009 - In committee: Held under submission. | <p>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.</p> <p>Last Amended on 6/16/2009</p> | |

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

| Bill ID/Topic | Location | Summary | Position |
|---|---|--|----------|
| <u>AB 1375</u> <u>Galgiani D</u> High-speed rail. | SENATE T. & H. 4/21/2010 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on T. & H. | <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, 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 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 establish compensation of certain employees of the department, advise the Secretary of Business, Transportation and Housing and the Director of the Department of Railroads concerning high-speed rail matters, and annually adopt a 6-year high-speed train program for submission to the Governor and the Legislature . The bill would create the Department of Railroads within the Business, Transportation and Housing Agency, which would succeed to most of the existing powers and responsibilities of the authority and would be responsible for implementing the high-speed train project . The director of the department would be appointed by the Governor, who would serve at the pleasure of the Governor , 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 transfer the existing employees of the authority, other than the executive director, to the department. The bill would enact other related provisions.</p> <p>Last Amended on 4/21/2010</p> | |

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

| Bill ID/Topic | Location | Summary | Position |
|---|---|---|----------|
| <u>AB 1405</u> <u>De Leon D</u> California Global Warming Solutions Act of 2006: Community Benefits Fund. | SENATE INACTIVE FILE 9/10/2009 - To inactive file on motion of Senator Cedillo. | <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. The act authorizes the state board to include the use of market-based compliance mechanisms. The act authorizes the state board to adopt a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the act, and requires the revenues collected pursuant to that fee to be deposited into the Air Pollution Control Fund and be available, upon appropriation by the Legislature, for purposes of carrying out the act. This bill would establish the Community Benefits Fund, and would require a minimum of 30% of revenues generated pursuant to the act, including the fee discussed above, other than revenues collected for administrative purposes, to be deposited into that fund. The moneys in the fund would be used, upon appropriation by the Legislature, in the most impacted and disadvantaged communities in California to accelerate greenhouse gas emission reductions or mitigate direct health impacts of climate change in those communities. The state board would be required to develop a methodology to identify the most impacted and disadvantaged communities. The state board would be required to prepare a report by June 30, 2011, that describes how this bill will be implemented. The bill would require the report to provide for the formation of an independent panel to review, evaluate, and recommend approval of projects and programs solicited for funding. The state board would also be required to develop and adopt biennial plans for the use of funds.</p> <p>Last Amended on 9/1/2009</p> | |
| <u>AB 1747</u> <u>Galgiani D</u> High-Speed Rail Authority. | ASSEMBLY THIRD READING 4/22/2010 - Read second time. To third reading. 4/29/2010 #91 ASSEMBLY ASSEMBLY THIRD READING FILE | <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, 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 including purchasing high-speed trains, as specified.</p> <p>Last Amended on 4/14/2010</p> | |

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

| Bill ID/Topic | Location | Summary | Position |
|--|--|---|----------|
| <u>AB 1830</u> <u>Galgiani D</u> High-Speed Rail Authority. | ASSEMBLY THIRD READING 4/22/2010 - Read second time. To third reading. 4/29/2010 #92 ASSEMBLY ASSEMBLY THIRD READING FILE | <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, 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 require the authority to make every effort to purchase high-speed train rolling stock and related equipment that are manufactured in California , consistent with federal and state laws .</p> <p>Last Amended on 4/8/2010</p> | |
| <u>AB 2098</u> <u>Miller R</u> Public contracts: design-build contracts. | ASSEMBLY TRANS. 4/22/2010 - Re-referred to Com. on TRANS. | <p>Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law, until January 1, 2014, also authorizes local transportation entities and the Department of Transportation, if authorized by the California Transportation Commission, to use a design-build process for contracting on certain transportation projects. Under these design-build provisions, the commission may authorize up to 5 local street or road, bridge, tunnel, or public transit projects of a local transportation entity, and up to 10 state highway, bridge, or tunnel projects of the Department of Transportation. This bill would provide that a project of a local transportation entity may be approved by the commission under these provisions for the design-build method of procurement if the project is consistent with the Policy Guidance for Project Authorizations under the Design-Build Demonstration Program adopted by the commission as Resolution G-09-09 on September 9, 2009. The bill would state that this modification shall be applied retroactively beginning with the date that Chapter 2 of the Statutes of 2009, 2nd Extraordinary Session, became operative. This bill contains other related provisions.</p> <p>Last Amended on 4/21/2010</p> | |

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| Bill ID/Topic | Location | Summary | Position |
|---|--|--|----------|
| <u>AB 2121</u> <u>Harkey R</u> High-speed rail. | ASSEMBLY APPR. 4/19/2010 - Do pass as amended and be re-referred to the Committee on Appropriations. | 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. Article XVI of the California Constitution authorizes the Legislature, at any time after the approval of a general obligation bond act by the people, to reduce the amount of the indebtedness authorized by the act to an amount not less than the amount contracted at the time of the reduction or to repeal the act if no debt has been contracted. This bill would reduce the amount of general obligation debt authorized pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the amount contracted as of January 1, 2011. | |
| <u>AB 2324</u> <u>John A.</u> <u>Perez D</u> Transit: public transit facilities. | ASSEMBLY APPR. 4/14/2010 - From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 6. Noes 0.) (April 13). 4/28/2010 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, FUENTES, Chair | Existing law prohibits a person from knowingly possessing specified weapons and other items within any sterile area, as defined, of an airport or passenger vessel terminal, except as specified. This bill would make it a misdemeanor, punishable as specified, for any person to knowingly possess at a public transit vehicle station, as defined, specified weapons. By creating a new crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. Last Amended on 4/5/2010 | |

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| Bill ID/Topic | Location | Summary | Position |
|---|--|--|----------|
| AB 2497 Furutani D Railroad corporations. | ASSEMBLY PRINT 2/22/2010 - Read first time. | Existing law, subject to specified statutes, authorizes any railroad corporation, or person or corporation owning any railroad in this state, to sell, convey, and transfer its property and franchises, or any part thereof, to any other railroad corporation, whether organized under the laws of this state or of any other state or territory, or under any act of Congress. Existing law authorizes the railroad corporation receiving the conveyance to perform specified functions as if the corporation was organized under the laws of this state. This bill would make technical, nonsubstantive changes to these provisions. | |

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| Bill ID/Topic | Location | Summary | Position |
|---|--|---|----------|
| <u>AB 2579</u> <u>Evans D</u> Master Plan for Infrastructure Financing and Development Commission. | ASSEMBLY APPR. 4/22/2010 - From committee: Do pass, and re- refer to Com. on APPR. Re-referred. (Ayes 6. Noes 2.) (April 21). | <p>The California Constitution regulates the issuance of debt by the state and requires that debt in excess of \$300,000 for which the state will be generally obligated be submitted to, and approved by, the voters. This bill would create the Master Plan for Infrastructure Financing and Development Commission, the mission of which would be to develop and recommend a plan to be presented to the Governor and Legislature that provides for financing, building , and maintaining the infrastructure necessary to meet the needs of Californians from the present to the year 2050, and to establish a process for periodically adjusting and adapting the plan in coming years to meet changing circumstances. The bill would require that the commission consist of 11 members: the Treasurer or his or her designee, and members appointed by the Governor, the Speaker of the Assembly, and the Senate Committee on Rules. The bill would authorize the Governor to appoint the chair of the commission who would work full time on commission business for an unspecified salary. The bill would authorize the chair, with the concurrence of the commission, to appoint an executive director, who would be exempt from civil service and be paid an unspecified salary. The bill would require that funding for the operating costs of the commission be available upon appropriation by the Legislature. The bill would require the chair of the commission to appoint the members of specified task force committees, to be composed of both members and nonmembers of the commission, and would require commission members to chair at least one task force committee in which they have expertise. The bill would provide that the subject matter responsibilities of these task force committees include, but not be limited to, planning and financing, transportation, housing, natural resources and conservation, and education. The commission would be required to establish a timeline for submission of periodic reports on its findings to the Governor and Legislature, provide opportunity for public comment and participation, and to incorporate existing state and local infrastructure reports, as specified, that reflect current or future infrastructure needs into its recommendations. The bill would require the commission to submit its final report to the Governor and Legislature no later than December 1, 2012, and to be dissolved 30 days after issuance of the final report.</p> <p>Last Amended on 4/19/2010</p> | |

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| Bill ID/Topic | Location | Summary | Position |
|--|--|---|----------|
| <u>ACA 9</u> <u>Huffman D</u> Local government bonds: special taxes: voter approval. | ASSEMBLY INACTIVE FILE 1/14/2010 - To inactive file on motion of Assembly Member Torrico. | 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. Last Amended on 6/26/2009 | |
| <u>ACA 15</u> <u>Arambula I</u> Local government transportation projects: special taxes: voter approval. | ASSEMBLY INACTIVE FILE 6/1/2009 - To inactive file on motion of Assembly Member Arambula. | Amends the California Constitution to change the two-thirds voter-approval requirement for transportation related special taxes to 55%. | |
| <u>ACR 14</u> <u>Niello R</u> California Global Warming Solutions Act of 2006. | ASSEMBLY NAT. RES. 4/27/2009 - In committee: Refused adoption. | 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 3/27/2009 | |

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| Bill ID/Topic | Location | Summary | Position |
|--|--|---|----------|
| <u>SB 409</u> <u>Ducheny</u> D Passenger rail programs: strategic planning. | ASSEMBLY TRANS. 2/11/2010 - To Com. on TRANS. | <p>Existing law creates the Department of Transportation in the Business, Transportation and Housing Agency, with various powers and duties relative to the intercity passenger rail program, among other transportation programs. Existing law creates in state government the High-Speed Rail Authority, with various powers and duties relative to development and implementation of a high-speed passenger train system. The authority has 9 members, 5 appointed by the Governor and 4 appointed by the Legislature. Existing law also creates in state government the California Transportation Commission, with various powers and duties relative to programming of transportation capital projects and assisting the Secretary of Business, Transportation and Housing in formulating state transportation policies. This bill would place the High-Speed Rail Authority within the Business, Transportation and Housing Agency. The bill would require the 5 members of the authority appointed by the Governor to be appointed with the advice and consent of the Senate. The bill would require the authority to annually submit a funding plan to the California Transportation Commission for approval, identifying the need for investments during the fiscal year and the amount of bond sales necessary to accommodate those investments. This bill contains other related provisions.</p> <p>Last Amended on 1/26/2010</p> | |
| <u>SB 455</u> <u>Lowenthal</u> D High-speed rail. | ASSEMBLY INACTIVE FILE 7/24/2009 - Placed on inactive file on request of Assembly Member Torrico. | <p>Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system. The authority is composed of 9 members, including 5 members appointed by the Governor. This bill would provide that the members of the authority appointed by the Governor are subject to appointment with the advice and consent of the Senate. The bill would require the members of the authority, at a scheduled board meeting, to cause to be prepared an overall project schedule with project delivery milestones on a quarterly basis, and to approve a quarterly contract status report, beginning at the first board meeting after March 1, 2010. The bill would also require the members of the authority to approve all contract amendments at a scheduled board meeting. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 4/16/2009</p> | |

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| Bill ID/Topic | Location | Summary | Position |
|--|---|---|----------|
| <u>SB 476</u> <u>Correa D</u> Environment: California Environmental Quality Act: noncompliance allegations: public comment. | ASSEMBLY NAT. RES. 7/7/2009 - 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. 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 4/30/2009</p> | |

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| Bill ID/Topic | Location | Summary | Position |
|--|---|--|----------|
| <u>SB 964</u> <u>Alquist D</u> Workforce development program: high-speed rail. | SENATE APPR. SUSPENSE FILE 4/26/2010 - Placed on APPR suspense file. | <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, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes. This bill would require the authority to contract with the Employment Development Department to develop a labor market assessment of the workforce and identify the education and skills needed for construction, operation, and maintenance of the high-speed train system. The bill would require the authority and the department to form an advisory committee, as specified, to advise the authority and the department on the availability of skilled labor relative to the high-speed train project and on options for workforce training programs in that regard. The bill would require the labor market assessment to be submitted to the Legislature and incorporated into the authority's biennial revised business plan. This bill contains other related provisions.</p> <p>Last Amended on 4/22/2010</p> | |

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| Bill ID/Topic | Location | Summary | Position |
|--|---|---|----------|
| SB 965 DeSaulnier D High-speed rail. | SENATE APPR. 4/26/2010 - From committee: Do pass. (Ayes 8. Noes 1.) 4/29/2010 #30 SENATE SENATE BILLS- SECOND READING FILE | <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, 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 , subject to appropriation by the Legislature, would authorize the authority to expend federal funds made available by the federal American Recovery and Reinvestment Act (ARRA) for high-speed rail purposes . The bill would require the authority to take various actions in that regard. The bill would also require the authority to submit to the Legislature an expenditure plan for the federal funds within 60 days of enactment of this act or upon finalization of a cooperative agreement with the federal government, whichever occurs later, and to submit a progress report on expenditure of the funds to the Legislature on the following December 31 and annually thereafter. The bill would make legislative findings and declarations relative to the award of federal funds to the state by ARRA for high-speed rail purposes. The bill would exempt the Transbay Terminal project in San Francisco from these provisions if ARRA funds are made available to the Transbay Joint Powers Authority for that project.</p> <p>Last Amended on 4/7/2010</p> | |

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| <u>SB 1320</u> <u>Hancock D</u> Transit fare evasion and passenger misconduct: administrative adjudication. | SENATE RLS. 4/26/2010 - Read second time. Amended. Re-referred to Com. on RLS. | <p>Existing law provides that it is an infraction, punishable by a fine not to exceed \$250 and by specified community service, to evade the payment of any fare of, or to engage in passenger misconduct on or in a facility or vehicle of a public transportation system. Existing law authorizes the City and County of San Francisco and the Los Angeles County Metropolitan Transportation Authority to adopt and enforce an ordinance to impose and enforce civil administrative penalties for fare evasion or passenger misconduct, other than by minors, on or in a transit facility or vehicle in lieu of the criminal penalties, with specified administrative adjudication procedures for the imposition and enforcement of the administrative penalties , including an initial review and opportunity for a subsequent administrative hearing . Fare evasion and passenger misconduct violation penalties are deposited in the general fund of the City and County of San Francisco or the County of Los Angeles, as applicable. This bill would authorize the Alameda-Contra Costa Transit District to adopt and enforce a similar administrative adjudication ordinance. Fare evasion and passenger misconduct violation penalties would be deposited in the general fund of the county in which the citation is administered . This bill contains other related provisions.</p> <p>Last Amended on 4/26/2010</p> | |
| <u>SB 1371</u> <u>Lowenthal D</u> Federal transportation economic stimulus funds: 2nd round. | SENATE APPR. 4/21/2010 - From committee: Do pass, but first be re-referred to Com. on APPR with recommendation: To Consent Calendar. (Ayes 8. Noes 0. Page 3311.) Re-referred to Com. on APPR. 5/3/2010 11 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, KEHOE, Chair | <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. This bill would require the Department of Transportation to work with local transportation agencies to develop a list of potential projects that may be awarded within a 90-day period of the award to the state of 2nd round federal transportation economic stimulus funds. The bill would require the department to submit a monthly status report to the Legislature, as specified, with respect to certain milestones for expenditure of these funds. The bill would make related legislative findings and declarations. This bill contains other related provisions and other existing laws.</p> | |

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| Bill ID/Topic | Location | Summary | Position |
|---|---|--|----------|
| SCA 15 Calderon D State budget. | SENATE B. & F.R. 4/16/2010 - Set for hearing April 26. | <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. 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 4/13/2009</p> | |