



AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

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

September 1, 2011 – Thursday

10:00 a.m.

1. Pledge of Allegiance
2. Swearing in of Tom Nolan (Representing the San Francisco Municipal Transportation Agency)
3. Call to Order/Roll Call
4. Public Comment
Public comment by each individual speaker shall be limited to two minutes
5. Consent Calendar
Members of the public or Board may request that an item under the Consent Calendar be considered separately
 - a) Approval of Minutes of July 7, 2011
 - b) Information on Preliminary Statement of Revenues and Expenses for June 2011
 - c) Authorize Award of 10 Contracts for On-call Informational Technology Consulting and Support Services for a Not-to-Exceed Amount of \$8,500,000 for a Three-year Term
 - d) Authorize Award of Contract to Day Wireless Systems for Narrowbanding of the JPB Voice Radio System for a Total Not-to-Exceed Cost of \$547,723
6. Chairperson's Report
 - a) Appointment of Citizens Advisory Committee Member
Scott Klemmer, Representing San Francisco County
7. Report of the Citizens Advisory Committee
8. Report of the Executive Director
 - a) Proclamation Declaring September as "Railroad Safety Month"
9. Acceptance of Statement of Revenues and Expenses for July 2011
10. Acceptance of Quarterly Investment Report and Fixed Income Market Review and Outlook for the Quarter Ended June 30, 2011

RESOLUTIONS

MOTION

PROCLAMATION

MOTION

INFORMATIONAL

- | | |
|---|---------------|
| 11. Update on the Execution of the Fuel Hedging Program | INFORMATIONAL |
| 12. Authorize Award of Contract to TransitAmerica Services, Inc. to Provide Rail Operations, Maintenance and Support Services for a Total Cost of \$398,591,286 for a Five-year Term | RESOLUTION |
| 13. Authorize Approval to Increase the Executive Director's Change Order Authority by \$1,500,000 from \$2,412,700 to \$3,912,700 with SJ Amoroso Construction Company, Inc. for the South Terminal and Santa Clara Station Improvement Project | RESOLUTION |
| 14. Authorize an Application for \$16 Million in Federal Rail Administration Funds Through the California High Speed Rail Authority for the Caltrain Communication-Based Overlay Signal System/Positive Train Control Project | RESOLUTION |
| 15. Legislative Update | INFORMATIONAL |
| 16. Quarterly Capital Progress Report – Fourth Quarter Fiscal Year 2011 | INFORMATIONAL |
| 17. Correspondence | |
| 18. Board Member Requests | |
| 19. General Counsel Report | |
| 20. Date/Time of Next Meeting: Thursday, October 6, 2011, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2 nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070 | |
| 21. Adjourn | |

INFORMATION FOR THE PUBLIC

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

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

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 5:40 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 (JPB)
Board of Directors Meeting
1250 San Carlos Avenue, San Carlos CA 94070**

Draft

**Minutes
July 7, 2011**

MEMBERS PRESENT: J. Cisneros, J. Deal, S. Elsbernd (Chair), A. Kalra, A. Lloyd, A. Tissier, K. Yeager

MEMBERS ABSENT: L. Kniss

STAFF PRESENT: J. Cassman, C. Cavitt, A. Chan, G. Harrington, C. Harvey, R. Haskin, A. Hughes, 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. Director José Cisneros led the Pledge of Allegiance.

JPB Secretary Martha Martinez administered the Oath of Office to Director Jerry Deal (City of Burlingame) representing the City Selection Committee/SamTrans.

ELECTION OF 2011 VICE CHAIR

Director Art Lloyd nominated Director Adrienne Tissier for vice chair. A motion (Lloyd/Yeager) in support of the nomination was approved unanimously by roll call.

PUBLIC COMMENT

Jerry Carlson, Atherton, asked about \$16 million received for the Positive Train Control (PTC) project and where the rest of the funds are going to come from to meet the 2015 deadline. He asked why PTC solutions used elsewhere in the world can't be used on this corridor.

Jeff Carter, Burlingame, said Sunday, June 26 was the annual Pride Parade and Giants game in San Francisco, and a bicycle race in Burlingame. He said Train 423 was packed and people could not get on. Mr. Carter said this seems to happen every year and gives people a negative impression of Caltrain. The trains leaving San Francisco in the late afternoon were very crowded and people could not get on at Millbrae who were transferring from BART to continue south.

Greg Conlon, Atherton, said he is concerned about safety and fatalities and there is a need for quad gates at Watkins Avenue.

Director Ash Kalra arrived at 10:11 a.m.

Pat Giorni, Burlingame, said the Board received seven letters for increasing bicycle capacity and only 26 complaints on bumping. She said this organization should be congratulated for being recognized in the *New York Times* for increasing bicycle capacity. She commended the conductors for asking people to fold up strollers and moving them out of the bike car. Ms. Giorni welcomed Director Deal to the Board.

CONSENT CALENDAR

- a. Approval of Minutes of June 2, 2011

The Board approved the consent calendar (Tissier/Lloyd)).

CHAIRPERSON'S REPORT

Resolution of Appreciation to Outgoing Board Member Nat Ford

Chair Elsbernd presented outgoing Director Ford a Resolution of Appreciation and train plaque for his service on the Board. Chair Elsbernd said this is a real loss to this Board and the San Francisco Municipal Transportation Agency.

Director Ford thanked the Board and staff for the recognition, but this Board is more about the partnership of the three agencies.

A motion (Elsbernd/Lloyd) to approve the resolution was approved unanimously by roll call.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Chair Bruce Jenkins said the CAC received a presentation from Executive Officer, Public Affairs Mark Simon on what staff is doing in the area of mental health in the community and the role of public affairs. The CAC expressed their concern with negative press the media is portraying at this time.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Michael Scanlon reported:

- Director Ford's departure is a huge loss, he was a true team player and is extremely well respected throughout the industry.
- Welcomed Director Deal to the Board.
- Congratulated Director Tissier on being elected vice chair.
- Key Caltrain Performance Statistics
 - Monthly Performance Statistics – May 2011 compared to May 2010
 - a. Total Ridership was 1,142,838, an increase of 9.7 percent.
 - b. Average Weekday Ridership was 42,550, an increase of 6.3 percent.
 - c. Total Revenue was \$4,609,509, an increase of 16.4 percent.
 - d. On-time Performance was 90.1 percent, a decrease of 3.8 percent.
 - e. Caltrain Shuttle Ridership was 6,976, an increase of 24.8 percent.
 - Year-to-Date Performance Statistics – May 2011 compared to May 2010
 - f. Total Ridership was 11,484,247, an increase of 5.2 percent.
 - g. Average Weekday Ridership was 39,507, an increase of 5 percent.
 - h. Total Revenue was \$44,134,852, an increase of 13.4 percent.
 - i. On-time Performance was 93.2 percent, a decrease of 1 percent.
 - j. Caltrain Shuttle Ridership was 5,164, an increase of 6.3 percent.
 - On-time Performance (OTP) – May and June
 - k. May OTP was impacted by three categories: mechanical issues, signal problems and very large groups. Major mechanical issues caused 920 minutes in delays; crowds and school groups caused 998 minutes in delays and signal issues caused 660 minutes in delays.

- l. OTP for June is 88 percent compared to 94 percent the previous June. Staff looked at trains arriving within the 6-10 minute window and the on-time percentage rises to about 93.4 percent, but that is still under the goal of 5 minutes.
 - m. June OTP was impacted by three major delay categories: three fatalities caused more than 2,300 minutes in delays; mechanical issues with locomotives caused more than 1,000 minutes in delays and a major signal malfunction into the San Francisco yard caused 793 minutes in delays.
 - n. More people are riding and dwell times will increase.
- The monthly ridership reported is a methodology based on revenues and every February actual counts are taken. Staff found the methodology was very strong on the monthly estimates, but uncovered a mistake that has been going on for years in the February counts. The mistake was that bikes are counted separately and got added into the total ridership number. The discrepancy will be corrected and prior reports adjusted.
 - Fare and parking increases went into effect July 1.
 - The Bicycle Advisory Committee did not meet in June, but will be meeting in July.
 - Baseball ridership is up 14 percent over last year.
 - Special service was provided for the Earthquakes soccer match at Stanford and there were 800 additional riders.
 - The Fourth of July service carried an additional 2,400 riders.
 - Deputy CEO Gigi Harrington locked in the Fiscal Year (FY) 2012 fuel hedge at \$2.90 per gallon.
 - The agency received funding for the first phase of the Communications Based Overlay Signal System (CBOSS) in the amount of \$16 million. This funding is only for the design phase of a signal system that will enable Caltrain to provide a more robust and safer level of service. In the final analysis, most of technology for CBOSS/PTC will be off the shelf stuff that has to be integrated in a way to have the interoperability, both for High Speed Rail (HSR) and the other railroads that operate on portions of the right of way. One of the features of CBOSS is a non-funded mandate by the Federal government that requires all railroad systems have PTC in place by 2015. Through the American Public Transportation Association (APTA), staff is trying to get the date relaxed because there is no funding. While the system does a lot for Caltrain, it also enables HSR to operate in the corridor.
 - The reading file contains the Safety & Security Report, new timetable effective July 1 and the latest editions of *Track the Fun* and bike access brochure.

Acting Director of Caltrain Modernization Marian Lee said staff is currently conducting a Corridor Capacity Study. This study will look at how Caltrain and HSR will run and how many trains can be provided. To-date, staff has built a simulation model that allows for the running of various operation plans. These operation plans are being done with select infrastructure improvements and also testing out different speeds. She said the goal of this is to maximize the throughput and optimize operations. Staff is also examining gate down time with more traffic in the corridor and realized there will be impacts to the at-grade crossings. She said staff is looking at safety issues and assessing local traffic conditions to begin to understand if grade separations are necessary. Ms. Lee said she expects to have preliminary findings at the end of July and will be focusing on answering the question, "Can there be an acceptable operating plan that works for both Caltrain and HSR with a system that substantially fits in the right of way envelope." She said this is "a" scenario, not "the" scenario and there is more work to be done, but it will help answer the critical question. Ms. Lee said if the answer is yes, staff thinks it will be critical information in shaping what may be built on the right of way. Staff has been conducting the

Study with close coordination with HSR and their consultants. The Study has also been shared with stakeholders and staff has been meeting with them as requested.

Public Comment

Pat Giorni, Burlingame, said next week's California High Speed Rail Authority's (CHSRA) meeting has an agenda item update on the phased implementation/blended system approach to be incorporated on the Peninsula. She said CHSRA's Chief Executive Officer Roelof van Ark has asked the attorney general whether phased implementation/blended system approach is actually legal or whether it would violate Proposition 1A for the enabling legislation of AB3034.

Mr. Scanlon said he spoke with Mr. van Ark last week about the attorney general's opinion and next week's CHSRA meeting will be only an update. The question to the attorney general about what may or may not be consistent with Proposition 1A is better framed after the capacity analysis is done.

Roland Lebrun, San Jose, said the only way to achieve a blended system is for Caltrain and HSR to run at the same speed.

ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR MAY 2011

Ms. Harrington said revenues are over budget by \$3.7 million and there are savings in the expenses of about \$4.4 million. She said fuel is at \$3.15 per gallon and the current fuel hedge has been tripped every month since October. Ms. Harrington said 2.1 million gallons of fuel was locked in at \$2.90 per gallon for the FY2012 fuel hedge program.

A motion (Tissier/Deal) to accept the May 2011 statement was approved unanimously.

**AUTHORIZE APPROVAL AND RATIFICATION OF THE FISCAL YEAR 2012
INSURANCE PROGRAM FOR A TOTAL COST NOT-TO-EXCEED AMOUNT OF
\$3,134,346**

Ms. Harrington said this is the yearly insurance program and the majority is for railroad liability. This is an increase from last year and one of the carriers was swapped out after an experience with them last fall.

A motion (Tissier/Deal) to approve and ratify the Fiscal Year 2012 Insurance Program was approved unanimously by roll call.

**ADOPTION OF FISCAL YEAR 2012 CAPITAL BUDGET IN THE AMOUNT OF
\$60,726,816**

Director of Budgets and Grants April Chan presented the following:

- A preliminary budget of \$64.6 million was presented at the May Board meeting.
- At the June meeting, staff reported that San Mateo, Santa Clara Valley Transportation Authority and San Francisco could each contribute \$4 million, \$3.13 million and \$2.73 million, respectively.
- Each member will contribute equally \$2.73 million.
- Proposed funding sources are Federal, State and regional grants, additional bridge tolls from AB 664 and member agency contributions.

- With the recommended member contributions the Capital Budget would have to be reduced from \$64.6 million to \$60.6 million. Cuts would be made in the State of Good Repair program.
- Station postponements include an upgrade to the public announcement and visual messaging signs project at 22nd Street and Sunnyvale stations.
- Last year \$4.9 million was reduced from the rolling stock and this year another \$2.6 million will be reduced, which poses greater risks to reliability and availability of the fleet.

Public Comment

Jerry Carlson, Atherton, said there is a need for quad gates at Watkins Avenue in Atherton. He said there is a strong likelihood that a new library will be opened on Watkins Avenue and this will increase traffic in the area. He will be going to the San Mateo County Transportation Authority Board meeting and asking them for funding for this project too.

Greg Conlon, Atherton, said there is an elementary school on Watkins Avenue and that is another reason there is a need for quad gates at this location. He said he will be making an appeal to the California Public Utilities Commission (PUC) for sources of funding to install quad gates at this location.

Director Lloyd said Operation Lifesaver should look at this location for installation of quad gates.

Adina Levin, Friends of Caltrain, thanked the Board and staff for doing everything possible to get the Operating Budget in shape to continue running the trains, but the combination of the on-time performance and mechanical issues reflects the cuts in the Capital Budget. She said she is disappointed to see a reduction in maintenance because of the reduction in the overall Capital Budget.

Pat Giorni, Burlingame, said she is distressed to see the reduction in the Capital Budget and especially \$4 million being removed from State of Good Repair. She asked if there has been a reassessment of ridership and funding from the partners.

Roland Lebrun, San Jose, said he agrees with the City of Atherton, but quad gates are just a temporary solution. He said once the opinion of the attorney general is heard the Peninsula will qualify for Proposition 1A funding. Mr. Lebrun said once PTC is installed a train will not be able to hit anything on the track.

Director Ash Kalra said the Board shares the public's concern with scaling back on the State of Good Repair and overall Capital Budget. He asked if staff has any ideas going forward for increasing the funding for the Capital Budget from the partners.

Mr. Scanlon said there was quite a bit of discussion and the partners worked very diligently to find the funding. The Capital Budget is split one-third each among the partners and is not reflective of ridership. Mr. Scanlon said San Francisco looked at increasing their contribution by borrowing funds, but it would have long-term effects.

Director Tissier said the cuts today will cost more in the future because funds are not being spent now on rolling stock. She said there needs to be ongoing discussions with the partners to find equal sources of funding for both operating and capital. Director Tissier said ridership numbers need to be looked at since most riders are coming from outside San Mateo County.

Mr. Scanlon said the discussions are ongoing. San Mateo is not putting in \$4 million, but all the partners are putting in \$2.7 million. The capital and operating budgets are all within the Transit Sustainability Project discussions at the Metropolitan Transportation Commission. Mr. Scanlon said the Capital Budget is just as critical as the Operating Budget.

A motion (Kalra/Lloyd) to approve the Fiscal Year 2012 Capital Budget was approved unanimously by roll call.

AUTHORIZE AMENDMENT TO THE AGREEMENT WITH THE SAN MATEO COUNTY TRANSIT DISTRICT TO UNDERWRITE A PORTION OF LAW ENFORCEMENT AND POLICE COMMUNICATIONS SERVICES FOR A SIX MONTH EXTENSION FOR A TOTAL COST NOT-TO-EXCEED AMOUNT OF \$1,400,000

Ms. Harrington said this extends the current agreement with the San Mateo County Sheriff's office for police and security services for six months while staff renegotiates the contract. The current contract has expired and this extension will provide continued support during negotiations. The unit is based in this building and provides service from 5 a.m. -1 a.m., seven days a week. There are 13 employees who have specialized training to clear Caltrain incidents.

Chair Elsbernd asked if Santa Clara or San Francisco sheriffs have been approached for this contract. Ms. Harrington said no.

A motion (Lloyd/Cisneros) to authorize amendment with the San Mateo County Transit District to underwrite a portion of law enforcement and police communications services for a six month extension was approved unanimously by roll call.

AUTHORIZE AWARD OF CONTRACT TO RAILHEAD CORPORATION TO PROCURE AND INSTALL DIGITAL VIDEO RECORDING SYSTEMS (DVRs) ON LOCOMOTIVES OR CAB CARS FOR A TOTAL NOT-TO-EXCEED COST OF \$967,676

Director of Contracts and Procurement Cheryl Cavitt said Staff Coordinating Council is requesting the Board approve award of contract to Railhead Corporation for an initial installation of up to 20 DVRs on locomotives or cab cars. The installation of the cameras will provide safety critical information and aid in investigations along the right of way.

Director Kalra asked if local preference is ever considered. Mr. Scanlon said it is not possible when a contract includes Federal funds.

Mr. Scanlon said staff has received questions on retention of films from a legal perspective. Staff envisions the images captured will be recorded over, not archived. The only time the film will be kept is if there is an incident. Mr. Scanlon would like general counsel to slightly change the resolution to authorize him to award this contract at his discretion if the legal issues can be resolved, rather than award the contract now.

Legal Counsel David Miller said, to accommodate the executive director's request, the resolution will include the language that award of contract would be at the discretion of the Executive Director.

Public Comment

Roland Lebrun, San Jose, said there are a lot of requests from the public to have WiFi on the train and the command center could see what is actually happening if WiFi was on the trains because the film would go directly to the command center.

Greg Conlon, Atherton, said there was an article in the paper that YouTube would pick up these videos and then suicides would be shown.

Mr. Miller said staff is very concerned about this and that is one of the reasons the executive director wants to take this matter under review.

A motion (Tissier/Kalra) to authorize the Executive Director, at his discretion, to award a contract to Railhead Corporation to procure and install digital video recording systems on locomotives or cab cars was approved unanimously by roll call.

LEGISLATIVE UPDATE

Government Affairs Manager Seamus Murphy reported:

- The State budget maintains the terms of the gas tax swap and keeps the State Transit Assistance program at the funding levels that were requested. There were some line-item vetoes on the capital side that pertain to Caltrain. Caltrain's share of Proposition 1A connectivity funding is about \$42 million and \$4 million is appropriated by the Legislature. He said this is not part of the FY2012 capital budget so staff wasn't expecting to spend the funds, but the line-item veto did eliminate those funds so it doesn't preclude staff from spending the funds in future years as long as it is appropriated by the Legislature and signed by the governor.
- Support for the Caltrain Memorandum of Understanding was a separate \$1.1 million line item in the CHSRA administration budget, but the governor eliminated the line item and specifically directed CHSRA to fund the program out of the capital outlay portion of its budget. Staff has been in discussions with CHSRA on how that request can be accommodated.
- The deadline for legislation to make it through policy committee is July 8. Key bills include AB1164, by Assemblyman Rich Gordon, relates to the bond sale delays, which would allow Federal funding in the State Highway Account to support Proposition 1B projects and then have the funding reimbursed when Proposition 1B bonds are sold at a future date. He said AB145, that would have created a separate department of high speed trains, was amended to remove any provisions related to the establishment of that separate department.
- On the Federal level, House Transportation and Infrastructure Committee Chairman John Mica announced his proposal for the Surface Transportation Reauthorization bill. This bill is consistent with the funding reductions that the House Budget Committee approved earlier this year. This is a six-year bill at a \$230 billion level down from the \$290 billion SAFETU-LU bill.

CORRESPONDENCE

In the reading file

BOARD MEMBER REQUESTS

None

GENERAL COUNSEL REPORT

No report

DATE/TIME/PLACE OF NEXT MEETING

Chair Elsbernd said the August meeting will be cancelled and the the next meeting will be Thursday, September 1, 2011, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070.

ADJOURNED

Adjourned at 11:17 a.m.

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **INFORMATION ON STATEMENT OF REVENUES AND EXPENSES
FOR THE PERIOD ENDING JUNE 30, 2011**

The Finance Division engages in many activities following the end of the June 30 fiscal year both to close out the old fiscal year and set up the new fiscal year. The demands of these activities require a longer time to produce a complete Statement of Revenues and Expenses than allowed by the normal board meeting cycle. Consequently, staff will present a Statement of Revenues and Expenses for June at the November 3 meeting of the Board of Directors.

Prepared by: Rima Lobo, Director of Finance

650.508.6274

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: **AUTHORIZE AWARD OF CONTRACTS FOR ON-CALL
INFORMATION TECHNOLOGY CONSULTING AND SUPPORT
SERVICES**

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Authorize the Executive Director or his designee to award 10 on-call, no compensation guarantee, contracts for Information Technology (IT) consulting and support services, each for a three-year term, in an aggregate not-to-exceed amount of \$8,500,000, to the following firms:

Auriga Corporation, Milpitas, CA
CH2M HILL, Inc., San Francisco, CA (formerly Booz Allen Hamilton)
CMC America, Inc., Sunnyvale, CA
CompuCom Systems, Dallas, TX
Gannett Fleming, Inc., Mill Valley, CA
Karen Antion Consulting, LLC, Stamford, CT
LM Telecommunications, Cedar City, UT
Modis, San Jose, CA
RNR Consulting, Cleveland, OH
Stantec Consulting Services, San Francisco, CA
2. Authorize the Executive Director, or his designee, to execute a contract with the 10 firms listed above in full conformity with the terms and conditions of the solicitation documents and negotiated agreements.
3. Authorize the Executive Director, or his designee, to exercise up to two additional one-year option terms, with an aggregate not-to-exceed amount of \$2,833,333, for each year, if it is in the best interest of the JPB.

SIGNIFICANCE

These recommended contract awards will provide the JPB with the necessary consultant expertise on an as-needed project basis or staff augmentation basis for the following eight broad categories:

- General Programming Services
- Desktop User Technical Support
- Information Technology (IT) Infrastructure Support
- Web/Portal/SharePoint Development Services
- Intelligent Transportation Systems (ITS) Support Services
- Rail Operations Systems
- Technology Communication Services
- Fare Collection Technology Support

The specific technology and consulting support services are further defined in the scope of work for each of the eight broad categories. These on-call services will be conducted as needed under work directives. Award of these contracts will not obligate the JPB to purchase any level of service from any of the firms as the individual work directives will be issued on a project-by-project basis, considering factors such as work priorities, specialized expertise, cost and availability of funding.

BUDGET IMPACT

Work Directives issued under this contract will contain a defined scope of services, and a separate schedule and budget. Funds will come from approved capital projects or operating budgets.

BACKGROUND

A Request for Proposals (RFP) was issued and advertised in a local newspaper and on the Caltrain procurement website. The JPB received 25 proposals, nine of which are from DBE and minority-owned firms. An Evaluation Committee (Committee) composed of qualified JPB staff reviewed and scored the proposals in accordance with the following weighted criteria:

- | | |
|--|-----|
| • Responsiveness of the Proposal | 10% |
| • Approach to Scope of Services | 25% |
| • Qualifications & Experience of Firm, Key Personnel & Management Team | 50% |
| • Labor Category Rates | 15% |

Ten firms (including three DBE and minority-owned firms) achieved scoring within the competitive range and were invited for interviews. Upon completion of interviews, checking references, financial review, and final scoring of proposals, it was determined that all ten firms determined to be in the competitive range have the requisite depth of experience and have the required qualifications to successfully perform the desired services.

The Committee reviewed the rates and other cost elements submitted with the ten top-ranked proposals and found that the proposed rates compared favorably to those in existing IT consultant support services contracts. Each firm is fully capable of providing the specified services at a fair and reasonable price.

Contract Officer:	Alicia Fraumeni	650.508.6442
Project Manager:	David Verderosa, Director, Information Technology & Telecommunications	650.622.7954

RESOLUTION NO. 2011-

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

*** * ***

**AUTHORIZING AWARD OF TEN ON-CALL CONTRACTS FOR
INFORMATION TECHNOLOGY (IT) CONSULTING SUPPORT SERVICES
FOR A THREE YEAR BASE TERM AT AN AGGREGATE
NOT-TO-EXCEED AMOUNT OF \$8,500,000**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) has solicited competitive proposals for providing On-Call IT consulting and support services; and

WHEREAS, in response to the JPB's Request for Proposals (RFP), 25 firms submitted proposals; and

WHEREAS, an Evaluation Committee (Committee) comprised of qualified JPB staff reviewed and evaluated the proposals in accordance with the criteria set forth in the RFP; and

WHEREAS, upon completion of the initial evaluation and scoring process, the 10 top-ranked firms were invited for interviews; and

WHEREAS, upon completion of the interviews, checking of references, and final scoring of proposals, it was determined that all 10 firms determined to be in the competitive range have the requisite depth of experience and have the required qualifications to successfully perform the desired services and will perform such services at fair and reasonable prices; and

WHEREAS, staff has determined that it would be in the best interest of the JPB to award contracts to the following 10 firms:

1. Auriga Corporation, Milpitas, California
2. CH2M HILL, Inc., San Francisco, California (formerly Booz Allen Hamilton)
3. CMC America, Inc., Sunnyvale, California
4. CompuCom Systems, Dallas, Texas
5. Gannett Fleming, Inc., Mill Valley, California
6. Karen Antion Consulting, LLC, Stamford, Connecticut
7. LM Telecommunications, Cedar City, Utah
8. Modis, San Jose, California
9. RNR Consulting, Cleveland, Ohio
10. Stantec Consulting Services, San Francisco, California; and

WHEREAS, the Executive Director recommends that contracts be awarded to each of the 10 firms identified above, whose proposals meet all of the RFP requirements for furnishing on-call IT consulting and support services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board awards 10 on-call contracts for IT Consulting and Support Services for a three-year base term at an aggregate not-to-exceed amount of \$8,500,000 and up to two additional, one-year option terms with the 10 firms identified above for an aggregate not-to-exceed amount of \$2,833,333 for each year, with the understanding that the JPB is under no obligation to purchase any level of service from any of the firms as individual work directives will be issued on a project-by-project basis, considering factors such as work priorities, specialized expertise, cost and availability of funding; and

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Executive Director or his designee to execute the contracts on behalf of the JPB with the 10 firms identified above in full conformity with all the terms and conditions of the solicitation documents and negotiated agreements and to exercise up to two one-year option terms if it is in the best interest of the JPB, subject to the compensation limits set forth above.

Regularly passed and adopted this 1st day of September, 2011, 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: **AUTHORIZING AWARD OF A CONTRACT FOR NARROWBANDING
OF THE JPB VOICE RADIO SYSTEM**

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Award a contract to Day Wireless Systems for narrowbanding of the JPB Voice Radio System (Narrowbanding Services) for a total not-to-exceed cost of \$547,723.
2. Authorize the Executive Director or his designee to execute a contract with Day Wireless Systems for the Narrowbanding Services in full conformity with the terms and conditions of the solicitation documents and negotiated agreement.

SIGNIFICANCE

In December 2004, the Federal Communications Commission (FCC) mandated that radio licensees operating in selected frequency bands convert their transmitters to narrowband channel operation, 12.5 kHz, by January 1, 2013. As a licensee in one of the affected frequency bands, the JPB must comply with the FCC mandate.

Approval of the above actions and completion of the project will ensure compliance by the JPB with this FCC mandate.

BUDGET IMPACT

Funds are in the approved Fiscal Year 2012 JPB Capital Budget.

BACKGROUND

The JPB issued a Request for Proposals (RFP) detailing the scope of services required to narrowband the JPB Voice Radio System (replacement, programming and reprogramming of mobile, portable, and locomotive radios; base stations and repeaters). The solicitation was advertised in a newspaper of general circulation and on the JPB procurement website. Solicitation notices also were sent to interested proposers, small business enterprises and disadvantaged business enterprises (DBEs). Five proposals were received (none from a DBE).

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

- Responsiveness of the Proposal 0 - 20 points
- Understanding and Approach to Scope of Services 0 - 30 points
- Qualifications & Experience of the Firm and Key Personnel 0 - 30 points
- Cost Proposal 0 - 20 points

After review, evaluation, and initial scoring of proposals, the three top-ranked firms were deemed to be in the competitive range and were invited for interviews and oral presentations. Following the interviews, each firm submitted a Best and Final Offer.

The Committee reconvened to review the Best and Final Offers, to complete the evaluation and to reach a final consensus ranking of the three firms; Day Wireless Systems was determined to be the highest-ranked proposer. The Committee then checked Day Wireless' references and successfully conducted negotiations with Day Wireless.

The three top-ranked firms are listed below in order of their final consensus ranking:

- Day Wireless Systems, Milwaukie, OR
- Shamrock Consolidated Enterprises, Enterprise, NV
- GE Transportation, Granville, MO

The Evaluation Committee has determined that Day Wireless Systems possesses the requisite depth of experience, has the required qualifications to successfully perform the scope of services defined in the solicitation documents, is financially capable of providing the specified services and has agreed to provide them at a fair and reasonable price. Day Wireless' proposed narrowbanding solution meets the needs and specifications of the JPB without excessive modification or additional cost and offers the best value to the JPB. Day Wireless Systems does not intend to engage any subcontractors for this narrowbanding project.

The Disadvantaged Business Enterprise (DBE) officer reviewed Day Wireless Systems' proposal and determined it meets the requirements of the JPB's DBE Program and the solicitation documents.

Contract Officer: Luis F. Velásquez
Project Manager: Robert Tam, Engineering

650.622.8099
650.508.7969

RESOLUTION NO. 2011-
BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA

* * *

**AUTHORIZING AWARD OF A CONTRACT TO DAY
WIRELESS SYSTEMS FOR NARROWBANDING OF THE
JPB VOICE RADIO SYSTEM FOR A
TOTAL NOT-TO-EXCEED COST OF \$547,723**

WHEREAS, in December 2004, the Federal Communications Commission (FCC) mandated that radio licensees operating in selected frequency bands convert their transmitters to narrowband channel operation by January 1, 2013; and

WHEREAS, as a licensee in one of the affected frequency bands the Peninsula Corridor Joint Powers Board (JPB) must comply with the FCC mandate and toward that end issued a Request for Proposals (RFP) for Narrowbanding of the JPB Voice Radio System to replace, program and reprogram mobile, portable, and locomotive radios, as well as base stations and repeaters; and

WHEREAS, in response to the RFP five firms submitted a proposal; and

WHEREAS, an Evaluation Committee has reviewed and evaluated the five proposals in accordance with the criteria set forth in the RFP, conducted interviews with the three proposers found to be in the competitive range, and requested a Best and Final Offer from each of those firms; and

WHEREAS, the Evaluation Committee re-ranked those firms in the competitive range and determined that Day Wireless Systems of Milwaukie, Oregon is the highest ranked firm and its pricing is fair and reasonable; and

WHEREAS, staff has completed successful negotiations with Day Wireless Systems; and

WHEREAS, Staff Coordinating Council recommends that a contract be awarded to Day Wireless Systems for Narrowbanding of the JPB Voice Radio System for a total not-to-exceed cost of \$547,723.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board awards a contract to Day Wireless Systems for Narrowbanding of the JPB Voice Radio System for a total not-to-exceed cost of \$547,723.

BE IT FURTHER RESOLVED that the Executive Director or designee is authorized to execute a contract on behalf of the JPB with Day Wireless Systems for the Narrowbanding Services in full conformity with all the terms and conditions of the solicitation documents and negotiations.

Regularly passed and adopted this 1st day of September 2011 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

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

SUBJECT: **KEY CALTRAIN PERFORMANCE STATISTICS JUNE AND JULY 2011**

JUNE 2011 AND FISCAL YEAR 2011

For June 2011, Caltrain average weekday ridership (AWR) increased 11.6 percent over June 2010. AWR based on ticket sales was 44,453 for June 2011, an increase of 4,611 compared to June 2010. For the completed 2011 fiscal year, AWR was 39,909, which is an increase of 5.6 percent over fiscal year 2010. The total number of passengers for the month of June 2011 was 1,189,173, representing a 12.6 percent increase from last year's June total of 1,055,962. For the completed 2011 fiscal year, total ridership was 12,673,420 an increase of 5.9 percent when compared to fiscal year 2010.

In June 2011, on-time performance was 88.0 percent, compared to 94.4 percent in June 2010. This is below the standard of 95 percent and a decrease of 6.4 percent points from June 2010. Contributing factors included three fatalities and mechanical and signal problems. If the definition of on-time is expanded to trains arriving within 10 minutes of the scheduled arrival time, on-time performance would be 93.4 percent for June 2011. On-time performance for the fiscal year was 92.8 percent, which is a decrease of 1.4 percent from last year and below the standard for the second fiscal year in a row.

Mechanical delays totaled 1,017 minutes in June 2011. For comparison, the average monthly mechanical delay since July 2009 is 696 minutes. Delays for each month are depicted in Graph B.

For June 2011 there were 13.7 complaints per 100,000 passengers filed with Caltrain. The monthly number of complaints received per 100,000 passengers is depicted in Graph C.

Average weekday shuttle ridership was estimated at 6,944 which is a 32.1 percent increase from June 2010. A significant portion of that increase is attributable to the Stanford Marguerite Shuttle. The total shuttle ridership for fiscal year 2011 was 3.2 percent lower than for fiscal year 2010. For the station shuttles in June 2011, the Broadway-Millbrae shuttle averaged 130 daily riders. The Belmont-Hillsdale shuttle averaged 78 daily riders. The weekend Tamien-San Jose shuttle averaged 48 riders per day.

JULY 2011

For July 2011, Caltrain average weekday ridership increased 8.4 percent when compared to July 2010. AWR based on ticket sales was 44,127 for July 2011, an increase of 3,429 compared to July 2010. AWR has trended upward compared to the previous year for 12 consecutive months. The total number of passengers for the month of July 2011 was 1,166,044, representing a 7.7 percent increase from last year's July total of 1,082,981.

In July 2011, on-time performance was 92.1 percent, as compared to 93.7 percent in July 2010. This represents a decline of 1.6 percent and can be attributable to two fatalities and various mechanical issues. If the definition of on-time is expanded to trains arriving within 10 minutes of the scheduled arrival time, on-time performance would be 96.3 percent.

For July 2011, mechanical delays totaled 1,043 minutes and there were 10.1 complaints per 100,000 passengers.

Average weekday shuttle ridership was estimated at 6,451, which is an increase of 27.2 percent from July 2010. For the station shuttles, the Millbrae-Broadway shuttle averaged 127 daily riders. The Belmont-Hillsdale shuttle averaged 76 daily riders. The weekend Tamien-San Jose shuttle averaged 52 riders per day.

Caltrain Promotions – June 2011

Dump the Pump: The American Public Transportation Association sponsors an annual day to help Americans and Canadians realize that they can forego gassing up by taking public transit. This year Caltrain did its part to educate visitors and residents with newspaper ads, a countdown clock on its website and a news release.

San Francisco Giants – With the first half of the baseball season coming to a close, the Giants attendance remained healthy and so did Caltrain's ridership to the games. The Giants played 16 games in June, and nearly 92,000 fans arrived via Caltrain. Total ridership for the season is 14 percent higher than the same period last season. Caltrain continued to keep the service information in front of customers through its brochures, website, station postings and an article in the spring edition of *Caltrain Connection*.

Partnership: Sunset Magazine Celebration Weekend – In partnership with Sunset Publishing, Caltrain co-promoted taking the train to the company's annual Sunset Celebration Weekend in Menlo Park. Caltrain issued a news release, and Sunset funded take ones for the trains and operated a free shuttle from the Menlo Park Caltrain Station.

Caltrain Promotions – July 2011

Fireworks – Independence Day was a perfect time to remind travelers that Caltrain can ease their dependence on gasoline. To entice them to ride the train to the annual fireworks show in San Francisco, Caltrain added three trains after the grand finale. Nearly 2,500 people rode the special trains.

Soccer – Soccer fever hit the Bay Area and Caltrain rolled into action to get fans to two big soccer games. In early July, the San Jose Earthquakes played a special home game at Stanford Stadium, and 705 fans rode the train. In mid-July, two international teams – Manchester City and Club America – played in the World Football Challenge at AT&T Park. While a modest number of fans rode Caltrain (828), it represented a 77 percent increase above the February counts.

Caltrain Fare Change: In anticipation of the July 1 fare increase, staff notified customers through a variety of means, including a news release, onboard take one, conductor announcements, station information board flyers, station electronic messages, phone recording, website, Tweet and Facebook posting. Customers were well informed and made the adjustment with ease.

San Francisco Giants – The second half of the Giants' season picked up right where the first half left off: exciting. To continue to get the word out about the ease of riding the train to the game, Caltrain staff kept its baseball brochure in circulation, maintained a web button on its homepage and web page for baseball service, kept flyers posted at the stations. An additional 75,973 people rode Caltrain for the 13 home games played in July. Year-to-date total additional ridership is up 9 percent compared to last year, equating to 302,589 additional customers.

Publications: Caltrain issued summer editions of its *Caltrain Connection* newsletter and *Track the Fun* brochure.

Prepared by: Rita P. Haskin, Executive Officer, Customer Service and Marketing 650.508.6248
Ted Yurek, Senior Planner, Operations Planning 650.508.6471

Table A

June 2011

	FY2010	FY2011	%Change
Total Ridership	1,055,962	1,189,173#	12.6%
Average Weekday Ridership	39,842	44,453#	11.6%
Total Revenue	\$3,907,714	\$4,890,895	25.2%
On-time Performance	94.4%	88.0%	-6.4%*
Caltrain Shuttle Ridership	5,255	6,944	32.1%

Fiscal Year 2010

	FY2010	FY2011	%Change
Total Ridership	11,967,716**	12,673,420#	5.9%
Average Weekday Ridership	37,796**	39,909#	5.6%
Total Revenue	\$42,835,317	\$49,025,747	14.5%
On-time Performance	94.2%	92.8%	-1.4%*
Average Caltrain Shuttle Ridership	5,490**	5,312	-3.2%

July 2011

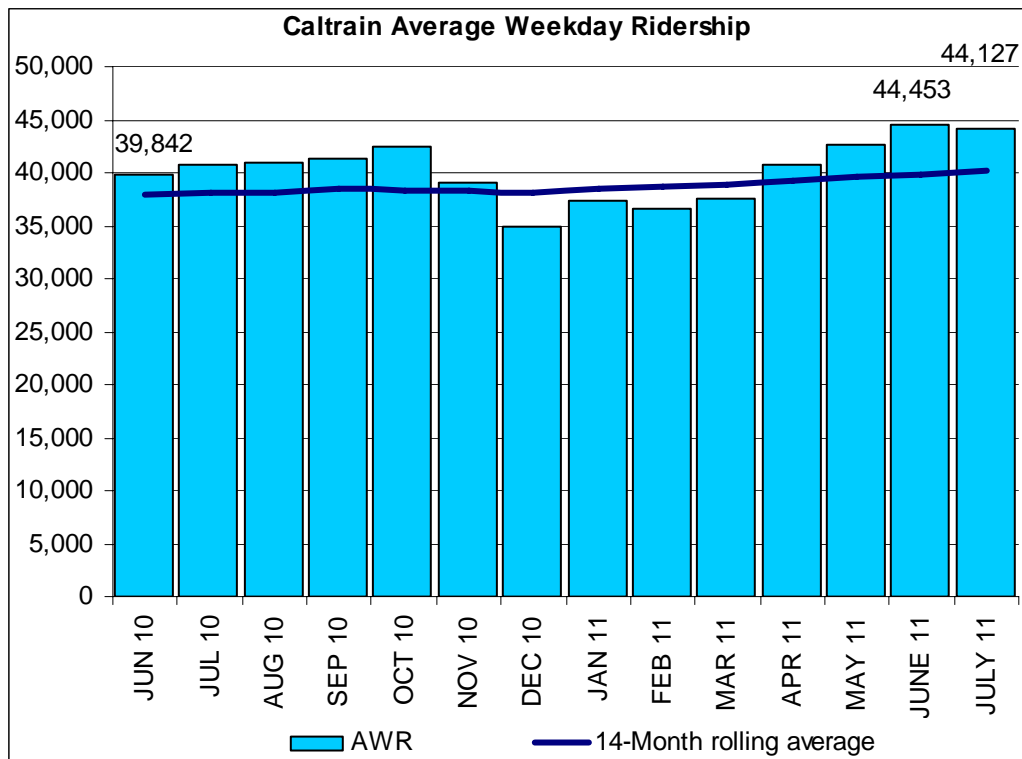
	FY2011	FY2012	%Change
Total Ridership	1,082,981	1,166,044#	7.7%
Average Weekday Ridership	40,698	44,127#	8.4%
Total Revenue	\$3,952,011	\$4,996,833	26.4%
On-time Performance	93.7%	92.1%	-1.6%*
Caltrain Shuttle Ridership	5,070	6,451	27.2%

* numeric difference of the percentages

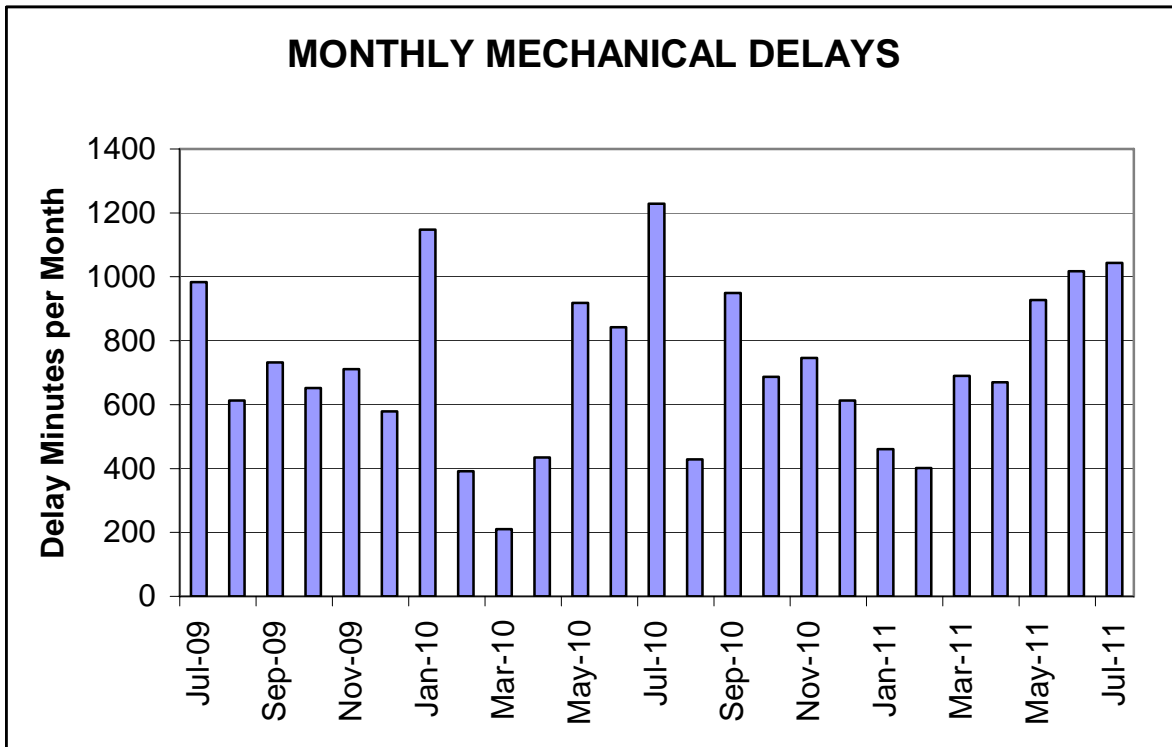
**FY2010 figures have been adjusted to reflect corrected number of days operated per month

#subject to adjustment due to possible anomalies with Clipper reporting data

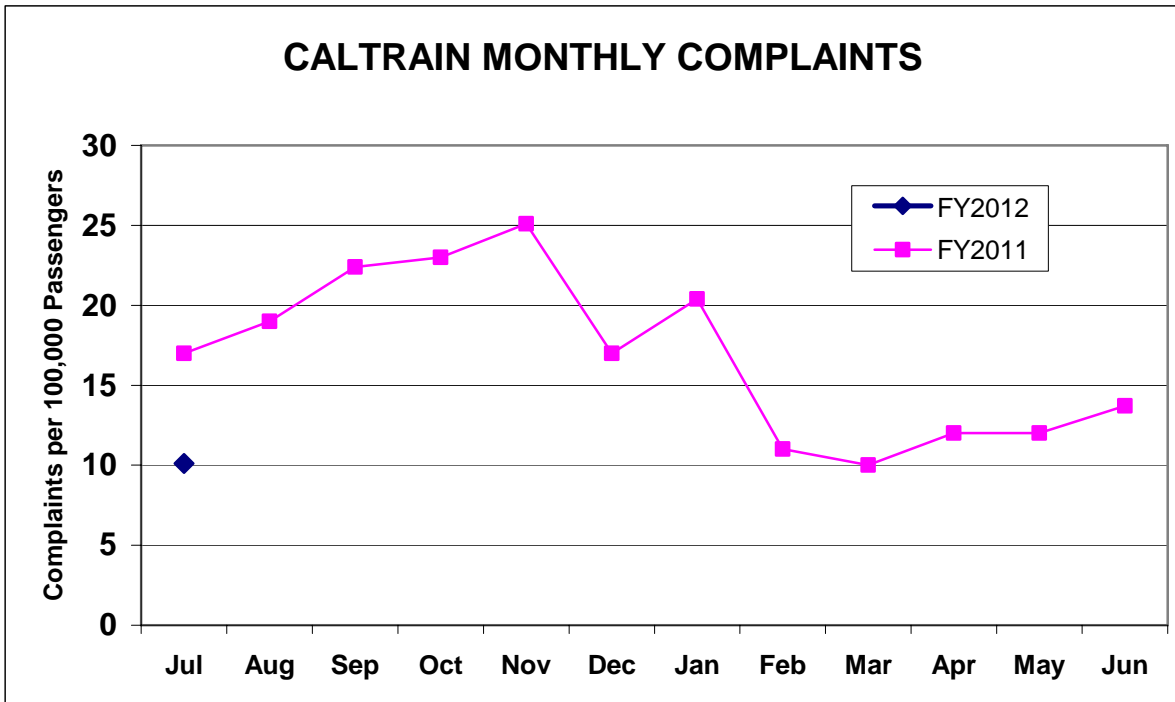
Graph A



Graph B



Graph C



PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Mark Simon
Executive Officer for Public Affairs

SUBJECT: **PROCLAMATION DECLARING SEPTEMBER RAILROAD SAFETY
MONTH**

ACTION

Staff Coordinating Council (SCC) recommends the Board adopt the proclamation designating September as "Railroad Safety Month."

SIGNIFICANCE

The proclamation for "Railroad Safety Month" is a reaffirmation of the Peninsula Corridor Joint Powers Board's commitment to provide safe and efficient train service between San Francisco and Gilroy. It also is an opportunity to highlight the promotion and advancement of safety on the right of way through enhanced safety measures and increased public awareness.

BUDGET IMPACT

There is no impact on the budget.

BACKGROUND

Over the past year, Caltrain has:

- Worked with local mental health agencies to reduce suicides by increasing public awareness about mental health issues
- Nearly completed the Santa Clara and South Terminal Station Improvement Project, which includes a new pedestrian underpass at the Santa Clara station that will connect the two platforms, improving safety for pedestrians at the station
- Started the San Bruno Grade Separation Project construction, which will elevate the Caltrain tracks above three existing at-grade street crossings
- Presented the Operation Lifesaver rail safety presentation to nearly 400 people
- Trained and certified six new Operation Lifesaver presenters

Senate Concurrent Resolution (SCR) 10 (Liu) was chaptered on June 2, 2009 designating September as "Railroad Safety Month."

Proclamation

IN HONOR OF RAILROAD SAFETY MONTH

WHEREAS, Caltrain operates 86 weekday trains between San Francisco and Gilroy, serving the Peninsula Rail Corridor, and the communities of San Francisco, San Mateo and Santa Clara counties; and

WHEREAS, safety on the Caltrain right of way has been and remains a continuing priority along a rail system that traverses several communities and includes more than 55 at-grade public rail grade crossings; and

WHEREAS, Railroad operators, motor vehicle operators, and pedestrians must work together to reduce the incidence of railroad-vehicle and railroad-pedestrian accidents, which occur every 120 minutes on rail systems throughout America; and

WHEREAS, the Peninsula Corridor Joint Powers Board works continuously with critical partners, including the Federal Railroad Administration, California Department of Transportation, California Public Utilities Commission, California Operation Lifesaver and Amtrak operators to improve railroad safety and to educate the public about safety around railroad tracks; and

WHEREAS, for the past several years, Caltrain has undertaken a State of Good Repair Program that has as a central element the enhanced safety of the rail system and includes extensive installation of additional safety fencing, pedestrian crossovers, and enhanced grade separation installations of pedestrian and vehicular safety features; and

WHEREAS, staff, in partnership with Operation Lifesaver, has made approximately 270 safety presentations since 2006 to elementary, middle school and high school students who attend school in proximity to the rail system, as well as to participants in driver education programs, bus operators, firefighters, and law enforcement, reaching nearly 16,000 people; and

WHEREAS, staff has been working with concerned citizens in the community in a collaborative effort to address the fundamental issues of mental health, depression and suicide; and

WHEREAS, on June 2, 2009, SCR 10 (Liu) was signed into law designating September as "Railroad Safety Month" in California.

THEREFORE, BE IT RESOLVED, that the Peninsula Corridor Joint Powers Board, in support of the statewide efforts, proclaims September as "Railroad Safety Month" and commends local, state, and federal officials, industry, and citizen efforts to improve railroad safety; and

BE IT FURTHER RESOLVED, that the Peninsula Corridor Joint Powers Board urges continued and expanded vigilance by the public at and around the rail system and reaffirms its continuing and vigorous commitment to rail safety and do hereby proclaim September as Railroad Safety Month.

Regularly passed and adopted this 1st day of September 2011.



Chair, Peninsula Corridor Joint Powers Board

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 JULY 31, 2011 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 July 2011 and supplemental information.

SIGNIFICANCE

Revenue: For July of Fiscal Year 2012, *Total Operating Revenue* (line 7) is \$590,768 or 11.5 percent **better** than budget. Within total operating revenue, *Farebox Revenue* (line 1) is \$551,725 or 12.4 percent **better** than budget. Compared to the prior year, *Total Operating Revenue* (line 7) is \$1,197,705 or 26.3 percent **higher**.

Expense: *Grand Total Expenses* (line 46) show a favorable variance of \$676,300 or 7.8 percent. *Total Operating Expense* (line 33) is \$116,008 or 1.6 percent **better** than budget. *Total Administrative Expense* (line 42) is \$560,291 or 46.1 percent **better** than budget.

Compared to prior year, *Grand Total Expenses* (line 46) are \$630,479 or 8.5 percent **higher**. The increase in expense is mainly due to *Contract Operating & Maintenance* (line 23), and *Fuel* (line 26) which together are \$653,533 or 11.3 percent **higher**.

Budget Revisions: There are no budget revisions for the month of July 2011.

Prepared by: Sheila Tioyao, Manager, General Ledger
David Ramires, Accountant

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650.508.6417

PENINSULA CORRIDOR JOINT POWERS BOARD

STATEMENT OF REVENUE AND EXPENSE

Fiscal Year 2012

July 2011

						% OF YEAR ELAPSED		8.3%
	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	4,996,833	3,952,010	4,996,833	4,445,108	112.4%	50,644,719	50,644,719	9.9%
2 Parking Revenue	295,237	186,107	295,237	231,383	127.6%	2,776,600	2,776,600	10.6%
3 Shuttles	77,901	105,697	77,901	95,712	81.4%	1,148,579	1,148,579	6.8%
4 Rental Income	146,197	145,499	146,197	144,770	101.0%	1,737,240	1,737,240	8.4%
5 Other Income	229,995	159,146	229,995	238,423	96.5%	2,913,060	2,913,060	7.9%
6								
7 TOTAL OPERATING REVENUE	5,746,164	4,548,459	5,746,164	5,155,396	111.5%	59,220,198	59,220,198	9.7%
8								
CONTRIBUTIONS:								
9								
10 AB434 Peninsula Feeder Shuttle	83,333	83,333	83,333	83,333	100.0%	1,000,000	1,000,000	8.3%
11 Operating Grants	-	639	-	-	0.0%	9,222,450	9,222,450	0.0%
12 JPB Member Agencies	2,111,433	2,924,179	2,111,433	2,111,437	100.0%	25,337,256	25,337,256	8.3%
13 Other Sources	-	-	-	1,332,179	0.0%	9,000,000	9,000,000	0.0%
14								
15 TOTAL CONTRIBUTED REVENUE	2,194,767	3,008,152	2,194,767	3,526,949	62.2%	44,559,706	44,559,706	4.9%
16								
17 GRAND TOTAL REVENUE	7,940,930	7,556,611	7,940,930	8,682,345	91.5%	103,779,904	103,779,904	7.7%
18								
19								
EXPENSE								
20								
21								
OPERATING EXPENSE:								
22								
23 Contract Operating and Maintenance	4,647,612	4,493,698	4,647,612	4,694,451	99.0%	62,851,773	62,851,773	7.4%
24 Operator Contract Transition Costs	-	-	-	-	0.0%	3,200,000	3,200,000	0.0%
25 Shuttles (incl Peninsula Pass)	227,073	256,726	227,073	248,712	91.3%	2,984,550	2,984,550	7.6%
26 Fuel	1,771,816	1,272,197	1,771,816	1,727,797	102.5%	14,660,380	14,660,380	12.1%
27 Timetables and Tickets	-	-	-	13,417	0.0%	161,000	161,000	0.0%
28 Insurance	381,167	405,098	381,167	405,830	93.9%	4,870,000	4,870,000	7.8%
29 Facilities and Equipment Maint	33,297	68,161	33,297	51,591	64.5%	1,037,260	1,037,260	3.2%
30 Utilities	132,133	87,438	132,133	133,083	99.3%	1,596,835	1,596,835	8.3%
31 Services	65,096	63,012	65,096	99,321	65.5%	1,171,760	1,171,760	5.6%
32								
33 TOTAL OPERATING EXPENSE	7,258,194	6,646,330	7,258,194	7,374,202	98.4%	92,533,558	92,533,558	7.8%
34								
ADMINISTRATIVE EXPENSE								
35								
36 Wages and Benefits	388,981	419,601	388,981	698,062	55.7%	6,340,690	6,336,359	6.1%
37 Board of Directors	808	900	808	900	89.8%	10,800	10,800	7.5%
38 Professional Services	141,790	86,090	141,790	179,912	78.8%	2,143,542	2,143,542	6.6%
39 Communications and Marketing	8,996	3,090	8,996	14,248	63.1%	171,000	171,000	5.3%
40 Office Expense and Other	115,370	127,650	115,370	323,113	35.7%	1,477,439	1,481,770	7.8%
41								
42 TOTAL ADMINISTRATIVE EXPENSE	655,945	637,330	655,945	1,216,236	53.9%	10,143,471	10,143,471	6.5%
43								
44 Long Term Debt Expense	91,906	91,906	91,906	91,907	100.0%	1,102,875	1,102,875	8.3%
45								
46 GRAND TOTAL EXPENSE	8,006,045	7,375,566	8,006,045	8,682,345	92.2%	103,779,904	103,779,904	7.7%

"% 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 2011

SEAN ELSBERND, CHAIR
ADRIENNE TISSIER, VICE CHAIR
JOSÉ CISNEROS
JERRY DEAL
ASH KALRA
LIZ KNISS
ARTHUR L. LLOYD
KEN YEAGER

MICHAEL J. SCANLON
EXECUTIVE DIRECTOR

PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF JULY 31, 2011

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
-----	-----	-----	-----	-----
Local Agency Investment Fund (Restricted)	Liquid Cash	0.381%	\$ 2,000,000	\$ 2,000,000
Local Agency Investment Fund (Unrestricted)	Liquid Cash	0.381%	13,119,164	13,119,164
Investment Portfolio (Unrestricted)	Liquid Cash	3.345%	5,202,506	5,069,346
Other (Unrestricted)	Liquid Cash	0.010%	4,017,490	4,017,490
-----	-----	-----	-----	-----
			\$ 24,339,160	\$ 24,206,001

Accrued Earnings for June 2011	\$17,834.78
Cumulative Earnings FY2011	\$17,834.78

** The Portfolio and this Investment Report comply with the Investment Policy and the provisions of SB 564 (1995).
The Joint Powers Board has the ability to meet its expenditure requirements for the next six months.

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: 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 June 30, 2011.

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 July 29, 2011 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 SunTrust Banks, doing business as CSI Capital a SunTrust Group ("CSI"); formerly CSI Capital Management, Inc., prior to its recent acquisition by SunTrust Bank. Liquidity funds which are managed by JPB staff; and Trust funds which are managed by a third party trustee. 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.

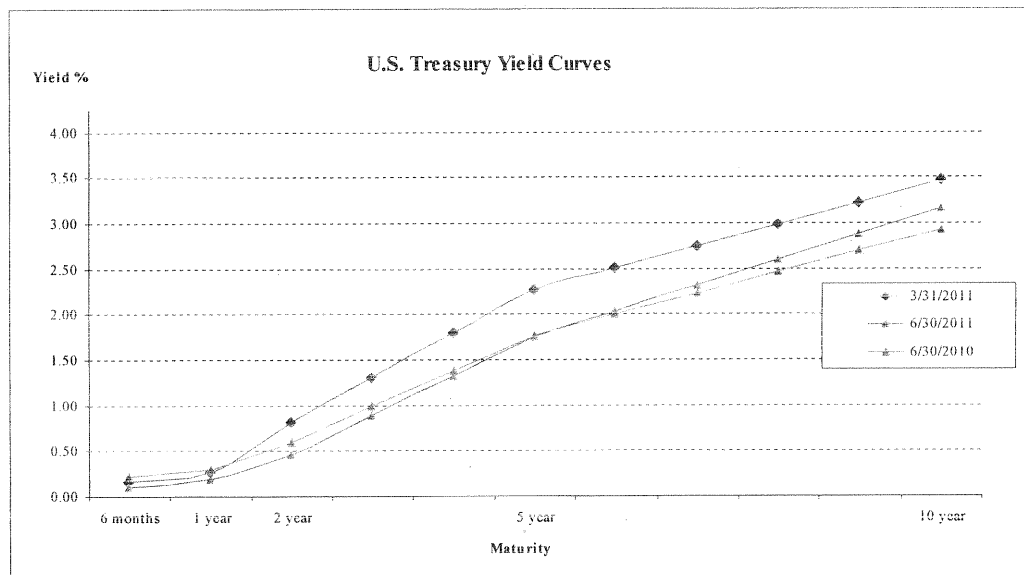
The Liquidity funds managed by JPB staff are considered to be cash equivalents and therefore market value is considered to be equal to book value, (i.e. cost). The shares of beneficial interest generally establish a nominal value per share. Because the Net Asset Value is fixed at a nominal value per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

Interest rates fell modestly during the second quarter of the year as a lull in economic activity and heightened concerns over the sovereign debt crisis in Greece drove investors to the relative safety of U.S. Treasuries. By quarter's end, however, progress on another bailout for Greece, uncertainty surrounding the end of the Fed's latest round of quantitative easing and unease over when congress would increase the debt ceiling left interest rates well off the quarter's lows. Interestingly, as shown in the graph below, compared to a year ago when the market was also struggling with debt problems in Greece and slower economic growth, the level of interest rates was remarkably similar.



Data Source: Bloomberg

The central question now facing bond investors is whether the current lull in economic activity persists or is transitory. It is tempting to dismiss the recent softness in the economy to a series of temporary impacts such as the supply disruptions from Japan, higher oil prices and our spring weather bringing floods and tornadoes. Actually this is our base case scenario and given the faster than expected improvement in previously broken supply chains, recently lower gas prices and improving weather, we would not be surprised to see a pick up in economic growth through the rest of the year.

Yet, if recent events have taught us anything, it is difficult to have too high a level of confidence in any scenario concerning the economy and markets. To be sure, there are several near term threats to our continued, somewhat subpar recovery. Chief among these would be a failure to come to a timely agreement on raising the debt ceiling, any escalation in the sovereign debt crisis in Europe or increased unrest in the Arabian Peninsula that send oil prices higher. In the words of Gregory Miller, SunTrust's chief economist, "This is a very uncertain period."

Strategy

Over the foreseeable future CSI expect interest rates to move gradually higher. They continue to caution that the current low rates leave no room for a sudden rise in interest rates, which would result in negative returns. Given CSI's outlook and the current level of uncertainty in the markets, we are comfortable keeping the portfolio's exposure to a change in interest rates below that of the benchmark.

As of the end of the quarter, the JPB's portfolio consisted of 0 percent FDIC guaranteed Corporate Bonds, 100 percent Agency Securities and 0 percent US Treasury securities; see Exhibit 6. The current average interest rates on short term US Treasury securities are below the return provided by LAIF. FDIC guaranteed Corporate Bonds typically have a longer duration than one year and do not satisfy the JPB's liquidity needs. It is for these reasons the current portfolio mix is 100 percent invested in Agency Securities.

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 June 30, the portfolio returned **0.28** percent. This compares to the benchmark return of **0.47** percent. The Performance graph in Exhibit 3 shows the relative performance of the JPB's portfolio since inception. The Growth of a Thousand Dollars graph in Exhibit 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 June 30, the portfolio's yield to maturity or call was **0.52** percent. The benchmark's yield to maturity was **0.28** 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 **1.55** percent⁹.

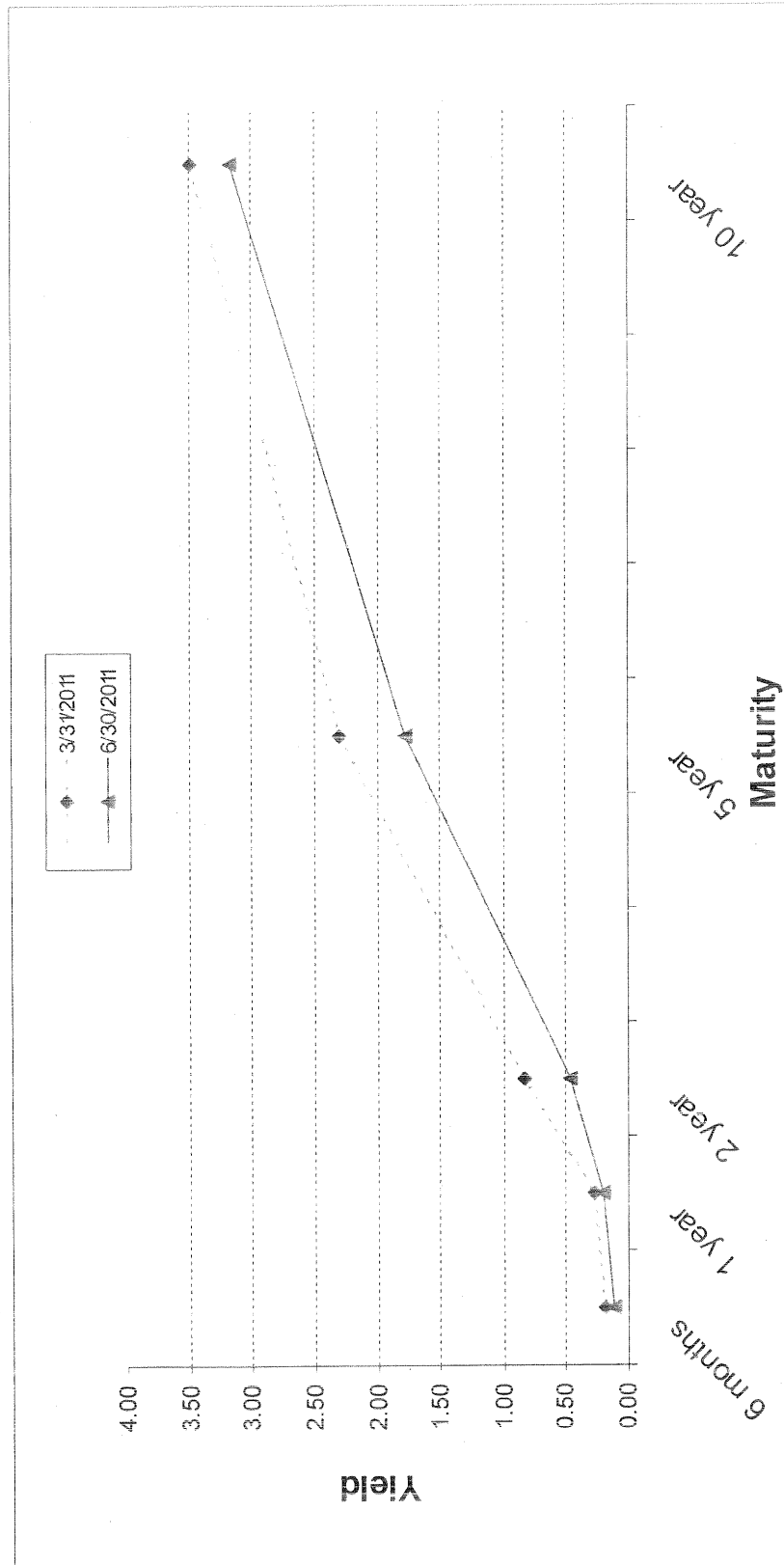
EXHIBIT 1

**PENINSULA CORRIDOR JOINT POWERS BOARD
REPORT OF INVESTMENTS
FOR QUARTER ENDED JUNE 30, 2011**

TYPE	DATE OF MATURITY	PAR VALUE	CARRYING AMOUNT	MARKET VALUE	ACCRUED INTEREST	MARKET VALUE +ACCR. INT.
<u>FUNDS MANAGED BY SUNTRUST BANKS/CSI CAPITAL A SUNTRUST GROUP:</u>						
<u>INVESTMENT PORTFOLIO:</u>						
<u>GOVERNMENT BONDS</u>						
FHLB	09-09-11	1,000,000	1,038,438	1,006,833	11,563	1,018,396
FNMA	11-15-11	2,000,000	2,131,250	2,039,250	13,438	2,052,688
FHLM	03-14-13	1,500,000	1,498,575	1,501,193	2,208	1,503,401
FHLM	10-21-13	1,000,000	1,002,080	1,000,497	2,156	1,002,653
FNMA Step Up	02-14-14	535,000	500,650	535,920	1,768	537,688
<u>TOTAL FUNDS MANAGED BY SUNTRUST BANKS/CSI CAPITAL A SUNTRUST GROUP</u>						
		6,035,000	6,170,993	6,083,692	31,133	6,114,825
<u>LIQUIDITY FUNDS MANAGED BY DISTRICT STAFF:</u>						
<u>BANK OF AMERICA CHECKING LAIF</u>						
			2,777,401	2,777,401	0	2,777,401
			8,202,656	8,202,656	16,917	8,219,573
<u>TOTAL FUNDS MANAGED BY DISTRICT STAFF</u>						
			10,980,057	10,980,057	16,917	10,996,974
<u>TRUST FUNDS MANAGED BY THIRD PARTY TRUSTEE:</u>						
<u>First American Treas. Oblig. C/D Corp Tr</u>						
			183,813	183,813	0	183,813
<u>TOTAL FUNDS MANAGED BY THIRD PARTY TRUSTEE</u>						
			183,813	183,813	0	183,813
<u>TOTAL AS OF JUNE 30, 2011</u>						
		6,035,000	17,334,862	17,247,562	48,050	17,295,613

EXHIBIT 2

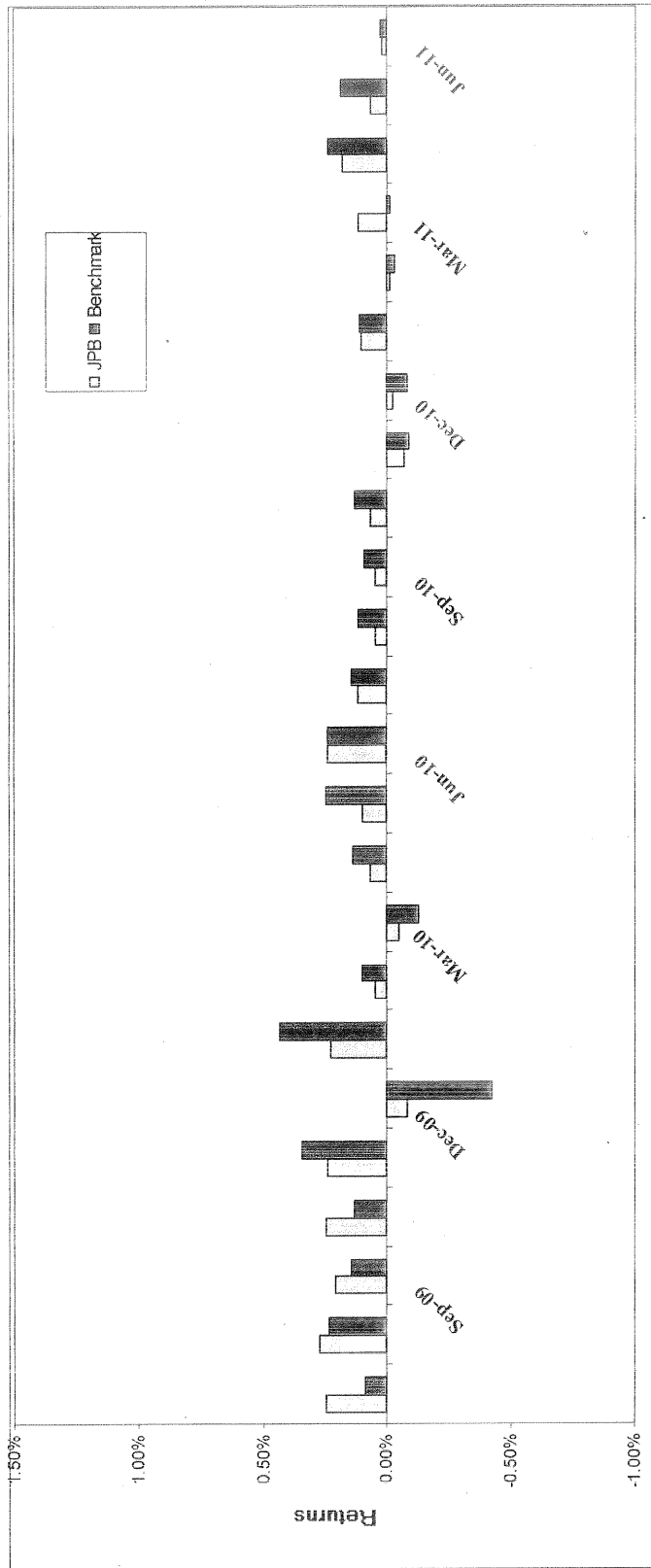
Peninsula Corridor Joint Powers Board Historical Yield Curve



Data Source: Bloomberg

CSI Capital Management, Inc.

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



Trailing 12 Months	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Trailing 12
MONTHLY PERFORMANCE DATA													
JPB	0.12%	0.05%	0.05%	0.07%	-0.07%	-0.02%	0.10%	-0.01%	0.12%	0.18%	0.07%	0.02%	0.69%
Benchmark	0.14%	0.12%	0.10%	0.13%	-0.09%	-0.08%	0.11%	-0.03%	-0.01%	0.24%	0.19%	0.03%	0.85%

EXHIBIT 3

CSI Capital Management, Inc.

EXHIBIT 4

CSI Capital Management, Inc.

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

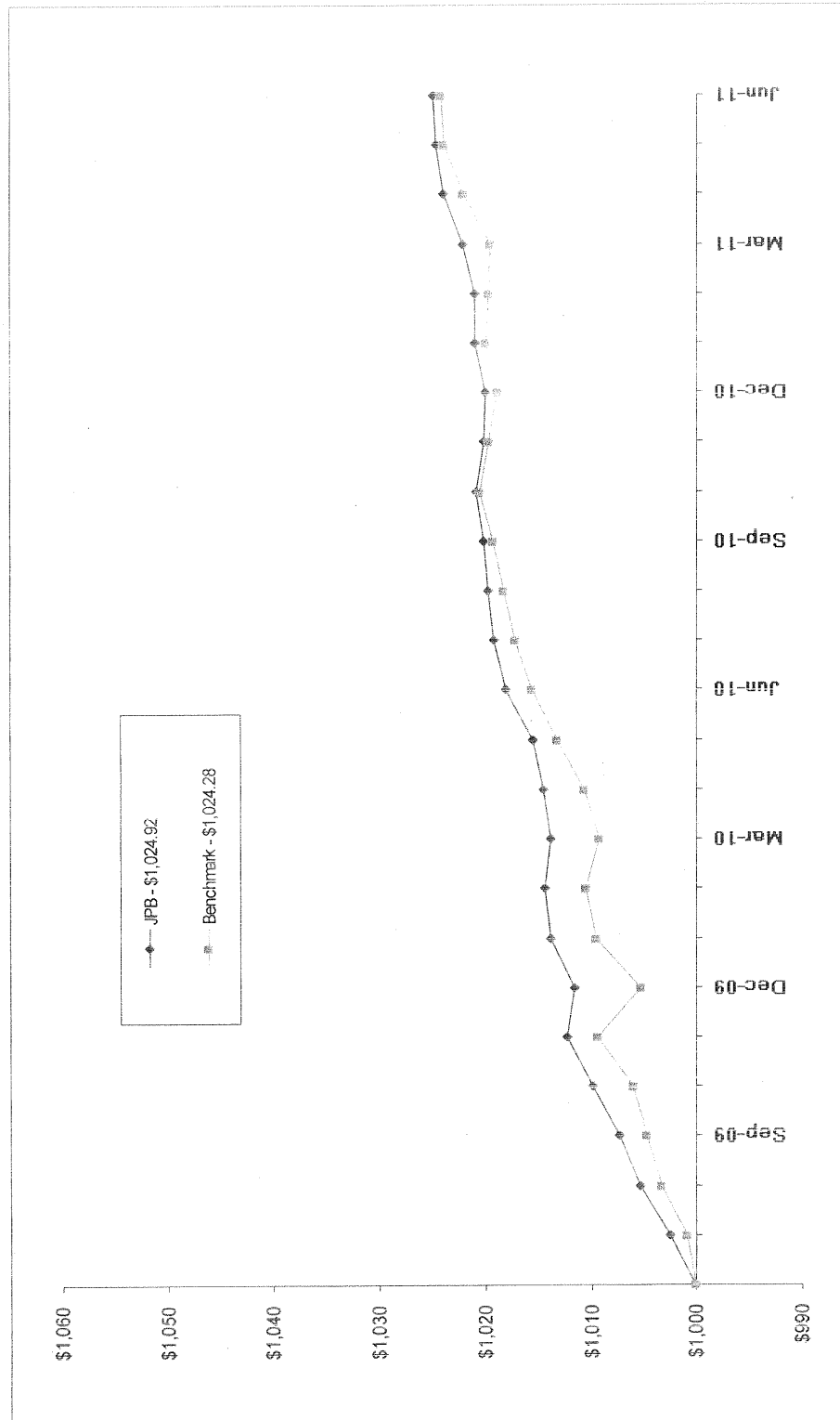
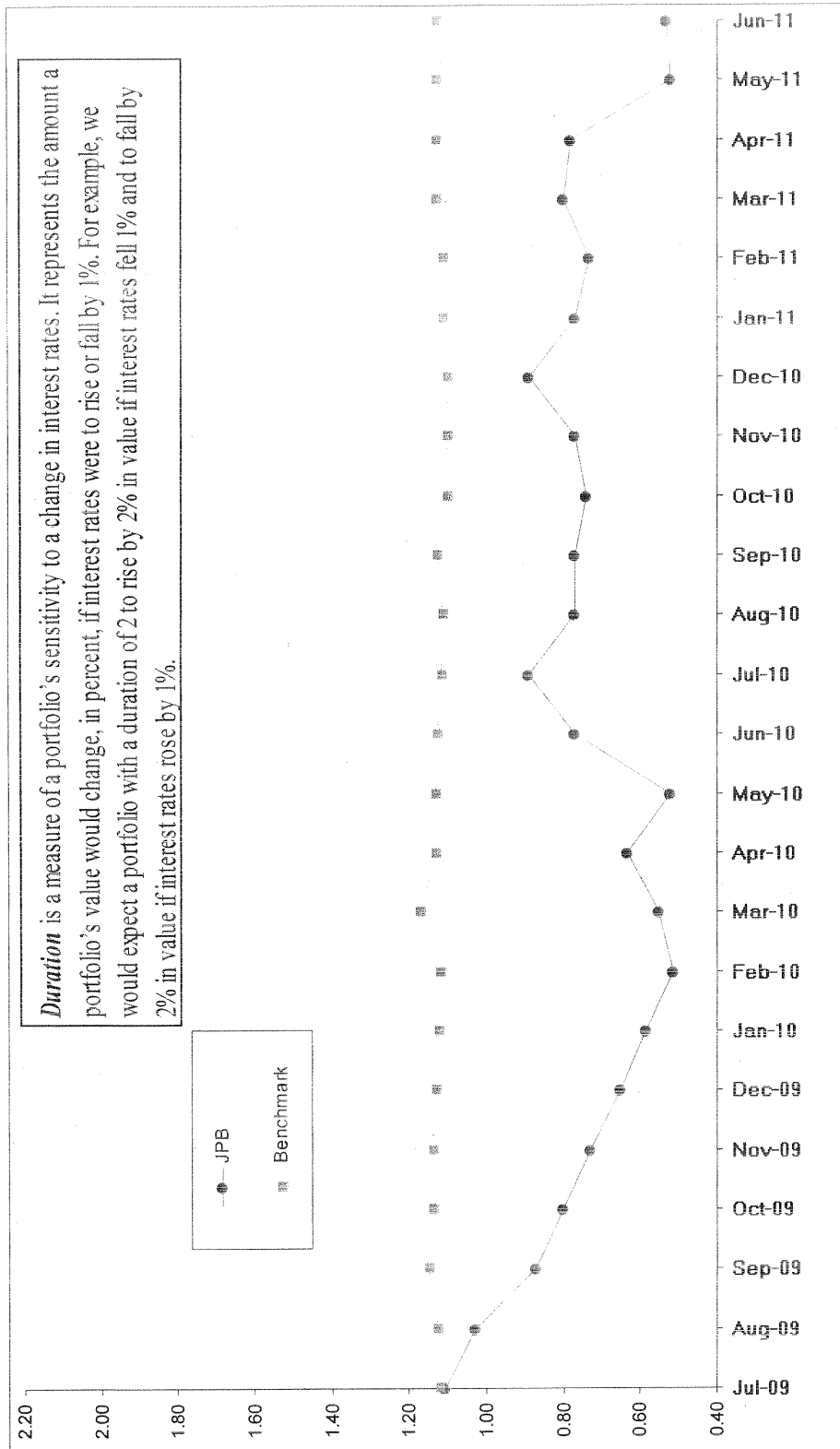


EXHIBIT 5

Peninsula Corridor Joint Powers Board Duration vs. Benchmark

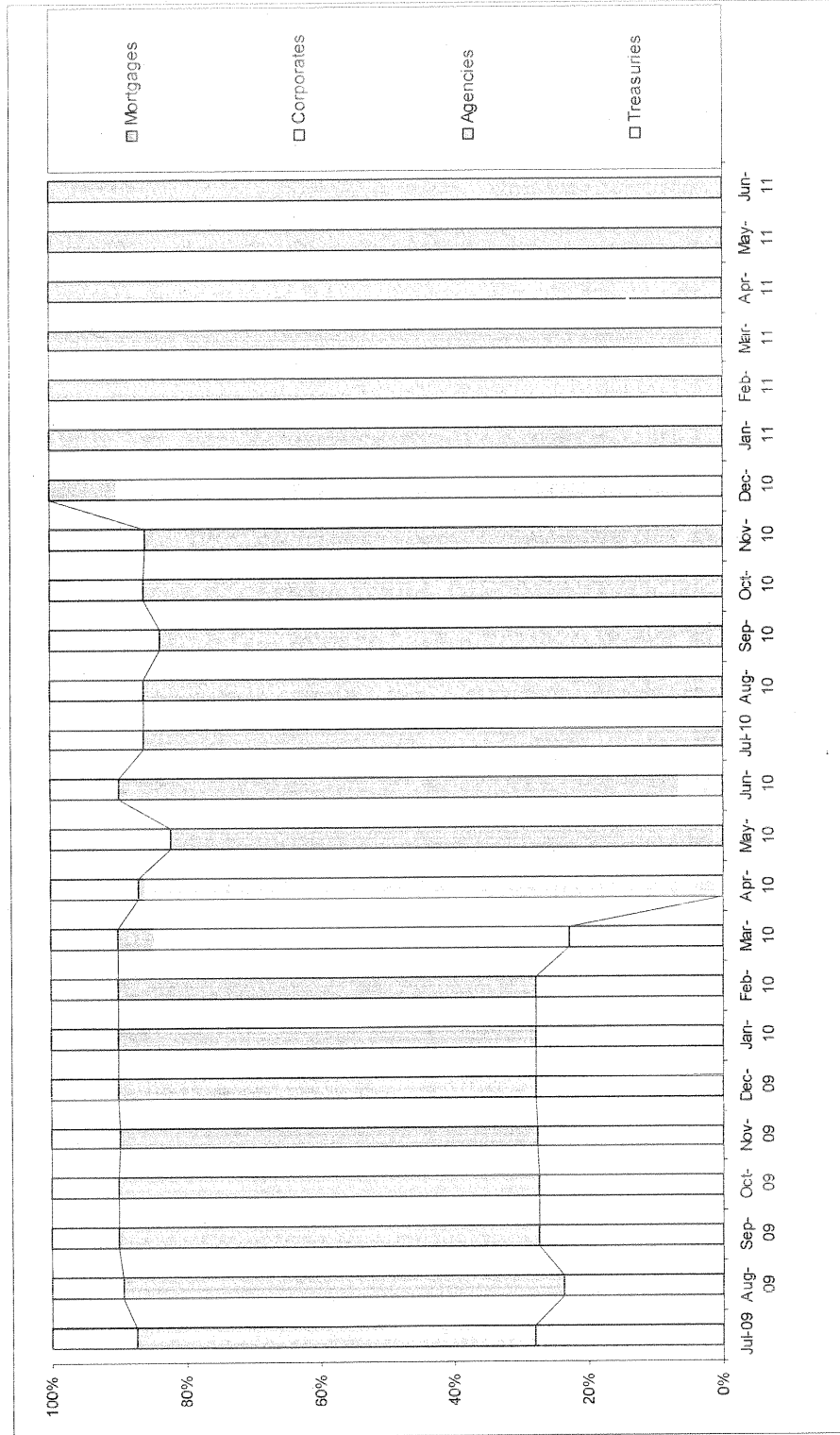


CSI Capital Management, Inc.

EXHIBIT 6

CSI Capital Management, Inc.

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: Gigi Harrington
Deputy CEO

SUBJECT: **UPDATE ON THE EXECUTION OF THE FUEL HEDGING PROGRAM**

ACTION

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

SIGNIFICANCE

On June 2, 2011, the Board approved forms of substantially final diesel fuel price cap purchase agreement documents and authorized the Deputy CEO, Finance and Administration to execute those documents with the winning diesel fuel price cap provider. On June 27, the JPB's financial advisors requested bids from the four firms, Deutsche Bank, Barclays Bank PLC, Canadian Imperial Bank of Commerce and Wells Fargo Bank, with which we had developed mutually agreed upon bid documents for a diesel fuel price cap. Based on the bid prices, the JPB selected Deutsche Bank as the winning bidder, with a cap of \$2.90 per gallon and a cost of cap at \$0.241 per gallon. The JPB hedged a total of 2.1 million gallons which represents approximately 50 percent of the JPB's expected fuel usage for Fiscal Year 2012. The average price per gallon of diesel fuel for the week ending June 23 was \$3.05, the lowest price between February 2011 to July 2011. The substantially final documents, on file for the Board on June 2, were executed subsequent to the bid. Staff was comfortable with the documents as executed and the price offered by Deutsche Bank.

Prior to requesting bids, staff worked together with the JPB's financial advisors and legal counsel to develop a Request for Commodity Price Caps and a bid package for diesel fuel price cap providers interested in bidding on the diesel fuel price cap. Included in that package were an International Swaps and Derivatives Association, Inc. (ISDA) Master Agreement (Master Agreement), a Schedule to the Master Agreement (Schedule) and a Credit Support Annex (CSA). The documents had been reviewed by Orrick, Herrington & Sutcliffe, LLP, special counsel to the JPB. In addition to the documents listed above, a Confirmation setting forth the pricing terms was executed.

The primary goal for the fuel hedging program is to reduce volatility and uncertainty in the fuel budget for FY2012. Consistent with the Fuel Hedging Policy, the JPB has hedged 2.1 million gallons, which represents approximately 50 percent of its expected annual fuel consumption. In order to maximize the fuel hedging program's potential for economic efficiency, the JPB

partnered with the San Mateo County Transit District, which hedged 0.9 million gallons, which represents approximately 50 percent of its expected annual fuel consumption.

Staff expects to return to the Board next year with an assessment of the FY2012 fuel hedging program.

BUDGET IMPACT

The JPB's FY2012 adopted budget for fuel expenses is \$14.7 million which is only a minimal increase, about \$700,000 or 5 percent, over the revised FY2011 budget. This increase is mostly due to the increase in the budgeted price per gallon of diesel fuel since the last fuel hedge was executed. The purchase of the price cap from Deutsche Bank, which caps the JPB's fuel price for half of its fuel at \$2.90 per gallon, helps to keep the increase in the fuel budget to a minimal level even as fuel prices rise. The fuel hedging program also gives the JPB a measure of budgetary certainty and allows for more effective utilization of budget resources. The FY2012 fuel budget allows for hedging program fees including \$25,000 for financial advisor, \$80,500 for outside legal counsel and \$506,100 which is the premium for price cap.

BACKGROUND

The JPB currently purchases fuel from Pinnacle Petroleum based on the average weekly spot price for Oil Price Information Service (OPIS) index, exposing JPB to market price fluctuation. During the past 12-month period from July 29, 2010 to July 28, 2011, the price of OPIS has ranged from a high of \$3.46 per gallon in the last week of April 2011 to a low of \$2.16 in the last week of July 2010.

In order to meet the primary goal of the fuel hedging program of reducing volatility and uncertainty in the fuel budget for FY2012, staff purchased a price cap consistent with the JPB's adopted Fuel Hedging Policy. This commodity price cap does not include taxes on the fuel price, however the price commonly reported to the Board of Directors includes taxes. A price cap allows the JPB to limit its exposure if fuel prices rise, while continuing to receive the benefit if prices fall.

Prepared by: Christina Tang, Senior Budget Analyst

650.508.6376

**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: **AUTHORIZING AWARD OF A CONTRACT TO PROVIDE RAIL
OPERATIONS, MAINTENANCE AND SUPPORT SERVICES**

ACTION

The Peninsula Corridor Joint Powers Board (JPB) Ad-Hoc committee consisting of Chair Elsbernd and Director Yeager and the Staff Coordinating Council (SCC) recommends that the Board:

1. Award a contract to TransitAmerica Services, Inc. (TransitAmerica) to provide Rail Operations, Maintenance and Support Service for a five-year base term with the understanding the term will be extended for an additional five-year period provided TransitAmerica attains stipulated performance benchmarks as of the end of the second full fiscal year of service.
2. Authorize the Executive Director or his designee to execute the above referenced contract with TransitAmerica in full conformity with the terms and conditions of the solicitation documents and negotiated agreement.

SIGNIFICANCE

The contract proposed for approval provides for continued operation of Caltrain passenger service as well as maintenance and support services. The contract with the current provider of these services, Amtrak, expired June 30, 2011 and continues on a month-to-month carryover term as allowed by the contract. Once the new contract is executed, there will be an estimated five-month mobilization and transition phase to TransitAmerica. During that period, Amtrak will continue to operate the railroad and provide services while participating in the transition. Approval of the above actions will allow for continuation of mission critical services to the JPB and the communities the JPB serves.

In contrast to the current Cost Plus Fixed Fee contract, a different contract type was utilized for this procurement -- Cost Plus Performance Fee. The new contract methodology retains the cost-reimbursable basis that provides for the reimbursement of all allowable, allocable and reasonable costs related to the provision of services under the contract. The addition of the performance fee component provides compensation of fee based upon the contractor's level of performance and

does not guarantee a minimum or fixed profit level. The cost-reimbursable basis was determined to be the best way to provide visibility and oversight of all expenditures under the contract, and the performance fee compensation program was developed to closely align the contractor's performance with the goals and objectives of the JPB.

BUDGET IMPACT

The JPB Fiscal Year (FY) 2012 operating budget includes \$58.7 million for operating and maintenance. An additional estimated \$3 million is included in the capital budget for State of Good Repair. When compared to FY2012, the estimated total amount for the first full year of service in FY2013, including State of Good Repair, is \$62.5 million.

Mobilization costs are estimated to be \$2.4 million. On-call Additional Services are estimated to be \$9 million for the first full year and will be included in the FY2013 operating and capital budgets. Provision of Additional Services, such as construction project support services, is predominantly funded by capital grant sources.

With the inclusion of mobilization and Additional Services costs, the five-year grand total for all services to be provided under the contract is estimated to be \$398.6 million. TransitAmerica's negotiated costs, including mobilization costs, are within the current and projected budgets for FY2012 and FY2013. Subsequent fiscal year costs shall be determined on an annual basis as part of the JPB budget process. Future JPB operating and capital budgets will include funding for the remaining years of the contract term (FY2014-FY2017). The JPB and TransitAmerica are committed to and will actively pursue efficiencies during the contract term.

BACKGROUND

The JPB assumed responsibility for the operation of Caltrain service from the Southern Pacific Transportation Company in 1992. Amtrak has served as the JPB's operator since that time. The success of the Caltrain service is due in significant part to this partnership between the JPB and Amtrak. The current contract with Amtrak is continuing on a month-to-month basis so as to facilitate a transition to a new contract.

The solicitation information was advertised on a national basis and generated great interest from highly-qualified proposers, both within and outside of the United States. A comprehensive evaluation process included assembly of an Evaluation Committee (Committee) composed of JPB staff, consultants, and advisors from the JPB's member agencies. The Committee, which included more than 30 individuals, provided technical analysis of several key areas, including safety, train operations, maintenance, customer service, finance, and risk management.

A comprehensive and carefully-defined evaluation and scoring process afforded a thorough evaluation of the proposals. The attached report summarizes the Request for Proposals, evaluation and selection process, including a tabulation of the overall scoring results for each evaluation criteria, a comparison of the cost proposals of each proposer in the competitive range and a detailed discussion of the aspects of the proposal of TransitAmerica that resulted in the recommendation of award of the contract.

Federal Disadvantaged Business Enterprise (DBE) provisions were included in the RFP and

TransitAmerica has met the solicitation requirements. TransitAmerica commits to working with the JPB to ensure that DBE goals and objectives are met.

No protests of the recommended contract award were received.

Senior Contract Officer: Julie Taylor

650.508.7915

Project Manager: Jerry Willard, Deputy Director, Rail Administration

650.508.7975

**Summary of Request For Proposals, Evaluation and Selection Process
for
Contract to Provide Rail Operations, Maintenance and Support Services
for the
Peninsula Corridor Joint Powers Board
Contract 10-PCJPB-S-025
August 16, 2011**

Recommendation

After considerable interest in, and the receipt and evaluation of five proposals from well-qualified firms for, the Rail Operations, Maintenance and Support Services Contract for Caltrain, the Ad Hoc Committee of the Peninsula Corridor Joint Powers Board (JPB), having been briefed on the work and findings of the Evaluation Committee and with the full support of the executive staff, has concluded that the proposal from TransitAmerica Services, Inc. (TransitAmerica) is the most efficacious in achieving the JPB's goals and meeting the challenges of the Caltrain service in the years ahead and offers the best value. Accordingly, a recommendation will be presented to the Board to award this contract to TransitAmerica at the meeting of September 1, 2011.

An explanation of the Request for Proposals (RFP) solicitation and evaluation process that lead to this conclusion is set forth below.

Background

The current contract with Amtrak continues on a month-to-month basis through the time the Board authorizes transition to a new contract, with an ultimate expiration date of June 30, 2012. Amtrak has served as the JPB's contract operator since the JPB assumed responsibility for the Caltrain service from the Southern Pacific Transportation Company in 1992. The JPB has conducted a competitive solicitation to select an operator on two occasions during this period and each time Amtrak was the successful proposer.

The decision to solicit competitive proposals for this contract was based on the following considerations:

- Expiration of the current contract which had been in place for a decade;
- Potential new proposers enhancing the competitive procurement environment;
- Increased visibility of Caltrain within the rail industry; and
- Good procurement practice.

The JPB has learned from its prior experiences soliciting proposals for this contract that labor protection provisions mandated under federal law and the US Department of Labor regulations,

commonly referred to as 13(c) requirements, present a unique challenge in the context of Caltrain. The JPB's 13(c) agreements require that there be "contractor-to-contractor" protections for the affected employees if there is a change from the current contractor to a new contractor. As a result, in any procurement solicitation the JPB must ensure that all proposers clearly understand the impact of this requirement, which for all practical purposes results in the agreement of any proposer to initially assume all existing collective bargaining agreements, including wages, and terms and conditions of employment. Since it would be the responsibility of any new contractor to ensure compliance with the 13(c) agreements, the JPB would require the new contractor to also assume the financial risk of any resultant claims for 13(c) violations with the exception of those claims that may arise from JPB-directed actions.

JPB's Goals and Objectives

In preparation for this RFP solicitation, the goal of the JPB was to enter into an agreement with a contract operator that would be most capable of providing flexibility, stability and skill in an environment of financial constraints and significant operational changes with the implementation of Positive Train Control (PTC), electrification and high speed rail on the horizon.

The specific objectives of the JPB included improving operating performance and customer service, realizing efficiencies, and ensuring the continuity and enhancement of a robust safety culture. In order to achieve these critical objectives, the RFP adopted a new compensation methodology that would have the effect of providing the contractor profit for performance in areas that were identified as important to the JPB. This "performance fee" program provides for no minimum or guaranteed level of profit and indicates amounts that will be paid for meeting or exceeding certain performance targets related to JPB objectives. In this manner, alignment with the JPB's objectives would be ensured. This is in contrast to the guaranteed fixed fee that has been paid as part of previous contracts.

The RFP specified that the contractor would be incentivized and compensated for superior performance in the following areas that are of key importance to the JPB: management of the business; safety; on-time performance; customer service; and the state of good repair of rolling stock, track, and signal and communications infrastructure.

Request for Proposals Issuance

The RFP process commenced more than 15 months ago with the issuance of the RFP on May 5, 2010. The solicitation information was advertised in *Railway Age* and *Passenger Transport*, national industry publications, on both publications' websites, and on the JPB's procurement website. Solicitation notices also were sent to interested proposers, small business enterprises and disadvantaged business enterprises (DBEs). The solicitation generated a great amount of interest among qualified proposers both inside and outside the United States. Prior to the date proposals were due, the JPB conducted a pre-proposal conference on May 26, 2010 and a facilities tour on May 27, 2010, which were attended by 61 individuals associated with 18 firms.

On September 27, 2010 proposals were received from five firms (none of which are DBEs) as follows: Keolis Rail Services America (Keolis); Peninsula Corridor Rail Services (PCRS), a joint venture of Amtrak and Bombardier; Peninsula Rail Services (PRS), a joint venture of RailAmerica and Ratp Dev; TransitAmerica Services, Inc. (TASI), a subsidiary of Herzog Transit Services, Inc. and formerly a subsidiary of Herzog Contracting Corporation; and Veolia Transportation, Inc. (Veolia).

The RFP's comprehensive methodology for evaluating the proposals was implemented with the assembly of a formal Evaluation Committee (Committee) to have primary responsibility for evaluating the proposals and developing a recommendation to the Executive Committee, the JPB's Ad Hoc Committee and the Board. The Committee, which included more than 30 individuals, was composed of qualified JPB staff, consultants, and personnel from the JPB's member agencies who offered expertise in all key technical areas, including finance, maintenance of way, maintenance of equipment, station and facility maintenance, train operations, safety, risk management, and information technology. The Committee included a scoring team comprised of five senior staff members.

Evaluation Criteria

In order to ensure that a fair and objective mechanism was used to evaluate the proposals, the following weighted criteria were established in order to score the proposals:

• Qualifications and Experience of Firm and Key Personnel	0-20 points
• Management, Operations, and Maintenance Plans	0-55 points
• <u>Cost Proposal</u>	<u>0-25 points</u>
Total	100 points

Within each of the three key evaluation criteria noted above, all five proposals received were examined and evaluated based on the following sub-elements:

I. Qualifications and Experience of Firm and Key Personnel:

- A. Organization Structure
- B. Passenger Rail Operator Experience
- C. Customer Service Experience
- D. Construction Support Experience
- E. Key Management Personnel
- F. Financial Qualifications
- G. Safety and Regulatory Compliance

II. Management, Operations and Maintenance Plans:

- A. Understanding of the Caltrain System
- B. Personnel and Staffing Plan
- C. Mobilization, Transition and Start-Up Plans
- D. Management of Construction Support and Operations Interface
- E. Management and Integration of Key Function
 - 1. Safety Plan
 - 2. Transportation Plan
 - 3. Dispatch and Rail System Management Plan
 - 4. Maintenance of Service Equipment Plan
 - 5. Maintenance of Rail Lines Plan
 - 6. Stations and Facilities Plan
 - 7. Material Management Plan
- F. Management Control and Decision Making Plan
- G. Plans for Cost Containment/Reduction and Productivity Improvement
- H. Performance (Award) Fee Program
- I. Sustainability Plan
- J. Customer Service Plan

III. Cost Proposal:

- A. Mobilization, Transition and Start-Up Services
- B. Basic Service Plan
- C. Additional Services

Evaluation Process

After initial review, evaluation, and scoring of proposals, the JPB determined that the four firms listed below were in the competitive range:

- Keolis Rail Services America
- Peninsula Corridor Rail Services
- TransitAmerica Services, Inc.
- Veolia Transportation, Inc.

Each of these firms was invited for an interview and oral presentation. These interviews were rigorous, all day sessions and included a crisis incident scenario to which each firm was required to respond. Following the interviews, Committee representatives made site visits to rail properties that are being operated by each of the proposers and received feedback on the proposers' performance.

Subsequent meetings were held with the four proposers for the purposes of: (1) providing the status on the solicitation process; (2) clarifying JPB goals and objectives for its new contractor, including enhancing safety, improving operating performance and realizing efficiencies; (3) clarifying the Scope of Services to be provided; (4) providing each proposer with specific feedback on the their proposal; and (5) describing the Best and Final Offer (BAFO) process and schedule. Following these discussions, all four firms were afforded and accepted the opportunity to submit a BAFO.

Final Scoring

The Scoring Team met once more in early August 2011 to evaluate and score all of the BAFOs. The scoring resulted in a final consensus ranking of the firms, as follows:

- TransitAmerica Services, Inc.
- Peninsula Corridor Rail Services
- Veolia Transportation, Inc.
- Keolis Rail Services America

Evaluation Criteria	TASI	PCRS	Veolia	Keolis
Qualifications and Experience of Firm and Key Personnel (20 Points)	18.2	14.8	12.6	11.8
Management, Operations and Maintenance Plans (55 Points)	50.2	41.2	36.0	30.0
Cost Proposal (25 Points)	22.8	22.2	25.0	22.5
Total	91.2	78.2	73.6	64.3

The JPB was fortunate to attract the level of interest it did from these very capable organizations. Each proposer is qualified to serve and offers relevant experience. As the process evolved, each firm had the opportunity to sharpen its focus in response to the JPB's questions and suggestions, resulting in BAFOs from each that could reflect an enhanced understanding of the JPB's goals, objectives and needs. Each of the four firms demonstrates appropriate capabilities and proposes acceptable solutions to most, if not all, areas of responsibility. At the end of the day, however, TransitAmerica's overall proposal clearly stood out above the others, exhibiting a higher level of understanding and clarity for the following reasons:

Highest quality General Manager and management team

TransitAmerica provides a well-rounded management team with experienced personnel in key positions. The proposed team is led by a first-rate General Manager and offers an excellent combination of skills and qualifications. TransitAmerica also has a history of consistency and stability in management that is demonstrated at its other rail properties.

Strong safety culture

The safety culture of TransitAmerica and its parent Herzog Transit Services are held in high regard in the rail industry. The extent of this culture was reinforced during site visits where it was experienced firsthand.

High level of experience and expertise in all required areas

TransitAmerica has accumulated many successful years of passenger rail, customer service, and construction support experience at similar rail properties throughout the country. Given its past and continuing relationship with Herzog Contracting Corporation and its place in the construction industry, the provision of these services is second nature. They understand how to interface with active operations to complete projects with minimal disruption.

Local authority and autonomy providing adaptability to meet JPB needs

TransitAmerica presents an organization structure of local authority and autonomy allowing for a high degree of flexibility and adaptability while still exhibiting a willingness to lead and take ownership. Strong and readily-available corporate support is available when needed, but the local firm is empowered to make the decisions it needs to succeed and flourish, which was further confirmed in conversations with TransitAmerica and Herzog Transit Services clients.

Offered optimal Staffing Plan and a path to achieve it

Instead of just settling for “business as usual”, TransitAmerica’s proposal includes an optimal staffing plan to transition the service to its model of operation while also providing much-needed efficiencies over time. The staffing plan fully recognizes and addresses 13(c) requirements and attendant financial risks, allowing the necessary changes to occur gradually, while offering the required services.

Solid and detailed management, operations and maintenance plans

Experience and expertise can only be put to good use if the plans to implement and utilize them also are good ones. TransitAmerica’s plans show a high level of understanding regarding the Caltrain operating environment and customer needs and offer solutions that are detailed, thorough and reasonable. Additionally, TransitAmerica was found to be the most aligned with the JPB’s goals and priorities.

Extensive transition and mobilization experience

Having provided services at many rail properties across the country, TransitAmerica has extensive experience when it comes to mobilizing or transitioning a service. It has assumed services from several different rail contract operators and has a great understanding of how to do that with personnel governed by collective bargaining agreements.

Excellent, consistent references

Site visits and reference checks demonstrate that TransitAmerica superiority “on paper” also translates to the real world. Consistently positive, the feedback received reinforces that the firm and the service it provides is held in the highest regard by its client properties and customers.

Best overall value to the JPB

While TransitAmerica's cost proposal is not the lowest provided, it is a realistic proposal that provides a high quality service while also providing quantified efficiencies over the term of the contract. It is the best balance of quality, savings, and overall value.

Treatment of Cost Proposals

In light of the JPB's ongoing financial challenges and projected budget deficits, the treatment of the cost factor deserves special mention although this factor was not attributed points to make it the most significant criterion in the evaluation process.

Although the RFP did not require the proposal with the lowest price to be awarded the most points, the JPB determined that the prices contained in each proposer's BAFO were ostensibly based on providing the same level of services and assuming all 13(c) labor protection obligations. Therefore, a simple arithmetic formula was employed in the final scoring process to determine the point ranking for the cost proposals. The proposal with the lowest grand total price was awarded the most points (25). The other proposals received points in proportion to the ratio of the lowest overall price to the overall price of the proposal under review.

A summary of the cost comparison based on the BAFOs is as follows:

Proposal	Mobilization	FY2012*	FY2013	Estimated Grand Total**
TASI	\$2.5M	\$62.9M	\$65.1M	\$409.8M
PCRS	\$1.6M	\$66.4M	\$67.1M	\$421.1M
Veolia	\$2.6M	\$53.7M	\$56.5M	\$374.5M
Keolis	\$3.7M	\$62.8M	\$65.6M	\$416.4M

*FY2012 amounts are annualized based on the four-month budget provided by proposers.

**The Estimated Grand Total includes all costs associated with Mobilization, four months of the Basic Service Plan and Additional Services in FY2012, and five additional full years of the Basic Service Plan and Additional Services.

Under the formula described above, Veolia received the full 25 points, while TransitAmerica received 22.8 points, Keolis received 22.5 points and PCRS received 22.2 points. Although TransitAmerica's cost proposal was not the lowest, it fell in second place and the Evaluation Committee was convinced that it comprehensively covered all of the projected costs.

Through negotiations contemplated by the RFP to take place after submission of BAFOs and subsequent final evaluation and ranking of proposers, TransitAmerica's cost proposal was further reduced as follows:

Proposal	Mobilization	FY2012	FY2013	Estimated Grand Total
TASI	\$2.4M	\$61.1M	\$62.5M	\$398.6M

TransitAmerica's negotiated costs are affordable as they fall within the current and projected operating budgets for fiscal years 2012 and 2013, and the negotiated level of costs will be incorporated into any new agreement with TransitAmerica.

Conclusion

Based on the above summary review and analysis of the RFP process, the proposal evaluation due diligence, the findings and ratings of the Evaluation Committee, and the input and support of the Executive Staff, the Ad Hoc Committee of the Board has concluded that TransitAmerica's proposal for the Rail Operations, Maintenance and Support Services Contract for Caltrain provides the strongest combination of resources, technical expertise, solid operations and maintenance plans, alignment with JPB's goals and objectives, and overall best value for the JPB.

Based on this conclusion, the Ad Hoc Committee is recommending to the Board of Directors of the JPB a contract award to TransitAmerica Services, Inc. as of September 1, 2011.

RESOLUTION NO. 2011 -

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

*** * ***

**AUTHORIZE AWARD OF CONTRACT TO TRANSITAMERICA
SERVICES, INC. FOR PROVISION OF RAIL OPERATIONS,
MAINTENANCE AND SUPPORT SERVICES FOR A FIVE-YEAR TERM
FOR THE ESTIMATED AMOUNT OF \$398,591,286**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) solicited competitive proposals from qualified firms for the provision of Caltrain rail operations, maintenance and support services; and

WHEREAS, in response to the JPB's request for proposals (RFP), five firms submitted proposals as follows: (1) Keolis Rail Services America, (2) Peninsula Corridor Rail Services, a joint venture of Amtrak and Bombardier, (3) Peninsula Rail Services, a joint venture of RailAmerica and Ratp Dev, (4) TransitAmerica Services, Inc., and (5) Veolia Transportation, Inc.; and

WHEREAS, an Evaluation Committee (Committee) reviewed proposals, conducted interviews, site visits, and financial analyses, and ranked all of the proposals according to the evaluation criteria set forth in the RFP and determined that TransitAmerica Services, Inc. was the highest-ranked proposer; and

WHEREAS, the Staff Coordinating Council recommends that the contract for provision of rail operations, maintenance and support services for a five-year base term be awarded to TransitAmerica Services, Inc. of St. Joseph, Missouri for the estimated amount of \$398,591,286.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board awards a contract to TransitAmerica Services, Inc., of St. Joseph, Missouri for the provision of rail operations, maintenance and support services for a five-year

base term for the estimated amount of \$398,591,286, with the understanding the term will be extended for an additional five-year period provided TransitAmerica attains stipulated performance benchmarks as of the end of the second full fiscal year of service; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is authorized to execute a contract on behalf of the JPB with TransitAmerica Services, Inc. in full conformity with all of the terms and conditions of the solicitation documents and negotiated agreement, in a form approved by Legal Counsel.

Regularly passed and adopted this 1st day of September 2011 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

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

SUBJECT: **SOUTH TERMINAL AND SANTA CLARA STATION IMPROVEMENT
PROJECT (10-PCJPB-C-001):
APPROVAL TO INCREASE THE EXECUTIVE DIRECTOR'S
CHANGE ORDER AUTHORITY BY \$1,500,000 FROM \$2,412,700 TO
\$3,912,700**

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Approve an increase in the Executive Director's change order authority for Contract Number 10-PCJPB-C-001 by \$1,500,000, from \$2,412,700 to \$3,912,700. Contract Number 10-PCJPB-C-001 is a contract with SJ Amoroso Construction Company Inc., the construction contractor on the South Terminal and Santa Clara Station Improvement Project (Project). This will increase the Executive Director's change order authority from 10 percent to 16.2 percent of the original contract amount of \$24,127,000.
2. Authorize the Executive Director or his designee to execute contract change orders up to a not-to-exceed total of \$3,912,700 for Contract Number 10-PCJPB-C-001.

SIGNIFICANCE

1. The scope of the Project is to provide two new platforms and additional tracks at the South Terminal and to eliminate the hold-out rule by constructing a new center board platform and a new pedestrian underpass at the Santa Clara station.
2. Approximately 82 percent of the construction work is complete with about four months remaining until completion of the Project.
3. Approximately \$1,900,000 of change order work, or 79 percent of the Executive Director's current change order authority has been authorized to date.
4. An additional \$2,012,700 in potential change order work, consisting of change orders that are under negotiation, requests for change that are being evaluated, and projected final changes related to the remaining construction work, is anticipated.
5. The combined total for executed and anticipated additional change orders on the project is \$3,912,700, which exceeds the Executive Director's current change order authority by \$1,500,000.
6. An increase of \$1,500,000 in the Executive Director's change order authority will enable execution of essential change orders without delay to facilitate completion of the project.

BUDGET IMPACT

There is no impact to the Capital budget resulting from this action. Funding has been approved for the Project in prior year Capital budgets. There is remaining budget authority in the project to fund the \$1,500,000 in potential additional contract change orders.

BACKGROUND

The total amount forecasted for change orders on the Project is expected to exceed 10 percent of the original contract amount primarily because of the addition of major work items that were determined to be necessary after the contract was awarded. These include the rehabilitation of extensively broken and buckled tiles at the existing Platform A at South Terminal and the installation of conduits under the new

South Terminal platforms for future wayside power. Also, the project encountered unforeseen site conditions that required the relocation of fiber optic lines that were closer to the tracks than originally anticipated and disposal of more contaminated material than originally estimated. These change orders accounted for approximately \$1,000,000.

Although the project is approximately 82 percent complete, the upcoming construction activities, such as the complex system-wide signal cutovers, could require unanticipated modifications to the work to minimize potential impacts to operations.

A review of the unresolved changes and upcoming work indicate that it is prudent to increase the Executive Director's change order authority on the contract to resolve outstanding changes and to issue change orders required for future work. The breakdown for the \$2,012,700 estimated for additional change orders is as follows:

- A. \$950,000 in identified change orders that are under negotiation.
- B. \$300,000 in change order requests that are being evaluated.
- C. \$762,700 in potential change orders that could be required for the remaining work.

Since the combined total for the executed and additional change orders exceeds the Executive Director's current change order authority, an additional \$1,500,000 in change order authority is requested as shown below:

Executed Change Orders	\$1,900,000
Additional Change Orders	<u>\$2,012,700</u>
Total: Executed & Additional Change Orders	\$3,912,700
Current Change Order Authority	<u>\$2,412,700</u>
Requested Increase in Change Order Authority	\$1,500,000

Project Manager: Al Fung

650.508.7790

RESOLUTION NO. 2011-

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

**AUTHORIZING ADDITIONAL CONTRACT CHANGE ORDER AUTHORITY IN THE
AMOUNT OF \$1,500,000 FOR CONTRACT 10-PCJPB-C-001, SOUTH TERMINAL
AND SANTA CLARA STATION IMPROVEMENTS PROJECT (PROJECT), WITH
SJ AMOROSO CONSTRUCTION COMPANY INC.**

WHEREAS, pursuant to Resolution No. 2009-55, the Peninsula Corridor Joint Powers Board (PCJPB) awarded a contract for the construction of the South Terminal and Santa Clara Stations Improvements Project to the firm of SJ Amoroso Construction Company, Inc. of Redwood Shores, California for \$24,127,000; and

WHEREAS, pursuant to PCJPB Contract and Procurement Policy, the Board's award of the contract incorporated a ten percent contingency for funding contract change orders in the amount of \$2,412,700 for a total Project cost of \$26,539,700; and

WHEREAS, for a variety of reasons, an additional allocation of funds totaling \$1,500,000 is necessary to perform essential change order work to successfully complete construction of the Project; and

WHEREAS, the additional \$1,500,000 is available in previously approved capital budgets; and

WHEREAS, the Executive Director has recommended that the Board authorize additional contract change order authority for change orders for the South Terminal and Santa Clara Stations Improvements Project in the amount of \$1,500,000, for a total budgeted Project cost of \$28,039,700.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director to approve additional contract change order authority for the contract with SJ Amoroso Construction, Inc. for the South Terminal and Santa Clara Stations Improvements Project in the amount of \$1,500,000, for a budgeted Project cost of \$28,039,700.

Regularly passed and adopted this 2nd day of September 2011, 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

**SUBJECT: AUTHORIZE THE RECEIPT OF \$16 MILLION IN FEDERAL RAIL
ADMINISTRATION FUNDS FOR THE CALTRAIN COMMUNICATION-
BASED OVERLAY SIGNAL SYSTEM / POSITIVE TRAIN CONTROL
PROJECT**

ACTION

Staff Coordinating Council (SCC) recommends the Board authorize the Executive Director, or his designee, to execute any agreements, certifications, and/or assurances required to receive a \$16,000,000 Federal Rail Administration (FRA) grant through the California High Speed Rail Authority (CHSRA) for the Communication-Based Overlay Signal System (CBOSS) / Positive Train Control (PTC) Project.

SIGNIFICANCE

On June 23, 2011, the FRA announced the award of a \$16 million grant to CHSRA for the design of a new, modernized signaling system on the Caltrain corridor between San Francisco and San Jose. The new system, known as the Communication-Based Overlay Signal System, includes safety improvements required by Federal law and is the first step in the modernization of the Caltrain corridor, which is being planned to support electrified passenger rail service, including high-speed rail, between San Francisco and San Jose.

The \$16 million grant was awarded by the FRA to CHSRA. In order for the JPB to receive and accept the funds from CHSRA, an agreement needs to be executed between the JPB and CHSRA. The proposed action will allow the JPB to proceed with the necessary actions to receive and accept the funds for the subject project from CHSRA.

BUDGET IMPACT

The FY2012 Caltrain Capital Budget, approved by the JPB on July 7, 2011, already included the \$16 million in grant funds for the CBOSS/PTC Project (Project), along with the necessary matching funds to support the delivery of the initial phase of the Project. The initial phase will complete critical design of the Project.

BACKGROUND

The Project is being developed by Caltrain as part of the continuing partnership between the JPB and the California High Speed Rail Authority to undertake projects of mutual benefit to both systems. The Project will allow train movements and schedules to be coordinated more efficiently, improving the safety and reliability of all passenger rail operations that use the corridor. The Project also will offer significant benefit to the construction and eventual operation of high-speed rail service on the Peninsula.

The Project is also necessary to comply with federal law that requires the installation of positive train control on the Caltrain corridor by the end of 2015. A positive train control system will protect passengers and railroad workers by maintaining safe separations between trains, preventing train speeding and train collisions and protecting roadway workers.

The total cost for the Project, including necessary project support costs as well as options, is estimated to be \$251 million. The first \$20 million, including the \$16 million in FRA grants discussed above and the \$4 million in matching funds, will finance the initial Critical Design phase. Efforts will continue to secure the necessary funding required for the Project.

Prepared by: April Chan, Director, Budgets and Grants

650.508.6228

RESOLUTION NO. 2011 –
PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA

* * *

**AUTHORIZE THE RECEIPT OF \$16,000,000 IN FEDERAL RAIL
ADMINISTRATION FUNDS FOR THE CALTRAIN COMMUNICATION-BASED
OVERLAY SIGNAL SYSTEM / POSITIVE TRAIN CONTROL PROJECT**

WHEREAS, on June 23, 2011, the Federal Rail Administration (FRA) announced the award of a \$16 million grant to the California High Speed Rail Authority (CHSRA) for the design of a new, modernized signaling system on the Caltrain corridor between San Francisco and San Jose; and

WHEREAS, the new system, known as the Communication-Based Overlay Signal System (CBOSS) / Positive Train Control (PTC), includes safety improvements required by federal law and is the first step in the modernization of the Caltrain corridor, which is being planned to support electrified passenger rail service, including high-speed rail, between San Francisco and San Jose; and

WHEREAS, the CBOSS/PTC project is being developed by Caltrain as part of the continuing partnership between the Peninsula Corridor Joint Powers Board (JPB) and the CHSRA to undertake projects of mutual benefit to both systems; and

WHEREAS, the \$16 million grant was awarded by the FRA to CHSRA, and in order for the JPB to receive and accept the funds from CHSRA, an agreement needs to be executed between the JPB and CHSRA; and

WHEREAS, the Staff Coordinating Council recommends the Board authorize the Executive Director or his designee to execute any agreements, certifications, and/or assurances

required to receive the \$16,000,000 in FRA funds through the CHSRA for the CBOSS/PTC project.

NOW, THEREFORE, BE IT RESOLVED that the Board authorizes the Executive Director, or his designee, to execute any agreements, certifications, and/or assurances required to receive the \$16,000,000 in FRA funds through the CHSRA for the CBOSS/PTC project.

Regularly passed and adopted this 1st day of September 2011, 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 in accordance with the approved Legislative Program.

STATE ISSUES

Legislation

The deadline for passing state legislation is September 9. The governor has until October 9 to sign bills into law. Two bills that Caltrain supports have cleared the legislature:

AB 147 (Dickenson) allows local agencies to impose a development fee to cover the cost of constructing transportation facilities including pedestrian, bicycle, transit and traffic-calming facilities.

AB 1105 (Gordon) authorizes the Santa Clara Valley Transportation Authority (VTA) to extend a high-occupancy toll lane into San Mateo County covering the length of the existing high-occupancy vehicle lane provided there is agreement from the City/County Association of Governments of San Mateo County (C/CAG). The bill also authorizes VTA and C/CAG to negotiate a revenue sharing agreement to fairly distribute revenues generate from the proposed extension.

FEDERAL ISSUES

Surface Transportation Reauthorization

The most recent extension of Federal authorization for surface transportation programs expires on September 30. Legislative leaders in both chambers have announced very different proposals for extension of funding authorization. House Transportation and Infrastructure Chairman John Mica continues to push for a six-year authorization that would reduce existing funding levels to only those covered by Highway Trust Fund revenues. More recently, Senate

Environment and Public Works Chairman Barbara Boxer proposed a two-year authorization that would maintain current funding levels and require an additional \$12 billion beyond what the Highway Trust Fund will support. Boxer has also proposed a four-month extension of the existing authorization program. Since the proposal is a tax extension, it would need to originate in the House where the Republican majority has been resistant to extending funding for programs that cannot be maintained without future revenue increases.

Caltrain Transit Asset Management

The Federal Transit Administration (FTA) announced that a \$750,000 grant has been awarded to Caltrain to develop a comprehensive program to track the agency's maintenance needs. Caltrain was one of six recipients selected to receive a portion of the \$4 million FTA pilot program.

Prepared By: Seamus Murphy, Government Affairs Manager

650.508.6388

Peninsula Corridor Joint Powers Board State Legislative Matrix as of 8-22-11

Bill ID/Topic	Location	Summary	Position
<u>AB 16</u> <u>Perea D</u> High-Speed Rail Authority.	SENATE THIRD READING 7/12/2011 - Read second time. Ordered to third reading.	<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. The federal American Recovery and Reinvestment Act of 2009 (ARRA) provides funding for allocation nationally to high-speed rail projects.</p> <p>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>	
<u>AB 41</u> <u>Hill D</u> High-Speed Rail Authority: conflicts of interest: disqualification: ex parte communications.	SENATE THIRD READING 7/14/2011 - From consent calendar. Ordered to third reading.	<p>Existing provisions of the Political Reform Act of 1974 prohibit a public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest, as defined. Existing law also requires specified elected and appointed officers at the state and local level of government to disclose specified financial interests by filing periodic statements of economic interests. Existing law further requires public officials who hold specified offices and who have a financial interest in a decision within the meaning of the Political Reform Act of 1974 to publicly identify the financial interest giving rise to the conflict of interest or potential conflict of interest, recuse themselves from discussing and voting on the matter, and leave the room until after the discussion, vote, and other disposition of the matter is concluded, except as specified.</p> <p>This bill would add members of the High-Speed Rail Authority to those specified offices who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly. Last Amended on 6/9/2011</p>	
<u>AB 58</u> <u>Galgiani D</u> High-speed rail.	ASSEMBLY TRANS. 5/2/2011 - In committee: Set, second hearing. Hearing canceled at the request of author.	<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.</p> <p>This bill, for purposes of managing and administering the ongoing work of the authority in implementing the high-speed train project, would authorize the Governor, upon the recommendation of the executive director, to appoint up to 6 additional authority officers, exempt from civil service, who would serve in specified positions at the pleasure of the executive director. The bill would require a salary survey to be conducted to determine the compensation for the executive director and additional exempt officers, and would require the salaries to be established by the authority and approved by the Department of Personnel Administration. Last Amended on 3/16/2011</p>	

Peninsula Corridor Joint Powers Board State Legislative Matrix as of 8-22-11

Bill ID/Topic	Location	Summary	Position
<u>AB 105</u> Committee on Budget Transportation.	ASSEMBLY CHAPTERED 3/24/2011 - Chaptered by the Secretary of State, Chapter Number 6, Statutes of 2011	<p>Existing law provides for payment of current general obligation bond debt service for specified voter-approved transportation bonds from gasoline excise tax revenue in the Highway Users Tax Account and revenue in the Public Transportation Account, and requires the Controller to make specified transfers of revenues in that regard to the Transportation Debt Service Fund.</p> <p>Existing law, pursuant to the Budget Act of 2010, provides for a loan of \$761,639,000 from gasoline excise tax revenue in the Highway Users Tax Account to the General Fund, to be repaid with interest by June 30, 2013.</p> <p>This bill, in fiscal years 2010-11 and 2011-12, would require the Controller to transfer specified amounts of revenues deposited in the State Highway Account from vehicle weight fees to the Transportation Debt Service Fund to be used for reimbursement of the General Fund for payment of current general obligation bond debt service for specified voter-approved transportation bonds, in lieu of the previously authorized gasoline excise tax revenues and Public Transportation Account revenues. In subsequent years, the bill would require all vehicle weight fee revenues to be transferred for this purpose. The bill would make appropriations in this regard. The bill would require the Department of Finance to notify the Controller of the amount of debt service relating to expenditures for eligible mass transit guideway projects that may be paid from revenues restricted by Article XIX of the California Constitution. Last Amended on 3/16/2011</p>	
<u>AB 145</u> <u>Galgiani D</u> High-speed rail.	SENATE APPR. SUSPENSE FILE 8/15/2011 - In committee: Referred to APPR. suspense file.	<p>Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority with 9 members to develop and implement a high-speed train system in the state, with specified powers and duties. Existing law, pursuant to that act, specifies the powers and duties of the authority, which include entering into contracts with private and public entities for the design, construction, and operation of high-speed trains, the acquisition of rights-of-way through purchase or eminent domain, and the relocation of highways and utilities, among other things. Existing law requires the authority to adopt and submit to the Legislature, every 2 years, a business plan. Existing law authorizes the authority to appoint an executive director, and authorizes the Governor to appoint up to 6 additional persons exempt from civil service. Existing law provides for the authority to establish an independent peer review group. 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.</p> <p>This bill would repeal all of the provisions of the California High-Speed Rail Act. The bill would enact a new California High-Speed Rail Act. The bill would continue the High-Speed Rail Authority in existence with limited responsibilities and would place the authority within the Business, Transportation and Housing Agency. The 5 members of the authority appointed by the Governor would be subject to Senate confirmation, but existing members could continue to serve the remainder of their terms. The bill would authorize the authority to appoint an executive director, and would provide for the Governor to appoint up to 6 additional individuals exempt from civil service as authority staff. The bill would require the authority to adopt policies directing the development and implementation of high-speed rail, prepare and adopt a business plan and high-speed train capital program, establish a peer review group, select alignments for the routes of the high-speed train system established by law, adopt criteria for the award of franchises, and set fares or establish guidelines for the setting of fares. Last Amended on 7/13/2011</p>	

Peninsula Corridor Joint Powers Board State Legislative Matrix as of 8-22-11

Bill ID/Topic	Location	Summary	Position
<u>AB 147</u> <u>Dickinson D</u> Subdivisions.	ASSEMBLY ENROLLMENT 8/15/2011 - Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 50. Noes 27.).	<p>The Subdivision Map Act authorizes a local agency to require the payment of fees, to be used for various purposes, as a condition of approval of a final map or as a condition of issuing a building permit, including, among others, for purposes of defraying the actual or estimated cost of constructing bridges or major thoroughfares if specified conditions are met. The Mitigation Fee Act authorizes a local agency to charge a variety of fees, dedications, reservations, or other exactions in connection with the approval of a development project, as defined.</p> <p>This bill would authorize a local ordinance to require payment of a fee subject to the Mitigation Fee Act, as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing transportation facilities, as defined.</p> <p>Last Amended on 5/31/2011</p>	Support
<u>AB 296</u> <u>Skinner D</u> Building standards: cool pavement.	SENATE APPR. SUSPENSE FILE 7/11/2011 - In committee: Placed on APPR. suspense file.	<p>Existing law requires the Department of Transportation to adopt a balanced, multimodal research and development program, including the research and development of new technologies.</p> <p>This bill would establish the Cool Pavements Research and Implementation Act and would encourage the department to consult and coordinate with specified state agencies, to implement the act. The bill would require the department to publish or make available on the department's Internet Web site, by January 1, 2014, a Cool Pavements Handbook to detail specifications, testing protocols, and best practices for cool pavements.</p> <p>Last Amended on 6/21/2011</p>	
<u>AB 333</u> <u>Grove R</u> California Global Warming Solutions Act of 2006: cap-and-trade program.	ASSEMBLY NAT. RES. 6/28/2011 - In committee: Hearing postponed by committee. (Refers to 6/14/2011 hearing)	<p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. The act authorizes the state board, in furtherance of achieving the statewide greenhouse gas emissions limit by January 1, 2011, to adopt a regulation that establishes a system of market-based declining annual aggregate emission limits for sources or categories of sources that emit greenhouse gas emissions, applicable from January 1, 2012, to December 31, 2020, inclusive, that the state board determines will achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions, in the aggregate, from those sources or categories of sources. The act also authorizes the state board to include in its regulations the use of market-based compliance mechanisms to comply with the regulations, subject to prescribed requirements.</p> <p>This bill would require the state board to make findings and submit a status report to the Legislature no later than July 31, 2011, on the readiness of a proposed cap-and-trade program to begin January 1, 2012. The bill would authorize the board, if it makes a specified finding in the status report, to commence the cap-and-trade program after January 1, 2012, but no later than January 1, 2013. The bill would require the board to provide an annual cap-and-trade status report to the Legislature. Last Amended on 5/11/2011</p>	

Peninsula Corridor Joint Powers Board State Legislative Matrix as of 8-22-11

Bill ID/Topic	Location	Summary	Position
<u>AB 426</u> <u>Lowenthal,</u> <u>Bonnie D</u> Transit fare evasion.	ASSEMBLY CHAPTERED 7/25/2011 - Chaptered by the Secretary of State, Chapter Number 100, Statutes of 2011	<p>Existing law authorizes certain transit operators 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 otherwise applicable, 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.</p> <p>This bill would authorize the Southern California Regional Rail Authority and the North County Transit District to adopt and enforce such an ordinance. The bill would provide that a person cited under these ordinances adopted by transit operators shall be afforded an opportunity to complete the administrative process under the circumstances set forth in the ordinance. The bill would require an entity that adopts such an ordinance to submit a report to specified committees of the Legislature both 2 and 5 years after the adoption of the ordinance, as specified. Last Amended on 6/10/2011</p>	
<u>AB 427</u> <u>John A. Pérez D</u> Transportation bond funds: transit system safety.	SENATE THIRD READING 8/17/2011 - Read second time. Ordered to third reading.	<p>Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes the issuance of \$19.925 billion of general obligation bonds for specified purposes. Existing law requires the deposit of \$1 billion of the bond proceeds in the Transit System Safety, Security, and Disaster Response Account to be used, upon appropriation, for capital projects that provide increased protection against a security and safety threat, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems that can move people, goods, and emergency personnel and equipment in the aftermath of a disaster impairing that movement. Existing law designates the California Emergency Management Agency as the administrative agency for this account and requires the allocation of 60% of the funds in the account for capital expenditures to transit operators and other transportation agencies using the allocation formulas applicable to the State Transit Assistance Program, and 15% of the funds for capital expenditures to specified intercity passenger rail systems and commuter rail systems. Existing law requires allocation of the 60% share of funds based on 2 different formulas also used for the State Transit Assistance program, with 50% of available funds allocated based on population and the remaining 50% based on operator revenue. Existing law provides that entities that receive bond funds from the 15% share for intercity passenger rail systems and commuter rail systems are not eligible for the 60% share of funds.</p> <p>This bill would provide that commuter rail operators eligible to receive State Transit Assistance funds are also eligible to receive funds from the 60% share of Transit System Safety, Security, and Disaster Response Account funds. The bill would require funds that otherwise would be allocated based on operator revenue for the Southern California Regional Rail Authority (SCRRA) to be allocated to the applicable county transportation commission. The bill would authorize the applicable commission to allocate those funds to eligible purposes, including eligible projects of the SCRRA, or to sub-allocate those funds to the SCRRA. This bill would delete the provision making intercity and commuter rail entities receiving bond funds from the 15% share of funds ineligible for the 60% share of funds. Last Amended on 8/15/2011</p>	

Peninsula Corridor Joint Powers Board State Legislative Matrix as of 8-22-11

Bill ID/Topic	Location	Summary	Position
<u>AB 485</u> <u>Ma D</u> Infrastructure financing.	SENATE THIRD READING 7/11/2011 - Read second time. Ordered to third reading.	<p>The Transit Village Development Planning Act of 1994 authorizes a city or county to create a transit village plan for a transit village development district that addresses specified characteristics. Existing law authorizes the legislative body of the city or county to adopt an infrastructure financing plan, create an infrastructure financing district, and issue bonds for which only the district is liable, to finance specified public facilities, upon voter approval.</p> <p>This bill would eliminate the requirement of voter approval for the adoption of an infrastructure financing plan, the creation of an infrastructure financing district, and the issuance of bonds with respect to a transit village development district. The bill would require a city or county that uses infrastructure financing district bonds to finance its transit village development district to use at least 20% of the revenue from those bonds for the purposes of increasing, improving, and preserving the supply of lower and moderate-income housing; to require that those housing units remain available and occupied by moderate-, low-, very low, and extremely low income households for at least 55 years for rental units and 45 years for owner-occupied units; and to rehabilitate, develop, or construct for rental or sale to persons and families of low or moderate income an equal number of replacement dwellings to those removed or destroyed from the low- and moderate-income segment of the housing market as a result of the development of the district, as specified. The bill would set forth the findings and declarations of the Legislature, and the intent of the Legislature that the development of transit village development districts be environmentally conscious and sustainable, and that related construction meet or exceed the requirements of the California Green Building Standards Code.</p> <p>Last Amended on 6/29/2011</p>	Support
<u>AB 492</u> <u>Galgiani D</u> High-Speed Rail Authority.	SENATE RLS. 6/27/2011 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS.	<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.</p> <p>This bill would require the authority to consider, to the extent permitted by federal and state law, the creation of jobs and participation by small business enterprises in California when awarding major contracts or purchasing high-speed trains. The bill would require the authority to appoint a small business enterprise advisory committee.</p> <p>Last Amended on 6/27/2011</p>	

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Bill ID/Topic	Location	Summary	Position
<u>AB 508</u> <u>Swanson D</u> Displaced public transit, solid waste handling, and recycling services employees.	SENATE APPR. 7/6/2011 - In committee: Set, first hearing. Hearing canceled at the request of author.	<p>Existing law requires a local government agency letting a public transit service contract out to bid to give a bidding preference for contractors and subcontractors who agree to retain, for a period of at least 90 days, certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor. Under this law, contractors or subcontractors who agree to retain employees must offer employment to those employees except for reasonable and substantiated cause. Additionally, the law provides that if a successor contractor or subcontractor determines that fewer employees are needed than under the prior contract, qualified employees must be retained by seniority within the job classification. Further, the existing contractor, when required by the awarding authority, must provide employment information relating to wage rates, benefits, dates of hire, and job classifications of employees under the existing service contract to the awarding authority or a successor contractor.</p> <p>This bill would add employees of solid waste handling and recycling contractors and subcontractors to those provisions. By requiring local agencies to give a bidding preference to such contractors and subcontractors, this bill would impose a state-mandated local program.</p>	
<u>AB 516</u> <u>V. Manuel</u> <u>Pérez D</u> Safe routes to school.	ASSEMBLY CONCURRENCE 8/18/2011 - In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 20 pursuant to Assembly Rule 77.	<p>Existing law requires the Department of Transportation, in consultation with the California Highway Patrol, to establish and administer a "Safe Routes to School" program for construction of bicycle and pedestrian safety and traffic calming projects, and to award grants to local agencies in that regard from available federal and state funds, based on the results of a statewide competition. Existing law requires the department to rate proposals submitted by applicants using specified factors. One of the factors relates to consultation and support for projects by school-based organizations, local traffic engineers, local elected officials, law enforcement agencies, school officials, and other relevant community stakeholders.</p> <p>This bill would delete that factor and instead substitute a factor relating to use of a specified public participation process, with involvement by the public, schools, parents, teachers, local agencies, the business community, key professionals, and others, which process identifies community priorities, ensures those priorities are reflected in the proposal, and secures support for the proposal by relevant community stakeholders. The bill would add another factor relating to benefit of a proposal to a low-income school, as defined, and would make other related changes. Last Amended on 7/14/2011</p>	
<u>AB 551</u> <u>Campos D</u> Public contracts: prevailing wage requirements: violations.	SENATE THIRD READING 8/17/2011 - Read second time. Ordered to third reading.	<p>Existing law generally requires that not less than the general prevailing rate of per diem wages, as specified, be paid to workers employed on a public work, as defined. Existing law requires a contractor or subcontractor to submit, to the state or political subdivision on whose behalf a public work is being performed, a penalty of not more than \$50 per calendar day, and not less than \$10 per calendar day except in certain cases of a good faith mistake, as provided and determined by the Labor Commissioner, for violations of these prevailing wage provisions.</p> <p>This bill would increase that maximum penalty to \$200 for each calendar day and would increase the minimum penalty except in certain cases of a good faith mistake to no less than \$40 for each calendar day. The bill would also increase the penalty assessed to contractors and subcontractors with prior violations from \$20 to \$80, and from \$30 to \$120 for willful violations. Last Amended on 6/29/2011</p>	

Peninsula Corridor Joint Powers Board State Legislative Matrix as of 8-22-11

Bill ID/Topic	Location	Summary	Position
<u>AB 615</u> <u>Lowenthal,</u> <u>Bonnie D</u> High-speed rail.	SENATE APPR. 8/16/2011 - In committee: Hearing postponed by committee. (Refers to 8/15/2011 hearing)	<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, including the acquisition of rights-of-way through purchase and eminent domain. 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 for high-speed train capital projects and other associated purposes.</p> <p>This bill would enact similar exceptions, authorizations, and exemptions relative to real property obtained for high-speed rail purposes by the High-Speed Rail Authority. The bill would also enact new provisions governing acquisition or disposal of right-of-way property by the authority, and would require the authority to provide a record of real property parcels it owns to the Department of General Services by July 1, 2014, and annually thereafter. The bill would require payments for leases or other conveyances of property controlled by the authority to be deposited with the authority for use in development, improvement, and maintenance of the high-speed rail system. The bill would require the authority to exercise all of these powers pursuant to a contract between the authority and the Department of Transportation, and would require the department to carry out the responsibilities relating to the exercise of those powers on behalf of the authority pursuant to that contract. Last Amended on 7/13/2011</p>	
<u>AB 650</u> <u>Blumenfield D</u> Blue Ribbon Task Force on Public Transportation for the 21st Century.	SENATE APPR. SUSPENSE FILE 8/15/2011 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re- referred to Com. on APPR. In committee: Referred to APPR. suspense file.	<p>Existing law establishes various boards and commissions within state government. Existing law establishes various transit districts and other local entities for development of public transit on a regional basis and makes various state revenues available to those entities for those purposes. Existing law declares that the fostering, continuance, and development of public transportation systems are a matter of statewide concern. The Public Transportation Account (PTA) is designated as a trust fund and funds in the account shall be available only for specified transportation planning and mass transportation purposes.</p> <p>This bill would establish, until March 30, 2013, the Blue Ribbon Task Force on Public Transportation for the 21st Century. The bill would require the task force to be comprised of 12 members and would require the Senate Committee on Rules and the Speaker of the Assembly to each appoint 6 specified members, by January 31, 2012. The bill would require the task force to elect one of its non-legislative members as chair. The bill would require the task force to issue a written report that contains specified findings and recommendations relating to, among other things, the current state of California's transit system, the estimated cost of creating the needed system over various terms, and potential sources of funding to sustain the transit system's needs, and to submit the report by September 30, 2012, to the Governor, the Legislature, the Joint Legislative Budget Committee, the Senate Committee on Rules, the Speaker of the Assembly, and the transportation committees of the Legislature. The bill would require the task force, for purposes of collecting information for the written report, to consult with appropriate state agencies and departments and would require the task force to contract with consultants for preparation of the report. The bill would require the Department of Transportation to provide administrative staffing to the task force. The bill would appropriate \$750,000 from the PTA to the department, as specified, to accomplish the purposes of these provisions. Last Amended on 8/15/2011</p>	Support

Peninsula Corridor Joint Powers Board State Legislative Matrix as of 8-22-11

Bill ID/Topic	Location	Summary	Position
<u>AB 710</u> <u>Skinner D</u> Local planning: infill and transit-oriented development.	SENATE SECOND READING 8/18/2011 - Read third time and amended. Ordered to second reading.	<p>The Planning and Zoning Law requires specified regional transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, and requires the regional transportation plan to include, among other things, a sustainable communities strategy, for the purpose of using local planning to reduce greenhouse gas emissions.</p> <p>This bill would state the findings and declarations of the Legislature with respect to parking requirements and infill and transit-oriented development, and would state the intent of the Legislature to reduce unnecessary government regulation and to reduce the cost of development by eliminating excessive minimum parking requirements for infill and transit-oriented development. This bill would also express a legislative finding and declaration that its provisions shall apply to all cities, including charter cities. Last Amended on 8/18/2011</p>	
<u>AB 845</u> <u>Ma D</u> Transportation: bond funds.	SENATE THIRD READING 8/16/2011 - Read second time. Ordered to third reading.	<p>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, including \$950 million to be allocated by the California Transportation Commission to eligible recipients for capital improvements to intercity and commuter rail lines and urban rail transit systems in connection with or otherwise related to the high-speed train system. Of this amount, 80% is to be allocated to eligible commuter and urban rail recipients based on track miles, vehicle miles, and passenger trips pursuant to guidelines to be adopted by the commission. A dollar-for-dollar match is to be provided by a commuter and urban rail recipient for bond funds received.</p> <p>This bill would require the guidelines adopted by the commission to determine the funding share for each eligible commuter and urban rail recipient to use the distribution factors gathered from the 2007 Data Tables of the National Transit Database of the Federal Transit Administration. The bill would require the commission to accept from each eligible recipient a priority list of projects up to the target amount expected to be available for the recipient and would require matching funds provided by the recipient to be from nonstate funds. The bill would define "nonstate matching funds" for purposes of these bond fund allocations to mean local, federal, and private funds, as well as state funds available to an eligible recipient that are not subject to allocation by the commission. Last Amended on 5/10/2011</p>	
<u>AB 892</u> <u>Carter D</u> Department of Transportation: environmental review process: federal pilot program.	SENATE THIRD READING 8/17/2011 - Read second time. Ordered to third reading.	<p>Existing law gives the Department of Transportation full possession and control of the state highway system. Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery pilot program, under which the participating states assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Existing law requires the department to submit a report to the Legislature regarding state and federal environmental review. Existing law requires the report to be submitted no later than January 1, 2009, and again, no later than January 1, 2011.</p> <p>This bill would, instead, require the report to be submitted no later than January 1, 2016. Last Amended on 7/13/2011</p>	Support

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Bill ID/Topic	Location	Summary	Position
<u>AB 912</u> <u>Gordon D</u> Local government: organization.	ASSEMBLY CHAPTERED 7/25/2011 - Chaptered by the Secretary of State, Chapter Number 109, Statutes of 2011	<p>The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires a local agency formation commission, where the commission is considering a change of organization that consists of a dissolution, disincorporation, incorporation, establishment of a subsidiary district, consolidation, or merger, to either order a change of organization subject to confirmation of the voters, as specified, or order the change of organization without an election if the change of organization meets certain requirements.</p> <p>This bill would authorize the commission, where the commission is considering a change of organization that consists of the dissolution of a district that is consistent with a prior action of the commission, to immediately order the dissolution if the dissolution was initiated by the district board, or if the dissolution was initiated by an affected local agency, by the commission, or by petition, hold at least one noticed public hearing on the proposal, and order the dissolution without an election, unless a majority protest exists, as specified. Last Amended on 5/27/2011</p>	
<u>AB 952</u> <u>Jones R</u> High-speed rail.	SENATE CONSENT CALENDAR 8/17/2011 - Ordered to special consent calendar.	<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. Members of the authority are subject to the Political Reform Act of 1974.</p> <p>This bill would prohibit a member, employee, or consultant of the authority from being the recipient of any gift, as defined, in a specified provision of the act. The bill would prohibit a construction company, engineering firm, consultant, legal firm, or any other company, vendor, or business entity with a contract or seeking a contract with the authority, or subcontractor of any of the foregoing, or owner, employee, or any member of their immediate families of any of these companies, firms, vendors, entities, or subcontractors, from making any gift to a member, employee, or consultant of the authority, or to any member of their immediate families. The bill would authorize the authority itself to receive gifts, and to transfer those gifts as specified, with the written approval of the Department of Finance. Last Amended on 8/16/2011</p>	
<u>AB 957</u> Committee on Transportation Transportation omnibus bill.	SENATE APPR. SUSPENSE FILE 8/15/2011 - Action From APPR: To APPR. SUSPENSE FILE.	<p>Existing law, the Sacramento Regional Transit District Act, creates the Sacramento Regional Transit District, with specified powers and duties relative to providing transit services in the Sacramento region. Existing law provides that the district is comprised of specified cities and unincorporated territories in the Counties of Sacramento and Yolo. Existing law sets forth provisions for transition from the Sacramento Transit Authority to the district and also sets forth provisions applicable to the establishment of the first board of the district.</p> <p>This bill would provide that the district includes the Cities of Citrus Heights, Elk Grove, Rancho Cordova, and West Sacramento. The bill would delete obsolete provisions relating to the transition from the authority to the district and establishment of the district's first board. Last Amended on 7/7/2011</p>	
<u>AB 1092</u> <u>Lowenthal,</u> <u>Bonnie D</u> High-speed rail.	SENATE RULES 6/16/2011 - Referred to Com. on RLS.	<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.</p> <p>This bill would require the authority to report bi-annually to the Legislature beginning March 1, 2012, on the status of the project, including overall progress, the project budget, expenditures to date, a comparison of the current and project work schedule and the baseline schedule contained in the 2009 business plan, project milestones, and other related issues.</p>	

Peninsula Corridor Joint Powers Board State Legislative Matrix as of 8-22-11

Bill ID/Topic	Location	Summary	Position
<u>AB 1097</u> <u>Skinner D</u> Transit projects: domestic content.	SENATE THIRD READING 8/18/2011 - Read second time. Ordered to third reading.	<p>Existing law creates the Business, Transportation and Housing Agency with various departments of state government that report to the agency secretary. Existing law provides various sources of funding for transit projects.</p> <p>This bill would require the Secretary of Business, Transportation and Housing to specifically authorize a state or local agency receiving federal funds for transit purposes to provide a bidding preference to a bidder if the bidder exceeds Buy America requirements applicable to federally funded transit projects. Last Amended on 8/17/2011</p>	Support
<u>AB 1105</u> <u>Gordon D</u> High-occupancy toll lanes: roadway markings.	ASSEMBLY CHAPTERED 7/25/2011 - Chaptered by the Secretary of State, Chapter Number 114, Statutes of 2011	<p>Existing law authorizes the Santa Clara Valley Transportation Authority (VTA) to conduct, administer, and operate a value pricing high-occupancy toll (HOT) lane program on 2 corridors included in the high-occupancy vehicle lane system in Santa Clara County.</p> <p>This bill would provide that such a HOT lane established on State Highway Route 101 may extend into San Mateo County as far as the high-occupancy vehicle lane in that county existed as of January 1, 2011, subject to agreement of the City/County Association of Governments of San Mateo County. Last Amended on 4/13/2011</p>	Support
<u>AB 1164</u> <u>Gordon D</u> Federal transportation funds.	SENATE THIRD READING 8/17/2011 - Read second time. Ordered to third reading.	<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.</p> <p>This bill would enact similar provisions authorizing the department, until September 30, 2015, to make loans from the State Highway Account of other specified federal transportation funds to fund bond-funded projects pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 , if the department has determined the loans will not impact the funding other programs or projects, as specified, and only under circumstances in which federal funds might otherwise be lost, as specified . The bill would appropriate those federal transportation funds in the State Highway Account for these purposes and would require those funds to be obligated to advance the bond-funded projects, as specified. The bill would require the loans to be repaid to the State Highway Account within 3 years from the proceeds of bonds sold pursuant to the bond act and would provide for the appropriation of those repaid funds to the department for use on projects in the state highway operation and protection program or the local assistance program, as specified. The bill would require the department to report to the Joint Legislative Budget Committee each year that federal transportation funds are loaned pursuant to these provisions. Last Amended on 8/15/2011</p>	

Peninsula Corridor Joint Powers Board State Legislative Matrix as of 8-22-11

Bill ID/Topic	Location	Summary	Position
<u>AB 1229</u> <u>Feuer D</u> Transportation: financing: federal highway grant anticipation notes.	SENATE APPR. SUSPENSE FILE 8/15/2011 - Action From APPR: To APPR. SUSPENSE FILE.	<p>Existing law continuously appropriates the amounts specified in the annual Budget Act as having been deposited in the State Highway Account from federal transportation funds, and pledged by the California Transportation Commission, to the Treasurer for the purposes of issuing federal highway grant anticipation notes, commonly known as GARVEE bonds, to fund transportation projects selected by the commission. Existing law defines an "eligible project" for these purposes as the federally funded portion of a highway or other transportation project that has been designated for accelerated construction by the commission, and increases the capacity, reduces the travel time, or provides long-life rehabilitation of the key bridges and roadways of a corridor or gateway for interregional travel and movement of goods. Existing law prohibits the Treasurer from authorizing the issuance of the notes if the annual repayment obligations of all outstanding notes in any fiscal year would exceed 15% of the total amount of federal transportation funds deposited in the account for any consecutive 12-month period within the preceding 24 months.</p> <p>This bill would provide that an "eligible project" may include projects programmed by a regional transportation planning agency using its share of apportionments of federal regional surface transportation program funds or congestion mitigation and air quality funds, as specified. The bill would authorize no more than 50% of bonding capacity of GARVEE bonds from being made available for these projects and would require the commission to require a regional transportation planning agency to commit to repaying the state for debt service if that agency's share of federal regional surface transportation program funds or federal congestion mitigation and air quality funds is insufficient to repay the GARVEE bonds or if a portion of the project costs is ineligible for federal funding. The bill would, for such a repayment by a regional transportation planning agency, authorize the commission to amend into the State Transportation Improvement Program some or all of the funds necessary for the repayment to be counted against the county share of State Transportation Improvement Program funds for the county in which the project is located. By expanding the types of projects for which GARVEE bonds may be used, the bill would make an appropriation. Last Amended on 6/21/2011</p>	
<u>AB 1388</u> <u>Wieckowski D</u> Earnings withholding orders.	SENATE THIRD READING 6/29/2011 - Read second time. Ordered to third reading.	<p>Existing law requires an employer to withhold the amounts required by an earnings withholding order from all earnings of the employee payable for any pay period of the employee that ends during the withholding period. Under existing law, the portion of the judgment debtor's earnings that the judgment debtor proves is necessary for the support of the judgment debtor or the judgment debtor's family supported in whole or in part by the judgment debtor is exempt from the levy of an earnings withholding order. This exemption is not available if the debt was incurred for the common necessities of life furnished to the judgment debtor or the family of the judgment debtor.</p> <p>This bill would delete that exception for the common necessities of life. This bill would, instead, provide an exception for a debt incurred pursuant to an order or award for the payment of attorney's fees in connection with certain family law proceedings. Last Amended on 6/10/2011</p>	

Peninsula Corridor Joint Powers Board State Legislative Matrix as of 8-22-11

Bill ID/Topic	Location	Summary	Position
<u>ABX1 8</u> <u>Ma D</u> Transportation bond funds.	ASSEMBLY PRINT 12/7/2010 - From printer.	Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes the issuance of general obligation bonds for various transportation purposes. Existing law requires that \$1,000,000,000 of those funds be deposited in the Transit System Safety, Security, and Disaster Response Account, administered by the California Emergency Management Agency (Cal EMA), for capital projects that provide increased protection against a security and safety threat, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems, as specified. Existing law requires 25% of the available funds to be allocated to certain regional public waterborne transit agencies. Existing law requires entities receiving funds from the account to expend those funds within 3 fiscal years of the fiscal year in which the funds were allocated and requires that funds remaining unexpended after those 3 years revert to Cal EMA for reallocation in subsequent fiscal years. This bill would declare that it is to take effect immediately (urgency clause).	
<u>AJR 5</u> <u>Lowenthal,</u> <u>Bonnie D</u> Transportation revenues.	ASSEMBLY CHAPTERED 6/8/2011 - Chaptered by the Secretary of State, Chapter Number 29, Statutes of 2011	This measure would request the President and the Congress of the United States to consider and enact legislation to conduct a study regarding the feasibility of the collection process for a transportation revenue source based on vehicle miles traveled, in order to facilitate the creation of a reliable and steady transportation funding mechanism for the maintenance and improvement of surface transportation infrastructure. Last Amended on 3/29/2011	
<u>SB 46</u> <u>Correa D</u> Public officials: compensation disclosure.	SENATE THIRD READING 6/6/2011 - Read second time. Ordered to third reading.	Existing provisions of the Political Reform Act of 1974 require certain persons employed by agencies to file annually a written statement of the economic interests they possess during specified periods. The act requires that state agencies promulgate a conflict of interest code that must contain, among other topics, provisions that require designated employees to file statements disclosing reportable investments, business positions, interests in real property, and income. The act requires that every report and statement filed pursuant to the act is a public record and is open to public inspection. This bill would, commencing on January 1, 2013, and continuing until January 1, 2019, require every designated employee and other person, except a candidate for public office, who is required to file a statement of economic interests to include, as a part of that filing, a compensation disclosure form that provides compensation information for the preceding calendar year, as specified. Last Amended on 6/2/2011	

Peninsula Corridor Joint Powers Board State Legislative Matrix as of 8-22-11

Bill ID/Topic	Location	Summary	Position
<u>SB 50</u> <u>Correa D</u> Lobbyist employers: gifts.	ASSEMBLY RLS. 6/23/2011 - Re-referred to Com. on RLS.	<p>The Political Reform Act of 1974 regulates the receipt of gifts by public officials and also regulates the activities of members of the lobbying industry, including lobbyist employers. Under existing law, public officials are prohibited from accepting gifts from any single source in any calendar year with a total value of more than \$250, as adjusted biennially by the Fair Political Practices Commission. Existing law also prohibits a lobbyist or lobbying firm from giving gifts to a public official aggregating more than \$10 in a calendar month or from acting as an agent or intermediary in the making of any gift or arranging for the making of any gift by any other person.</p> <p>This bill would prohibit a lobbyist, lobbying firm, or lobbyist employer from giving to an elected state officer or a member of that officer's immediate family, and would prohibit an elected state officer from accepting from a lobbyist, lobbying firm, or lobbyist employer, certain gifts, including tickets to specified venues and events, spa treatments, recreational trips, and gift cards. However, under the bill, these prohibitions would not apply to a fundraising event for a bona fide charitable organization.</p> <p>Last Amended on 6/20/2011</p>	
<u>SB 126</u> <u>Steinberg D</u> California Transportation Commission: guidelines.	ASSEMBLY THIRD READING 8/15/2011 - From consent calendar. Ordered to third reading.	<p>Existing law generally provides for programming and allocation of state and federal funds available for transportation capital improvement projects by the California Transportation Commission, pursuant to various requirements. Existing law authorizes the commission, in certain cases, to adopt guidelines relative to its programming and allocation policies and procedures.</p> <p>This bill would establish specified procedures that the commission would be required to utilize when it adopts guidelines, except as specified, and would exempt the adoption of those guidelines from the requirements of the Administrative Procedure Act.</p>	
<u>SB 310</u> <u>Hancock D</u> Local development.	ASSEMBLY THIRD READING 7/7/2011 - Read second time. Ordered to third reading.	<p>Existing law authorizes the legislative body of a city or county to adopt an infrastructure financing plan, which is required to contain specified information, for the purpose of financing certain infrastructure facilities, if specified procedural requirements are met, and requires the legislative body, if it adopts the plan, to submit the proposal to the voters. Existing law authorizes the legislative body to create an infrastructure financing district, by ordinance, if 2/3 of the qualified electors of the proposed district vote in favor of adoption of the plan, and also authorizes the legislative body to initiate proceedings to issue bonds to finance the infrastructure facilities if 2/3 of those electors vote in favor of the issuance. Existing law authorizes infrastructure finance districts to finance specified projects, including financing certain infrastructure facilities.</p> <p>This bill would eliminate the voter approval requirement and authorize the legislative body to create the district, adopt the plan, and issue bonds by resolutions. Last Amended on 6/20/2011</p>	

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

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

SUBJECT: **CAPITAL PROJECTS QUARTERLY STATUS REPORT –
4TH QUARTER FISCAL YEAR 2011**

ACTION

No action required. The attached Capital Projects Quarterly Status Report is submitted to the Board for information only.

SIGNIFICANCE

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

BUDGET IMPACT

There is no impact on the budget.

BACKGROUND

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

The report can be viewed at the following link:

http://www.caltrain.com/Assets/_Finance/Quarterly+Capital+Program+Status+Report/Q4+Quarterly+Report.pdf