



# AGENDA

## PENINSULA CORRIDOR JOINT POWERS BOARD

Bacciocco Auditorium, 2<sup>nd</sup> Floor  
1250 San Carlos Avenue, San Carlos CA 94070

January 3, 2013 – Thursday

10:00 a.m.

1. Pledge of Allegiance

2. Call to Order/Roll Call

3. Report from Nominating Committee (Cohen, Deal, Kalra) –  
Election of 2013 Officers

MOTION

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

RESOLUTIONS

- a) Approval of Minutes of December 6, 2012
- b) Adoption of the Amended Conflict of Interest Code
- c) Authorize Execution of a Highway-Railroad Crossing Safety Account (HRCSA) Agreement to Receive \$9 Million in Proposition 1B Highway-Railroad Crossing Safety Account Bond Funds from the California Department of Transportation for the San Mateo Bridges Project
- d) Authorize the Filing of Applications for State Proposition 1B Transit Security Grant Program Funds to Receive \$939,246 in Fiscal Year 2012/2013 for Transportation Security Projects
- e) Authorize Entering into a Grant Agreement with the Bay Area Air Quality Management District to Receive an Award of Carl Moyer Funds, up to an Amount of \$330,000 for the Wayside Power Project at the San Jose Diridon Caltrain Station

6. Chairperson's Report  
a) Resolution of Appreciation to Outgoing Chair Adrienne Tissier

RESOLUTION

7. Report of the Citizens Advisory Committee

8. Report of the Executive Director

Peninsula Corridor Joint Powers Board  
January 3, 2013 Agenda

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|---|---------------|
| 9. Corridor Electrification Environmental Process   | INFORMATIONAL |
| 10. Update on Federal Transit Administration Title VI Requirements  | INFORMATIONAL |
| 11. Acceptance of Statement of Revenues and Expenses for November 2012  | MOTION        |
| 12. Adoption of a New Farebox Recovery Rate Goal of 45 to 65 Percent  | RESOLUTION    |
| 13. Authorize Exercise of Option 1 (A), Phase 2, with Parsons Transportation Group to the Contract for a Communications-based Overlay Signal System/Positive Train Control in the Estimated Amount of \$35.3 Million                    | RESOLUTION    |
| 14. Authorize Award of Contracts to Holland & Knight, LLP in the Firm-Fixed Price of \$300,000 and Kadesh & Associates, LLC for the Firm-Fixed Price of \$265,404 to Provide Federal Legislative Advocacy Services for a Five-year Term | RESOLUTION    |
| 15. Legislative Update  | INFORMATIONAL |
| 16. Correspondence  |               |
| 17. Board Member Requests   |               |
| 18. General Counsel Report  |               |
| 19. Date/Time of Next Meeting: Thursday, February 7, 2013, 10 a.m.<br>at San Mateo County Transit District Administrative Building,<br>Bacciocco Auditorium, 2 <sup>nd</sup> Floor, 1250 San Carlos Avenue,<br>San Carlos, CA 94070     |               |
| 20. Adjourn   |               |

### **INFORMATION FOR THE PUBLIC**

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

If you have questions on the agenda, please contact the JPB Secretary at 650.508.6242. Agendas are available on the Caltrain website at [www.caltrain.com](http://www.caltrain.com).

#### **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](mailto: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**

**Minutes  
December 6, 2012**

**MEMBERS PRESENT:** M. Cohen, J. Deal, A. Kalra, L. Kniss, A. Lloyd, T. Nolan,  
A. Tissier, K. Yeager

**MEMBERS ABSENT:** J. Cisneros

**STAFF PRESENT:** J. Averill, J. Cassman, A. Chan, G. Harrington, C. Harvey,  
R. Haskin, M. Lee, M. Martinez, N. McKenna, D. Miller,  
M. Scanlon, M. Simon, J. Slavitt

Chair Adrienne Tissier called the meeting to order at 10:04 a.m. and led the Pledge of Allegiance.

**PUBLIC COMMENT**

Vaughn Wolfe, Pleasanton, said staff can't predict ridership growth when fares are increased and on-time performance decreases, but ridership still increases. He said with the fiscal cliff looming the Metropolitan Transportation Commission (MTC) should seek an increase in the Federal gas tax. Mr. Wolfe said with the supermajority in the State Legislature it might be time to push for a state bank.

Doug DeLong, Mountain View, said Caltrain is experiencing a success disaster. There is a very pressing, much shorter term problem that needs to be addressed. He said there needs to be a list of options for the Board to consider addressing the crush of passengers and poor on-time performance.

Jeff Carter, Millbrae, said ridership keeps going up and unfortunately the design of the gallery cars slows boarding. He thanked the Silicon Valley Community Foundation (SVCF) for helping to bring the Holiday Train back this year.

Roland LeBrun, San Jose, said thank you for listening to people and showing how High Speed Rail (HSR) can run to the Downtown Extension. He said staff is proposing to close Quint Street and replace the bridge with a berm. Mr. LeBrun said the consultants have completely ignored the Station Master Plan including access to the Transbay Terminal if there are no passing tracks. He said it would be nice if a member of the public could have access to audio visual equipment at Board meetings.

**CONSENT CALENDAR**

Public Comment

Roland LeBrun, San Jose said on page 8 of 10 he was referring to deliverables not variables.

Doug DeLong, Mountain View said on page 9, his comment supporting the choice of

the ITS architecture for the Communications-based Overlay Signal System (CBOSS) being an off the shelf solution that is in service on some existing properties in Michigan and Illinois was omitted.

- a. Approval of Amended Minutes of November 1, 2012

A motion (Nolan/Kniss) to approve the consent calendar was approved unanimously.

#### **CHAIRPERSONS REPORT**

##### **Appointment of Nominating Committee for 2013 Officers**

Chair Tissier said she is appointing Directors Malia Cohen, Jerry Deal and Ash Kalra to the Nominating Committee.

##### **Resolution of Appreciation to Outgoing Director Liz Kniss**

Chair Tissier presented Director Liz Kniss with a Resolution of Appreciation and a train plaque.

A motion (Lloyd/Nolan) to approve the Resolution of Appreciation to Outgoing Director Liz Kniss was approved unanimously.

Director Kniss thanked everyone and said it was an extraordinary experience being part of this Board. She hopes ridership increases get people off the roads to reduce greenhouse gases.

#### Public Comment

Adina Levin, Friends of Caltrain, said it is sad to see Director Kniss leave the Board. It was great to see someone on the Board using the service.

#### **REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)**

CAC Chair Paul Bendix said at its November 14 meeting, the CAC:

- Received a presentation on Caltrain Modernization from Director, Government and Community Affairs Seamus Murphy. The CAC learned the mechanism for using San Mateo County Transportation Authority Measure A funds for grade separations.
- The committee representative from Gilroy said there is a housing boom and more incentives are in place for transit friendly housing, but there is less transit with cuts from Caltrain and Santa Clara Valley Transportation Authority (VTA).

#### **REPORT OF THE EXECUTIVE DIRECTOR**

Executive Director Michael Scanlon reported:

- Thanked Director Kniss for her service, saying she displayed extraordinary courage by supporting the nine-party Memorandum of Understanding (MOU) while running for local office in the city of Palo Alto.
- October numbers should be tempered by the Giants Post-Season and World Series parade, which led to unusually large ridership increases for the month because those events didn't occur in 2011.
- Key Caltrain Performance Statistics

- Monthly Performance Statistics – October 2012 compared to October 2011
  - Total Ridership was 1,428,466, an increase of 24 percent.
  - Average Weekday Ridership was 51,716, an increase of 21.3 percent.
  - Total Revenue was \$6,409,705, an increase of 33.3 percent.
  - On-time Performance was 83 percent, a decrease of 11.9 percent.
  - Caltrain Shuttle Ridership was 9,187, an increase of 19.7 percent.
- Year-to-date Performance Statistics – October 2012 compared to October 2011
  - Total Ridership was 5,374,863, an increase of 12.9 percent.
  - Average Weekday Ridership was 49,945, an increase of 12.7 percent.
  - Total Revenue was \$24,075,236, an increase of 19.7 percent.
  - On-time Performance was 89 percent, a decrease of 4.2 percent.
  - Caltrain Shuttle Ridership was 8,820, an increase of 28.8 percent.
- The system is pretty stretched and strained. In November, 16 days operated at 95 percent and the other half over 95 percent. Staff is watching the on-time performance very closely.
- The Bicycle Advisory Committee met on November 15 and received presentations on real-time information and ticket vending machine (TVM) replacement. Election of officers will take place at the January 17 meeting.
- A Sunday service was operated on Thanksgiving Day and a Saturday service for the day after. Ridership was up significantly, but less than a normal weekday.
- Baseball service was provided for the Red Bull Flugtag Challenge with an additional 7,300 riders.
- Upcoming special service:
  - Baseball service will be provided for the Kraft Fight Hunger Bowl at AT&T Park on December 29 featuring Navy and Arizona State.
  - Regular service will be operated on Christmas Eve.
  - A Sunday schedule will operate on New Year's Day. Four post-fireworks specials will operate on New Year's Eve with free fares after 11 p.m.
- Work on the San Bruno Grade Separation Project continues.
- Train and station advertising continues to be a good story. Samsung has a wrapped train running through the end of December. This is an eight week campaign bringing in about \$70,000. They also are participating in an advertising saturation at the San Francisco 4<sup>th</sup> and King Station and this five month campaign generated \$62,000 in revenue.
- Customer Satisfaction Survey is occurring now and is an important part of the TransitAmerica Services contract.
- The Holiday Train returned on December 1 and 2. The SVCF donated \$50,000 to help bring back the event. Approximately 3,000 toys were collected. Biggest collection locations were Mountain View, San Mateo, Menlo Park and Burlingame. For the first time the Holiday Train had a fundraising component and an additional \$30,000 has been raised. Executive Officer, Public Affairs Mark Simon showed a few pictures from the event.
- The reading file contains correspondence and the October Safety and Security Report.

### Caltrain Modernization Program

Executive Officer, Caltrain Modernization Program Marian Lee said staff has been working on the JPB agreement with California High Speed Rail Authority (CHSRA). The nine MOU partners have all signed on and staff has been working with the partners at a staff level to help guide and advance the project. Staff has also been meeting with representatives of the 17 cities and three counties along the corridor on a regular basis.

Ms. Lee said an agreement has been reached on the scope and approach of the electrification environmental document. Staff has agreed to environmentally clear corridor electrification infrastructure which directly benefits both Caltrain and HSR. The environmental document will analyze Caltrain's increase in service. Ms. Lee said staff is targeting the Notice of Preparation for release in mid-January, which officially kicks-off the public process and staff anticipates bringing the consultants, ICF, to the Board meeting in January to provide more detailed information.

Ms. Lee said staff will be making public presentations on the blended system planning and the first one will be at the local policymaker meeting. This meeting is comprised of elected officials representing the 17 cities and three counties impacted by modernization directly and will hold regular meetings the fourth Thursday of each month at 6 p.m. Due to the holiday, the December meeting will be on the 20th.

Director Kniss said she is constantly asked what the system will look like. Ms. Lee said when the Notice of Preparation is released in January it will clearly define the scope of the early investment as well as some level of what is known of the blended system. Mr. Scanlon said staff has renderings now that can be shown if people are interested. Director Kniss said drawings would be good so people can see what will be going through their city. Mr. Scanlon asked the renderings be sent to Director Kniss with disclosure language and also shown to the Board at the next meeting.

Mr. Scanlon read a memo from VTA's General Manager, Michael Burns, on Mike Nevin's passing. Mr. Burns said he was sorry to hear about Mr. Nevin. He was a good man and a stalwart supporter of Caltrain. He will always remember him pushing to reduce the fatalities and suicides on the tracks. Mr. Burns noted that Mr. Nevin was never one to seek public recognition. He was fighting for what he thought was right.

### Public Comment

Adina Levin, Friends of Caltrain, said if there is anything from the staff level discussions of Caltrain Modernization such as agendas or outcomes that could be made available to the public or if the meetings are open to the public it would help the public's concerns. She said one reason for not having level boarding is an obsolete rule from the freight industry that requires the ability of a freight worker to hang off the train to look for oncoming cows. It may take administrative or legislative action to eliminate this rule.

Roland LeBrun, San Jose, said he has a video that shows a HSR train passing a local train at 145 miles per hour in a passing station with only 3,500 feet of track.

**ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR  
OCTOBER 2012**

Deputy CEO Gigi Harrington said operating and fare revenue is over budget by \$3.3 million. Staff will continue to recommend rolling any surplus from this fiscal year into next fiscal year. Expenses are slightly under budget by \$1.3 million. Last week fuel was \$3.11 per gallon and year to date is \$3.22 per gallon. The JPB received \$36,000 in November and year to date has received \$251,000 from the fuel hedge.

Public Comment

Roland LeBrun, San Jose, said line 16 shows grand total revenue of \$40.5 million and line 47 shows total expenses of \$36 million. He said there is a \$4.5 million surplus in the first four months of Fiscal Year (FY) 2013 and if you multiply by three there should be an annual surplus of \$13.5 million. This is the same amount as the total operating subsidy on line 14, including the \$11 million for the JPB partners. This shows the JPB is getting close to operating a Caltrain system that will not need a permanent funding source.

A motion (Lloyd/Nolan) to accept the October 2012 statement was approved unanimously.

**AUTHORIZE AN AMENDMENT TO INCREASE THE FISCAL YEAR 2013 CAPITAL BUDGET FOR  
THE COMMUNICATIONS-BASED OVERLAY SIGNAL SYSTEM IN THE AMOUNT OF \$50.5  
MILLION FROM \$39,093,085 TO \$89,593,085**

Ms. Harrington said the Board received a presentation on the status of the project last month. When the CBOSS contract was approved in October 2011 it was a three-phase contract and staff was asked to come back to the Board to approve each option. The project is now fully funded through the early investment strategy. Ms. Harrington said the Notice to Proceed was issued in February 2012 and the project is currently in Phase 1, critical design. Staff expects this to be completed in February 2013 and will be asking the Board next month to approve Option 2 for the next set of design work. Ms. Harrington said today's action is a \$50 million budget amendment that funds Option 2 and includes \$40 million that was approved by the California Transportation Commission this fall, \$9 million from the partner agencies and a small amount of Federal money to get to the \$50 million.

Public Comment

Jeff Carter, Millbrae, said he has asked numerous times if staff could give a public presentation comparing CBOSS with the Positive Train Control used by freight and Union Pacific.

Roland LeBrun, San Jose, said he wrote a letter to the Board asking for specific information, including a breakdown by seconds on how headways are calculated. He would like the Staff Coordinating Council to identify themselves and what company they work for.

A motion (Nolan/Kniss) to amend the Fiscal Year 2012 Capital Budget for the Communications-based Overlay Signal System in the amount of \$50.5 million was approved unanimously.



**AUTHORIZE FILING AN APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION TO PROGRAM FEDERAL FUNDS FOR CALTRAIN CAPITAL PROJECTS**

Manager, Grants and Fund Programming Joel Slavitt said this item is to submit applications to MTC to program Federal funds for FY2013 and FY2014 to be included in future FTA grants in support of the Caltrain Capital Program. The funding will help support track rehabilitation, replacement of San Mateo railroad bridges, signal and communication rehabilitation and upgrade, and initial funding for the replacement of the TVMs. These projects will help ensure the system is maintained in state of good repair, consistent with the Caltrain Improvement Program as well as MTC's transit capital priorities funding criteria which support state of good repair for transit operators. Mr. Slavitt said the total amount of Federal funding the JPB is proposing is \$30 million, the maximum amount that can be received under the MTC's transit capital priorities process.

A motion (Kalra/Deal) to authorize filing an application to the Metropolitan Transportation Commission to program Federal funds for Caltrain capital projects was approved unanimously.

**JPB AND CALIFORNIA HIGH SPEED RAIL AUTHORITY AGREEMENT**

Ms. Lee said the JPB and the CHSRA have a 2004 MOU and a 2009 Amendment that is outdated and needs to be updated. This new agreement would replace the outdated arrangement with CHSRA and the key proposed principles will be included in the agreement. Staff has been working with the CHSRA in developing these principles and a policy framework that confirms Caltrain and HSR's agreement in working together to advance the blended system in the corridor and for Caltrain to lead and implement the Early Investment Program. This framework will update the JPB's specific agreement with CHSRA and will sync up with the nine-party regional funding MOU. Ms. Lee said staff is planning on coming back for action in January or February. The CHSRA staff is presenting a similar agreement today at their Board meeting with action in February.

Public Comment

Jim Bigelow, Redwood City/San Mateo County and Menlo Park Chamber of Commerce, said the principles in this document are timely with the passing of Senate Bill 1029. He said \$1.456 billion is to buy \$440 million of electric trains, the second part was for CBOSS and the third part is to electrify the system. There is nothing for tunnels or grade separations. What is being discussed is a basic system that Caltrain has been trying to do for years. Mr. Bigelow thanked Mr. Nevin for all his service to Caltrain and wished the Board Happy Holidays.

Roland LeBrun, San Jose, said there is a big red flag here that CHSRA is the lead agency and it must be stopped or everything Ms. Lee did over the last two years will be destroyed.

Adina Levin, Friends of Caltrain, said they are hosting a community meeting to offer people an opportunity to provide feedback on the MOU. She said it is great that Caltrain is acknowledged as the lead agency and if passing tracks are incorporated into the document Caltrain needs to be the lead agency on this issue too.

Jeff Carter, Millbrae, said there is current demand for Caltrain service and the future may be Caltrain and HSR service. Staff shouldn't limit themselves to two tracks as there may be a need for four tracks. Staff should publish the Caltrain right of way widths to ease people's fears.

## **LEGISLATIVE UPDATE**

### Federal

Mr. Simon said at the Federal level Congressman Bill Shuster (R-PA) was appointed to chair the House Transportation and Infrastructure Committee. This is a good sign from Republican leadership since the reauthorization of the Federal Rail Program is one of the issues likely to be taken up this year. Congressman Shuster is widely regarded as a strong vote in support of rail. Mr. Simon said Senator Barbara Boxer (D-CA) will remain chair of Environment and Public Works. This puts her in a significant leadership position for transportation. She was a key author of the recently passed transportation reauthorization legislation. He said last year California House Republicans sponsored a provision that would block any further Federal funds to the CHSRA. That provision was not included in the transportation bill, but Congressman Kevin McCarthy (R-CA), who is the third ranking Republican in the House, has just revived that ban and wants to make the ban part of the appropriation package that would emerge from the budget negotiations.

### State

Mr. Simon said at the State level the new legislative session began on December 3. Committee assignments are still pending, but newly appointed Assemblyman Kevin Mullin has already been named Assistant Speaker pro Tempore and staff is hearing newly elected Senator Jerry Hill will be named to the Transportation Committee. He said members have already introduced legislation and two bills are of particular importance. SCA 4 would place a measure on the statewide ballot to lower the threshold for local transportation sales tax measures from two-thirds to 55 percent. Senate Bill 11 and Assembly Bill 8 would reauthorize the Carl Moyer Program, a regionally administered air quality improvement program that is a component of the Caltrain Modernization Funding Plan and included in the blended system MOU.

Mr. Simon said Mr. Nevin was an advocate for transportation in the halls of Congress and the Legislature and will be missed.

## **CAPITAL PROJECTS QUARTERLY STATUS REPORT – 1<sup>ST</sup> QUARTER FISCAL YEAR 2013**

Ms. Harrington said this is an informational item.

### Public Comment

Greg Conlon, Atherton, said that high priority needs to be given to hold-out rule station improvements to avoid an incident similar to the one that occurred in South San Francisco

## **CORRESPONDENCE**

No discussion.

### **BOARD MEMBER REQUESTS**

Director Tom Nolan said December 28 is the 100<sup>th</sup> anniversary of San Francisco Muni and free service will be provided all day.

Director Jerry Deal said he rode the Holiday Train both days. He said Burlingame has an e-mail blast and for three weeks prior to the event e-mails were sent regarding the event and that is why Burlingame had such great attendance. He would encourage other Board members to do the same next year with their cities newsletters. Director Deal thanked Community Relations Officer Tasha Bartholomew for her efforts.

### **DATE/TIME/PLACE OF NEXT MEETING**

The next meeting will be Thursday, January 3, 2013, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2<sup>nd</sup> Floor, 1250 San Carlos Avenue, San Carlos, CA 94070.

Chair Tissier asked that the meeting be adjourned in memory of Mr. Nevin. He was truly known as Mr. Transportation.

### **GENERAL COUNSEL REPORT**

- a. Closed Session: Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(a): Mountain States Steel, Inc. vs. Disney Construction, Inc.; Safeco Insurance Company of America; Peninsula Corridor Joint Powers Board (Caltrain); and DOES 1-25; San Mateo County Superior Court Case No. CIV516389

Legal Counsel David Miller said the Board will be meeting in closed session to discuss pending litigation.

Adjourned to closed session at 11:23 a.m.

Reconvened to open session at 11:33 a.m.

Mr. Miller said the Board met in closed session as permitted by the Brown Act to hear a report from legal counsel involving the Jerrold Avenue Bridge Replacement Project. He said the resolution would increase the change authority to the Executive Director to implement the agreement that has been reached. Mr. Miller said the resolution is within the previously approved project budget so no additional budget authority is required to implement this agreement.

A motion (Nolan/Kalra) to authorize an amendment to the Jerrold Avenue Bridge Replacement Project contract was approved unanimously.

Adjourned at 11:36 a.m. in memory of Mike Nevin.

**PENINSULA CORRIDOR JOINT POWERS BOARD**  
**STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon  
Executive Director

FROM: Martha Martinez  
JPB Secretary

SUBJECT: **ADOPTION OF AMENDED CONFLICT OF INTEREST CODE**

**ACTION**

Staff Coordinating Council (SCC) recommends the Board adopt the Amended Conflict of Interest Code, which was presented to the Board at its November 1, 2012 meeting.

**SIGNIFICANCE**

The California Political Reform Act, Government Code Section 87306.5 requires public agencies to review their Conflict of Interest Code in each even-numbered year to ensure they are up to date and meet the current legal requirements.

The attached Conflict of Interest Code has been reviewed and revised by Legal Counsel and staff to conform to the positions and responsibilities for the JPB, and to conform to recent Fair Political Practices Commission (FPPC) regulations and advice regarding designated positions and disclosure categories applicable to such positions.

A "Notice of Intention to Amend the Conflict of Interest Code," providing for a 45-day written comment period, was posted following the November 1, 2012 meeting in accordance with the regulations of the FPPC and no comments were received. After the Board adopts the Code, it will be sent to the FPPC for review and approval.

**BUDGET IMPACT**

There is no impact to the budget.

**BACKGROUND**

1. The list of designated positions has been updated to delete the following positions because they no longer exist:
  - Manager, Government Affairs
  - Manager, Planning and Research
2. The list of designated positions has been updated to include the following new positions, which involve the making or participating in the making of decisions that may foreseeably have a material effect on financial interests, as defined in the

Political Reform Act and implementing regulations:

Director, Government and Community Affairs

Director, Planning

Labor Compliance Officer

Manager, Transportation Communications (Rail)

Senior Real Estate Officer

3. The list of designated positions has been updated to reflect current positions:  
Manager, Communications (formerly Manager, Community Relations)  
Executive Officer, Caltrain Modernization Program (formerly Peninsula Rail Program)
4. The disclosure categories have been updated to conform to recent FPPC guidance regarding narrowly tailoring disclosure requirements to cover financial interests that could lead to a conflict of interest in the performance of duties on behalf of the JPB.

Prepared By: Martha Martinez

650.508.6242

# **PENINSULA CORRIDOR JOINT POWERS BOARD**

## **CONFLICT OF INTEREST CODE**

Adopted on February 7, 1990 by Resolution No. 1990-1  
Approved by the California Fair Political Practices Commission on October 3, 1990

Amended on December 2, 1992 by Resolution No. 1992-59  
Approved by the California Fair Political Practices Commission on July 6, 1993

Amended on March 2, 1995 by Resolution No. 1995-15  
Approved by the California Fair Political Practices Commission on March 31, 1995

Amended on December 5, 1996 by Resolution No. 1996-44  
Approved by the California Fair Political Practices Commission on April 14, 1997

Amended on December 7, 1998 by Resolution No. 1998-57  
Approved by the California Fair Political Practices Commission on May 20, 1999

Amended on December 18, 2000 by Resolution No. 2000-55  
Approved by the California Fair Political Practices Commission on July 17, 2001

Amended on January 9, 2003 by Resolution No. 2003-1  
Approved by the California Fair Political Practices Commission on September 6, 2004

Amended on December 2, 2004 by Resolution No. 2004-39

Amended on December 7, 2006 by Resolution No. 2006-50

Amended on February 5, 2009 by Resolution No. 2009-2  
Approved by the California Fair Political Practices Commission on July 28, 2009

Amended on January 6, 2011 by Resolution No. 2011-1  
Approved by the California Fair Political Practices Commission on December 18, 2011

**PENINSULA CORRIDOR JOINT POWERS BOARD**  
**CONFLICT-OF-INTEREST CODE**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Sec. 18730) that contains the terms of the standard conflict-of-interest code and can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Peninsula Corridor Joint Powers Board (Board)**.

Individuals holding designated positions shall file their statements of economic interests with the **San Mateo County Transit District (SamTrans)**, a member of the Board; SamTrans, on behalf of the Board, will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by **SamTrans** on behalf of the Board.

## APPENDIX A DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Associate Contract Officer	2
Attorney	1, 2, 3
Chief of Protective Services	2, 3
Construction Manager	5
Contract Officer	2
Deputy CEO, Operations and Engineering	1, 5
Deputy Director, Engineering Support	1, 5
Deputy Director, Rail Contracts Administration	5
Deputy Director, Sustainability	2
Director, Budgets and Grants	5
Director, Bus Transportation	1, 5
Director, Contracts and Procurement	1, 2
Director, Engineering and Construction	1, 5
Director, Finance	2
Director, Government and Community Affairs	1, 4, 5
Director, Human Resources	3, 5
Director, Information Technology & Telecommunications	2
Director, Maintenance	5
Director, Planning	1, 4, 5
Director, Rail Transportation	1, 5
Director, Risk Management	3, 5
Disadvantaged Business Enterprises Officer	3, 5
Executive Officer, Caltrain Modernization Program	1, 2, 3
Executive Officer, Customer Service and Marketing	1, 2, 3
Executive Officer, Planning and Development	1, 2, 3
Executive Officer, Public Affairs	1, 2, 3
Government Affairs Officer	5
JPB Secretary	1, 2, 3
Labor Compliance Officer	3
Manager, Accessible Transit Services	5
Manager, Budgets	5



<b><u>Designated Positions</u></b>	<b><u>Disclosure Categories</u></b>
Manager, Capital Projects and Environmental Planning	1, 4, 5
Manager, Communications	5
Manager, Customer Service	5
Manager, Employee Relations and Civil Rights	3
Manager, Engineering	1, 2
Manager, Finance Special Projects	5
Manager, Finance Treasury	5
Manager, General Ledger	5
Manager, Grant and Capital Accounting	5
Manager, Grants and Fund Programming	5
Manager, Information Technology Operations	2
Manager, IT Operations and Telecommunications	2
Manager, Maintenance of Way	5
Manager, Maintenance Rail Equipment	5
Manager, Marketing	4
Manager, Operations Technology	2
Manager, Programming and Monitoring	4
Manager, Rail Operations	1, 5
Manager, Real Estate & Property Development	1, 4, 5
Manager, Standards and Procedures	5
Manager, Stations and Access	5
Manager, Strategic Development	4
Manager, Technology Research and Development	2
Manager, Transportation Communications (Rail)	2
Manager, TVM Program	5
Program Manager	2
Program Manager, Construction Services	2
Program Manager, Engineering and Construction Administration	2
Project Manager	2
Public Information Officer	5
Senior Contract Officer	2
Senior Engineer	1, 2
Senior Project Manager	2

<b><u>Designated Positions</u></b>	<b><u>Disclosure Categories</u></b>
Senior Real Estate Officer	1, 4, 5
Staff Coordinating Council	1, 2, 3
Superintendent, Maintenance Technical Services	5
Supervisor, Distribution	5
Supervisor, Sales	5
Consultants/New Positions	*

**Note:** All positions are filled by San Mateo County Transit District employees, but act in a staff capacity for the Board.

\*Consultants/New positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

### **Officials Who Manage Public Investments**

It has been determined that the positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200. These positions are listed for informational purposes only:

- Board Members
- Executive Director
- Deputy CEO, Finance and Administration

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

## **APPENDIX B**

### **DISCLOSURE CATEGORIES**

**Category 1:** All interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the Board.

**Category 2:** Investments and business positions in business entities and sources of income (including gifts, loans, and travel payments), from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the Board or in projects funded by the Board. Such sources include but are not limited to, rail, insurance and information technology/telecommunication products.

**Category 3:** Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, from, entities that filed a claim against the Board during the previous two years, or have a claim pending against the Board.

**Category 4:** Investments, and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources of the type that provide services in the marketing, advertising, transit or environmental planning sectors.

**Category 5:** Investments, and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources of the type that provide supplies, material, machinery, or equipment utilized by the designated position's division.

**RESOLUTION NO. 2013-**

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

**ADOPTING THE AMENDED CONFLICT OF INTEREST CODE**

**WHEREAS**, pursuant to Resolution No. 1990-1, dated February 7, 1990, the Peninsula Corridor Joint Powers Board (JPB) adopted a Conflict of Interest Code as required by the Political Reform Act of 1974 (Code); and

**WHEREAS**, California Government Code Section 87306.5 requires that the JPB review its Code every even-numbered year and revise it if necessary; and

**WHEREAS**, Legal Counsel and Staff have reviewed the current Code, last amended in 2011, and have amended the Appendices to the Code to conform to the positions and responsibilities for the JPB, and to conform to recent Fair Political Practices Commission ("FPPC") regulations and advice regarding designated positions and disclosure categories applicable to such positions; and

**WHEREAS**, in accordance with regulations of the FPPC, notice of a 45-day comment period was posted and ended on December 17, 2012 with no comments having been received on the Amended Code; and

**WHEREAS**, Legal Counsel and Staff recommend adopting the amendments as reflected in the attached Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Peninsula Corridor Joint Powers Board that the amended Code is adopted.

Regularly passed and adopted this 3rd day of January 2013, by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Peninsula Corridor Joint Powers Board

ATTEST:

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JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD**  
**STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon  
Executive Director

FROM: April Chan  
Executive Officer, Planning and Development

SUBJECT: **AUTHORIZE EXECUTION OF HIGHWAY-RAILROAD CROSSING SAFETY  
ACCOUNT (HRCSA) AGREEMENTS**

**ACTION**

Staff Coordinating Council (SCC) recommends the Board authorize the Executive Director, or his designee, to execute a baseline agreement and subsequent funding agreement for \$9 million in Proposition 1B Highway-Railroad Crossing Safety Account (HRCSA) funds to help fund the completion of the San Mateo Bridges Grade Separation project.

**SIGNIFICANCE**

The California Transportation Commission (CTC), at its September 28, 2012 meeting, adopted the 2012 HRCSA program of projects, which included \$9 million for the San Mateo Bridges Grade Separation Project. The San Mateo bridges consist of railroad bridges over Santa Inez, Poplar, Tilton and Monte Diablo avenues in the City of San Mateo. The HRCSA funds will enable the JPB to complete state of good repair work on the San Mateo bridges, consistent with its capital improvement program. The JPB previously received funding from the HRCSA program, which was used to help retrofit the abutments and foundations of the San Mateo Bridges. The current round of HRCSA funding will be used to help fund the replacement of the bridge superstructures.

**BUDGET IMPACT**

The total projected cost of the work to replace the bridge superstructures is \$30 million. The \$9 million in HRCSA funds will underwrite a portion of the costs. This grant will be included as part of the Fiscal Year 2014 Capital Budget process. The balance of the funding will consist of Federal funds to be programmed by the Metropolitan Transportation Commission as well as JPB member agency matching funds.

## **BACKGROUND**

Proposition 1B, passed by California voters on November 7, 2006, included an initial amount of \$250 million for the 2008 HRCSA program to fund the construction of high-priority grade separation and railroad crossing safety improvements. The CTC has programmed a remaining balance of approximately \$40 million for the 2012 HRCSA program from prior year HRCSA programmed projects that were either not able to meet program delivery requirements or from cost savings associated with completed projects.

The California State Department of Transportation has required all project sponsors programmed to receive Proposition 1B HRCSA funds to enter into baseline agreements by January 9, 2013. The baseline agreements document the projected cost, schedule, scope, and benefits of the project and certify that the sponsor will be able to carry out the project. Sponsors will enter into subsequent funding agreements after the CTC approves an allocation of the funds for construction.

Prepared by: Peter Skinner, Senior Grants Analyst

650.622.7818

**RESOLUTION NO. 2013-**

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

\*\*\*

**AUTHORIZING THE EXECUTION OF A HIGHWAY-RAILROAD CROSSING SAFETY ACCOUNT  
(HRCSA) AGREEMENT**

**WHEREAS**, the Peninsula Corridor Joint Powers Board is programmed to receive \$9,000,000 in Proposition 1B Highway-Railroad Crossing Safety Account (HRCSA) Bond funds from the California Department of Transportation (Caltrans) for the San Mateo Bridges Project; and

**WHEREAS**, the California Transportation Commission (Commission) HRCSA Guidelines require the project sponsor, and any entity committed to providing supplementary funding for the project, to execute a HRCSA Project Baseline Agreement (Baseline Agreement) with Caltrans to confirm the project scope, benefits, delivery schedule, and cost; and

**WHEREAS**, the HRCSA Guidelines also require the project sponsor receiving a Commission allocation to agree to secure funds for any unfunded portions of the project and to acknowledge that any changes to the funding commitments outlined in the Baseline Agreement will require an amendment; and

**WHEREAS**, the HRCSA Guidelines also require the project sponsor receiving a Commission allocation to execute a HRCSA Funding Agreement (Funding Agreement) with Caltrans before the project sponsor can be reimbursed for project expenditures; and

**WHEREAS**, the Department utilizes the Baseline Agreement and the Funding Agreement for the purpose of administering and reimbursing intercity rail funds to local agencies; and

**WHEREAS**, staff recommends that the Peninsula Corridor Joint Powers Board authorize the Executive Director or his designee to execute the Baseline Agreement and any amendments thereto, and the subsequent Funding Agreement, in the amount of \$9 million.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Peninsula Corridor Joint Powers Board hereby agrees to comply with all conditions and requirements set forth in the Baseline Agreement, the Funding Agreement, HRSCA Guidelines, and applicable statutes and regulations for the Proposition 1B Highway-Railroad Crossing Safety Account Bond-funded projects; and

**BE IT FURTHER RESOLVED** the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director or his designee to:

1. Execute the HRCSA Project Baseline Agreement and any amendments thereto.
2. Execute the HRCSA Funding Agreement and any amendments thereto.
3. Provide any other documentation that may be required or take such actions that may be necessary to give effect to this resolution.

Regularly passed and adopted this 3rd day of January 2013, by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Peninsula Corridor Joint Powers Board

ATTEST:

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JPB Secretary



**PENINSULA CORRIDOR JOINT POWERS BOARD**  
**STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon  
Executive Director

FROM: April Chan  
Executive Officer of Planning and Development

SUBJECT: **AUTHORIZE THE FILING OF APPLICATIONS FOR STATE PROPOSITION 1B  
TRANSIT SECURITY GRANT PROGRAM FUNDS**

**ACTION**

Staff Coordinating Council (SCC) recommends the Board authorize the Executive Director, or his designee, to submit grant applications, with concurrent Letter of No Prejudice (LONP) requests, to the State of California Emergency Management Agency (CalEMA) and to file and execute certifications and assurances and other required documentation to receive \$939,246 in Fiscal Year (FY) 2012/2013 Proposition 1B California Transit Security Grant Program (CTSGP) funds from the State for transportation security projects.

**SIGNIFICANCE**

CalEMA requires eligible recipients of Proposition 1B CTSGP funds to submit resolutions approved by their governing bodies authorizing designated agency officer(s) to execute any action necessary for the processing of applications associated with the programming and receipt of funds. Approval of this item will meet CalEMA's CTSGP funding requirements.

Due to the ongoing State fiscal crisis, the State Controller has not been able to sell a sufficient amount of bonds to fully fund all Proposition 1B capital projects around the State. Should funding not be available at the time the JPB files its funding applications, the LONP would enable the JPB to proceed with work utilizing its own funds, and be reimbursed once bond proceeds become available.

**BUDGET IMPACT**

There is no budget impact related to this action. Proposed projects to be funded with Proposition 1B CTSGP funds may include right-of-way fencing, enhanced lighting at stations, emergency communications equipment, access control improvements at Caltrain facilities, and the installation of closed circuit television cameras (CCTVs) at Caltrain stations. It is anticipated these projects will be vetted through the upcoming FY 2014 Capital Budget development cycle.

Staff expects the projects selected through this process will be funded with 100 percent Proposition 1B CTSGP monies since these grant funds do not require a local match.

**BACKGROUND**

The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, otherwise known as Proposition 1B, was approved by California voters on November 7, 2006. Proposition 1B includes a funding program specifically for transit safety and security projects, known as the California Transit Security Grant Program (CTSGP). The State Controller develops a list of eligible transit operators and the amount of funds that each operator is eligible to receive on an annual basis. Funding allocations are contingent on bond sales, which have been delayed in recent years due to the State's current fiscal environment.

Board authorization for the filing of applications by an agency's appointed agent is a CalEMA requirement. To allow greater flexibility, CalEMA does not require applicants to list each project on its governing body resolution. The certified resolution will be filed with CalEMA after adoption by the Board.

Prepared by: Peter Skinner, Senior Grants Analyst

650.622.7818

**RESOLUTION NO. 2013 -**

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

**\* \* \***

**AUTHORIZING THE FILING OF APPLICATIONS FOR STATE PROPOSITION 1B  
TRANSIT SECURITY GRANT PROGRAM FUNDS**

**WHEREAS**, the California Transit Security Grant Program (CTSGP) is a program for capital security and safety projects that is part of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, otherwise known as Proposition 1B, which was approved by California voters on November 7, 2006; and

**WHEREAS**, the CTSGP is administered by the California Emergency Management Agency (CalEMA); and

**WHEREAS**, the State Controller develops an annual list of eligible transit operators with the amounts that each eligible operator is programmed to receive; and

**WHEREAS**, the Peninsula Corridor Joint Powers Board (JPB) is on a list of eligible recipients for CTSGP funds; and

**WHEREAS**, CalEMA requires all eligible recipients of CTSGP funds to submit resolutions, approved by their governing bodies, authorizing appointed agents to take any actions necessary for the processing of applications; and

**WHEREAS**, due to a lack of available bond funding for new projects, the State Controller's Office may be unable to allocate CTSGP funds in a timely manner; and

**WHEREAS**, AB 672, signed by the Governor on October 11, 2009, authorizes approval of a Letter of No Prejudice (LONP), which allow an eligible applicant to expend its own funds to proceed with work on CTSGP-eligible project and be reimbursed once CTSGP funds are available; and

**WHEREAS**, staff recommends the Board authorize the Executive Director, or his designee, to submit applications for Fiscal Year (FY) 2012 CTSGP funds, with concurrent LONPs and to file and execute certifications and assurances and any other documentation required by CalEMA.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the JPB, hereby:

1. Authorizes the Executive Director, or his designee, to file applications and concurrent LONPs with CalEMA for FY2013 Proposition 1B CTSGP funds;  
and
2. Authorizes the Executive Director, or his designee, to take such actions as may be necessary to give effect to this resolution, including executing any agreements, certifications and assurances or other documentation that may be required to receive the funds.

Regularly passed and adopted this 3<sup>rd</sup> day of January 2013, by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Peninsula Corridor Joint Powers Board

ATTEST:

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JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD**  
**STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon  
Executive Director

FROM: April Chan  
Executive Officer, Planning & Development

SUBJECT: **AUTHORIZATION TO ENTER INTO A GRANT AGREEMENT WITH THE BAY AREA  
AIR QUALITY MANAGEMENT DISTRICT TO RECEIVE CARL MOYER FUNDS**

**ACTION**

Staff Coordinating Council (SCC) recommends the Board authorize the Executive Director, or his designee, to execute a grant agreement with the Bay Area Air Quality Management District (Air District) to receive Carl Moyer funds, in an amount up to \$330,000, to help fund the wayside power project at the San Jose Diridon Caltrain Station.

**SIGNIFICANCE**

JPB staff has worked with staff at the Air District to receive a favorable approval from the California Air Resources Board (CARB) regarding the eligibility of Carl Moyer funds for locomotive wayside power. As a result, the Air District approved an award of Carl Moyer funds to the JPB, in an amount up to \$330,000, to help underwrite the capital cost of the installation of wayside power units at the San Jose Diridon station. The wayside power project will enable essential on board train operating systems to be electrically powered while laying over, in lieu of running diesel engines, in order to reduce air emissions and noise pollution. In order for the JPB to receive the Carl Moyer funds, it must enter into a grant agreement with the Air District prior to proceeding with the construction of the project.

**BUDGET IMPACT**

The wayside power project, estimated to cost \$2.3 million, is already included in the adopted Fiscal Year 2013 Capital Budget. Carl Moyer funding, in an amount up to \$330,000, is proposed to replace local JPB member contributions that would otherwise be needed to fully fund this project.

**BACKGROUND:**

The Carl Moyer Program (Program) is a state funded program that provides grant funding to public and private owners of heavy-duty vehicles and equipment in order to reduce air pollution emissions from heavy-duty engines. It funds capital projects that exceed minimum emission regulatory requirements or that are at least three years in advance of meeting new minimum emission requirements. Funding for the Program is

derived from state smog check and new tire purchase fees and may also be generated from motor vehicle registration surcharges. The Program is administered by the local air districts within the state. In the San Francisco Bay Area, the Program is administered by the Air District and funds are made available on an annual basis to eligible projects on a first-come first-served basis until the funds are fully exhausted.

The Air District's Program has primarily funded projects that replace, repower or retrofit older heavy-duty engines. While the wayside power project at the Diridon Station meets the intent of the Program guidelines, it did not fit into a pre-established eligible project type defined under the Air District's Program and a special case-by-case determination was required by CARB to confirm project's eligibility to receive Program funds.

Prepared by: Joel Slavitt, Manager, Grants and Fund Programming 650.508.6476

**RESOLUTION NO. 2013-**

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

\* \* \*

**AUTHORIZING ENTERING INTO A GRANT AGREEMENT WITH THE  
THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT TO RECEIVE AN AWARD OF CARL  
MOYER FUNDS, UP TO AN AMOUNT OF \$330,000, FOR THE WAYSIDE POWER PROJECT AT  
THE SAN JOSE DIRIDON CALTRAIN STATION**

**WHEREAS**, the Carl Moyer Program, pursuant to California Health and Safety Code Section 44275 et seq., is an incentive program to provide grants in order to reduce emissions in the State of California from sources of air pollution; and

**WHEREAS**, the California Air Resources Board (CARB) oversees and administers the Carl Moyer Program and the Bay Area Air Quality District (Air District) implements the Carl Moyer Program in the San Francisco Bay Area air basin, in accordance with the CARB guidelines and criteria and guidelines of the Air District; and

**WHEREAS**, the CARB has determined that the Peninsula Corridor Joint Powers Board's (JPB) wayside power project at the San Jose Diridon Caltrain Station is eligible to receive Carl Moyer Program funds, and

**WHEREAS**, the Air District made an award of up to \$330,000 of Carl Moyer Program funds to the JPB for the wayside power project, at its December 5, 2012 Board meeting; and

**WHEREAS**, in order for the JPB to receive the Carl Moyer Program funds, it must enter into a grant agreement with the Air District prior to proceeding with the construction of the wayside power project; and

**WHEREAS**, the wayside power project is already included in the adopted Fiscal Year 2013 Capital Budget.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Peninsula

Corridor Joint Powers Board:

1. Authorizes the Executive Director, or his designee, to execute and file a funding agreement on behalf of the JPB for Carl Moyer Program funding, in an amount up to \$330,000, for the wayside power project at the San Jose Caltrain Diridon Station; and

2. Authorizes the Executive Director, or his designee, to take further actions as may be necessary to give effect to this Resolution, to receive the Carl Moyer Program funds for the wayside power project.

Regularly passed and adopted this 3<sup>rd</sup> day of January, 2013, by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Peninsula Corridor Joint Powers Board

ATTEST:

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JPB Secretary



**PENINSULA CORRIDOR JOINT POWERS BOARD  
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon  
Executive Director

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

SUBJECT: **KEY CALTRAIN PERFORMANCE STATISTICS NOVEMBER 2012**

Caltrain's average weekday ridership (AWR) in November 2012 was 47,326, which is an increase of 5,061 or 12 percent over November 2011. Total Caltrain ridership in November 2012 was 1,226,450, which is 11.4 percent greater than November 2011.

On-time performance (OTP) for November 2012 was 91 percent. While lower than November 2011, which was 93.7 percent, OTP significantly improved when compared to October 2012 which was 83 percent. When measuring trains arriving within 10 minutes of the scheduled arrival time OTP rises to 96.1 percent. There were a number of positive highlights for the month of November. There were only four days with ten or more late trains, compared with 13 in October. Over half of the days of November operated at 95 percent or better. The latter half of November showed significant gains with OTP at 97.1 percent (excluding the day of the fatality on November 20) for the last 15 days of the month. The major source of delays during the month can be attributed to one fatality, a car strike and a communication line failure.

With the improvement in OTP, the number of complaints dropped compared with previous months. There were 12.6 complaints per 100,000 passengers. This is lowest rate so far this fiscal year. Comments about conductors were the largest type of complaints, followed by comments about facilities and late trains. Monthly mechanical delays were about one-half the 12-month average at 497 minutes for November 2012.

Average weekday shuttle ridership was 8,696, which is an increase of 1,370 or 18.7 percent over November 2011 AWR of 7,326. Marguerite AWR is estimated to have doubled from a year ago and many of the employer shuttles also are up significantly. For the station shuttles, the Millbrae-Broadway shuttle averaged 169 daily riders. The Belmont-Hillsdale shuttle averaged 73 daily riders. The weekend Tamien-San Jose shuttle averaged 61 riders per day.

## Caltrain Promotions – November 2012

**Stanford Football** – The Stanford Cardinals wrapped up their regular and post-season this month. Caltrain's promotional campaign for the winning season included web presence on Stanford's site, dedicated web page and button on the Caltrain site, newspaper advertisements, inclusion in *Caltrain Connection* and *Track the Fun*, a news release and social media (Facebook, Google+ and Twitter). Stanford offered Caltrain customers a \$10 discount on reserved seats to some games. This offer was included on Caltrain's *Track the Savings* web page. For the season, nearly 10,000 football fans rode Caltrain and used the Stanford Stadium station, located a short walk from the gridiron. Average ridership per game was 1,924, a 9 percent increase over last season. Since the Stanford station doesn't have a Clipper card tagging device, an unknown number of customers also used the Palo Alto station.

**Red Bull Flugtag** – The Red Bull Flugtag, held in the AT&T parking lot at McCovey Cove, challenged teams to build human-powered flying machines that they then attempted to fly off a 30-foot high deck over water. To accommodate crowds heading to the event, Caltrain ran extra trains. Information about the service was pushed out via social media. Caltrain carried nearly 7,300 extra customers, four times the usual number of Saturday customers.

**Partnerships** – Caltrain Marketing staff works with a number of event organizers to co-promote events that will generate train ridership and also provide added value for current Caltrain customers. In November, Caltrain participated in partnerships for Stanford football, San Mateo Harvest Festival and the San Jose Harvest Festival. Caltrain customers were treated to \$2 off the cost of a general admission ticket. Partnerships are promoted on Caltrain's *Track the Savings* web page, in the *Track the Fun* brochure and with interior ad cards, produced by the event sponsor. Many partners also included Caltrain in their media buys.

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**

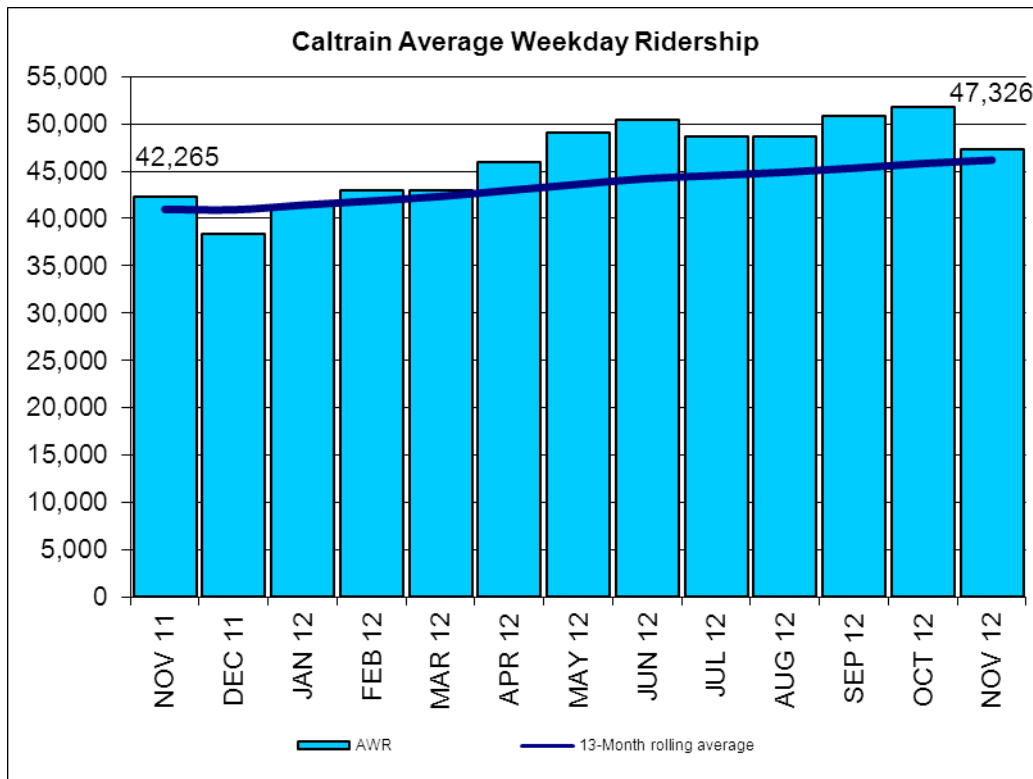
	<b>November 2012</b>		
	<b>FY2012</b>	<b>FY2013</b>	<b>% Change</b>
Total Ridership	1,100,515	1,226,450	11.4%
Average Weekday Ridership	42,265	47,326	12.0%
Total Farebox Revenue	\$4,605,686	\$5,269,467	14.4%
On-time Performance	93.7%	91.0%	-2.7%*
Average Caltrain Shuttle Ridership**	7,326	8,696	18.7%

	<b>Year to Date</b>		
	<b>FY2012</b>	<b>FY2013</b>	<b>% Change</b>
Total Ridership	5,861,493	6,601,313	12.6%
Average Weekday Ridership	43,917	49,421	12.5%
Total Farebox Revenue	\$24,720,506	\$29,344,703	18.7%
On-time Performance	93.3%	89.4%	-3.9%*
Average Caltrain Shuttle Ridership**	7,022	8,774	25.0%

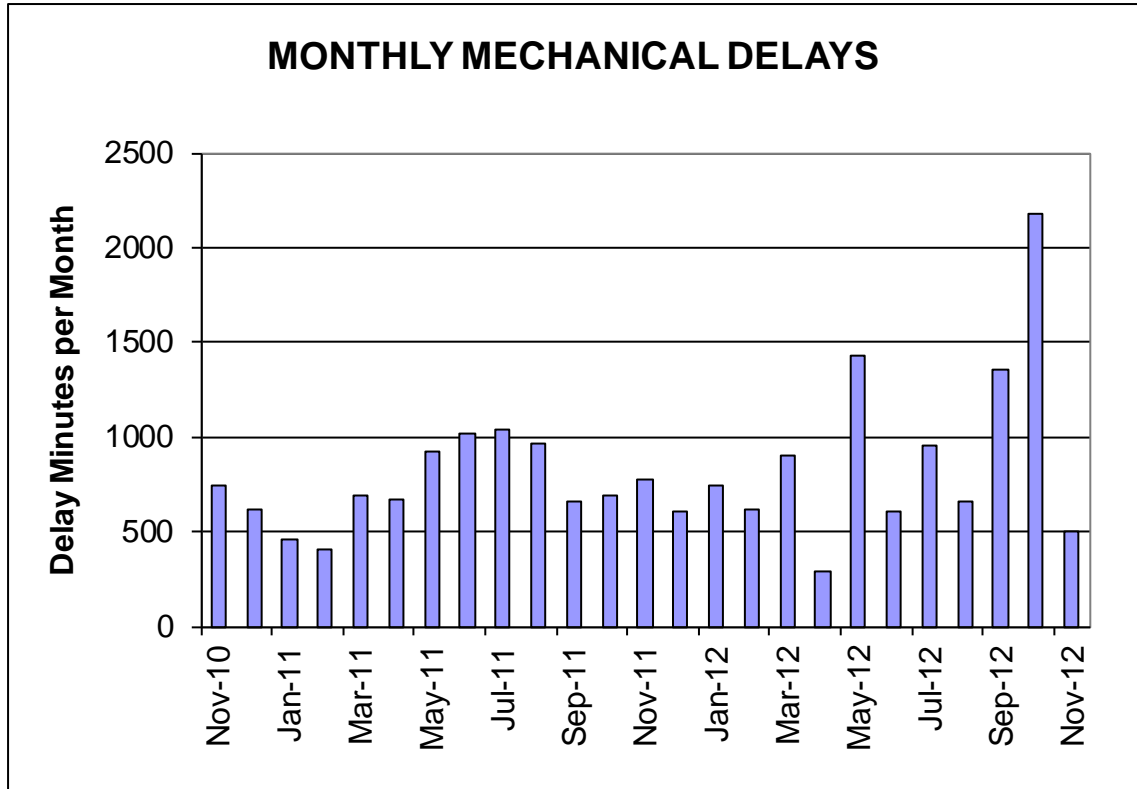
\* numeric difference of the percentages

\*\* Shuttles included have been adjusted for FY12 to reflect only JPB funded shuttles

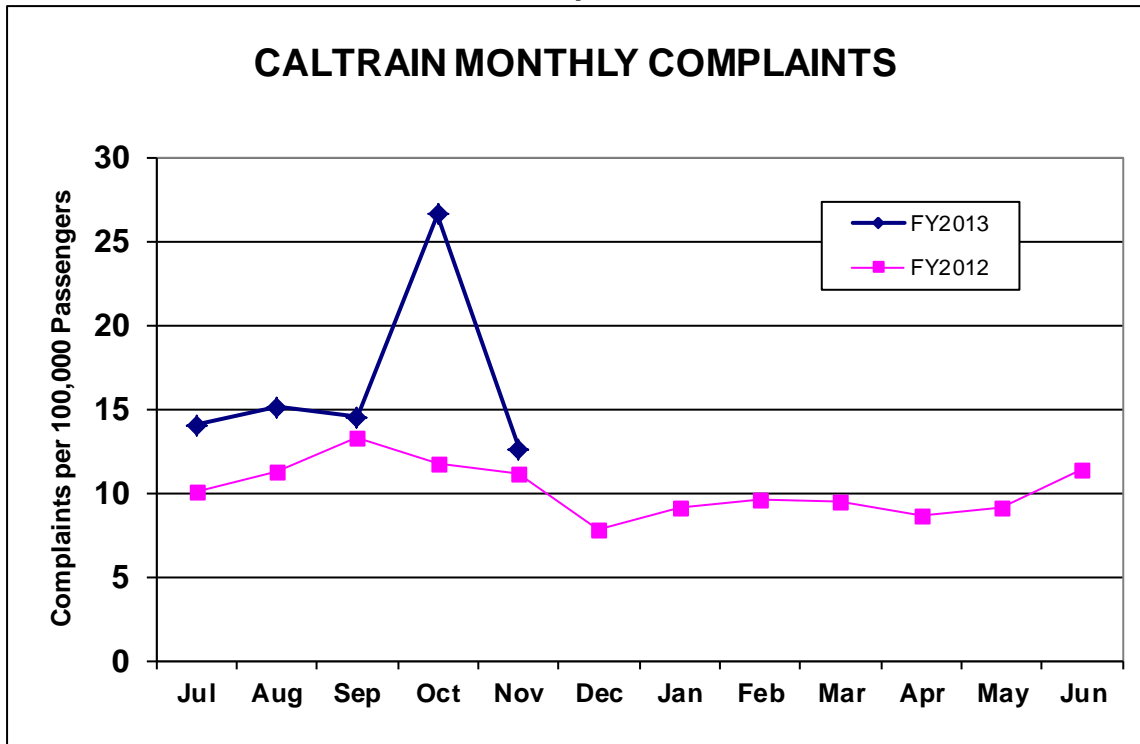
**Graph A**



Graph B



Graph C



**PENINSULA CORRIDOR JOINT POWERS BOARD  
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon  
Executive Director

FROM: Marian Lee  
Executive Officer, Caltrain Modernization Program

SUBJECT: **CORRIDOR ELECTRIFICATION ENVIRONMENTAL PROCESS**

**ACTION**

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

**SIGNIFICANCE**

Based on the 2012 nine-party Memorandum of Understanding (MOU) High Speed Rail Early Investment Strategy for a Blended System in the Peninsula Corridor (MOU), Caltrain staff will update/recirculate the Caltrain Electrification Environmental Assessment / Final Environmental Impact Report (EA/FEIR) completed in 2009.

Caltrain and the Federal Transit Administration (FTA) will be the co-lead agencies for the State and Federally mandated environmental clearance processes, respectively.

ICF International, environmental on-call consultant to the JPB, will lead the corridor electrification environmental clearance process. Rich Walters, project manager, will provide an overview of the recommended environmental approach, project scope and schedule and immediate next steps.

**BUDGET IMPACT**

There is no impact to the existing budget.

**BACKGROUND**

Staff has shared the recommended environmental approach, project scope and schedule and immediate next steps with corridor city/county staff and policy maker groups, the nine-party MOU partners, California High Speed Rail Authority, FTA and the Federal Railroad Administration staff. Staff has reached agreement with CHSRA staff on the corridor electrification scope and schedule that will be presented today.

Prepared By: Stacy Cocke, Senior Planner

650.508.6207

**PENINSULA CORRIDOR JOINT POWERS BOARD  
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon  
General Manager/CEO

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

SUBJECT: **UPDATE ON TITLE VI REQUIREMENTS**

**ACTION**

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

**SIGNIFICANCE**

Staff will give an update on Federal Title VI requirements at the January 3, 2013 Board meeting.

The Peninsula Corridor Joint Powers Board, as recipient of Federal Transit Administration (FTA) grant assistance, is required to comply with U.S. Department of Transportation Title VI regulations. In general, Title VI regulations prohibit discrimination on the basis of race, color, or national origin in the provision of public transportation services.

The Federal Title VI requirements, which have been updated recently by the FTA, now require the public transportation provider's governing board to approve system-wide service standards and policies on or before March 31, 2013. The governing boards will also need to approve policies to determine when major service changes have occurred that would trigger a service equity analysis, as well as policies on how to measure disparate impacts and disproportionate burden on minority and low income populations respectively. The development of Major Service Change, Disparate Policy, and Disproportionate Burden policies will need to include participation and input from the public.

We propose the following schedule in compliance with Title VI requirements:

- *February 2013:* Board review of proposed Service Standards and Service Policies, Major Service Change, Disparate Impact, and Disproportionate Burden policies.
- *February 2013:* Conduct public outreach on proposed Service Standards and Service Policies, Major Service Change, Disparate Impact, and Disproportionate Burden policies.

- *March 2013:* Board approval of proposed Service Standards and Service Policies, Major Service Change, Disparate Impact, and Disproportionate Burden policies.
- *March 31, 2013:* Submit to FTA the Board-approved Service Standards and Service Policies.

**BUDGET IMPACT**

The informational item has no impact to the budget.

**BACKGROUND**

The FTA has recently revised its guidance with respect to how recipients of Federal transit monies comply with Title VI of the Civil Rights Act of 1964. The compliance requirements are now more stringent and require the JPB to adopt a set of service standards and policies by March 31, 2013 as well as policies defining "Major Service Change," "Disparate Impact," and "Disproportionate Burden" prior to any service changes taking place after April 1, 2013 which may trigger Title VI.

Prepared by: Michael Eshleman, Planner

650.508.6227

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  
NOVEMBER 30, 2012 AND SUPPLEMENTAL INFORMATION**

**ACTION**

Staff proposes the Board of Directors accept and enter into the record the Statement of Revenue and Expense for the month of November 2012 and supplemental information.

**SIGNIFICANCE**

**Revenue:** For November of Fiscal Year 2013, *Total Operating Revenue* (line 7) is \$3,924,853 or 13.5 percent **better** than budget. Within total operating revenue, *Farebox Revenue* (line 1) is \$3,969,762 or 15.6 percent **better** than budget. Compared to the prior year, *Total Operating Revenue* (line 7) is \$4,514,587 or 15.8 percent **higher**.

**Expense:** *Grand Total Expenses* (line 47) show a favorable variance of \$1,636,116 or 3.5 percent. *Total Operating Expense* (line 33) is \$1,419,469 or 3.5 percent **better** than budget. *Total Administrative Expense* (line 43) is \$216,646 or 3.7 percent **better** than budget.

Compared to prior year, *Grand Total Expenses* (line 47) are \$3,639,210 or 8.8 percent **higher**. The increase in expense is mainly due to *Contract Operating & Maintenance* (line 22) which is \$1,698,018 or 6.9 percent **higher**.

**Budget Revisions:** There are no budget revisions for the month of November 2012.

Prepared by: Sheila Tiyyao, Manager, General Ledger  
Jeannie Chen, Senior Accountant

650.508.7752  
650.508.6259



# PENINSULA CORRIDOR JOINT POWERS BOARD

## STATEMENT OF REVENUE AND EXPENSE

Fiscal Year 2013

November 2012

						% OF YEAR ELAPSED		41.7%
	MONTH	YEAR TO DATE				ANNUAL		
	CURRENT ACTUAL	PRIOR ACTUAL	CURRENT ACTUAL	REVISED BUDGET	% REV BUDGET	APPROVED BUDGET	REVISED BUDGET	% REV BUDGET
(AS PROJECTED)								
<b>REVENUE</b>								
OPERATIONS:								
1 Farebox Revenue	5,269,467	24,719,856	29,344,703	25,374,941	115.6%	60,293,443	60,293,443	48.7%
2 Parking Revenue	270,207	1,342,265	1,305,753	1,374,829	95.0%	3,299,590	3,299,590	39.6%
3 Shuttles	96,144	471,696	484,729	576,763	84.0%	1,384,230	1,384,230	35.0%
4 Rental Income	153,493	739,746	756,433	778,650	97.1%	1,868,760	1,868,760	40.5%
5 Other Income	265,117	1,303,012	1,199,544	1,061,127	113.0%	2,527,430	2,527,430	47.5%
6								
7 TOTAL OPERATING REVENUE	6,054,428	28,576,575	33,091,162	29,166,309	113.5%	69,373,453	69,373,453	47.7%
8								
CONTRIBUTIONS:								
9								
10 AB434 & TA Shuttle Funding	93,642	409,535	802,331	753,460	106.5%	2,184,271	2,184,271	36.7%
11 Operating Grants	442,582	2,244,014	2,212,910	2,571,619	86.1%	6,310,982	6,310,982	35.1%
12 JPB Member Agencies	2,791,667	10,557,187	13,958,333	13,958,333	100.0%	33,500,000	33,500,000	41.7%
13								
14 TOTAL CONTRIBUTED REVENUE	3,327,891	13,210,736	16,973,573	17,283,412	98.2%	41,995,253	41,995,253	40.4%
15								
16 GRAND TOTAL REVENUE	9,382,319	41,787,311	50,064,735	46,449,722	107.8%	111,368,706	111,368,706	45.0%
17								
<b>EXPENSE</b>								
18								
OPERATING EXPENSE:								
19								
20								
21								
22 Contract Operating and Maintenance	5,245,156	24,637,433	26,335,451	26,691,533	98.7%	63,820,184	63,910,640	41.2%
23 Operator Contract Transition Costs	-	300,054	-	-	0.0%	-	-	0.0%
24 Rail Operator Service - Other	-	-	285,000	313,320	91.0%	1,150,000	1,150,000	24.8%
25 Shuttles (incl Peninsula Pass)	315,255	1,256,684	1,575,606	1,837,708	85.7%	4,410,504	4,410,504	35.7%
26 Fuel	1,138,832	6,808,677	6,673,403	7,166,051	93.1%	17,198,522	17,198,522	38.8%
27 Timetables and Tickets	11,000	25,937	57,971	61,333	94.5%	147,200	147,200	39.4%
28 Insurance	431,341	1,948,943	2,070,660	2,199,543	94.1%	5,100,500	5,100,500	40.6%
29 Facilities and Equipment Maint	123,605	398,917	616,594	640,104	96.3%	1,534,560	1,534,560	40.2%
30 Utilities	69,656	584,090	631,330	706,850	89.3%	1,696,870	1,696,870	37.2%
31 Services	96,143	391,295	491,571	540,613	90.9%	1,286,880	1,286,880	38.2%
32								
33 TOTAL OPERATING EXPENSE	7,430,987	36,352,030	38,737,586	40,157,055	96.5%	96,345,220	96,435,676	40.2%
34								
ADMINISTRATIVE EXPENSE								
35								
36 Wages and Benefits	460,897	1,926,188	2,135,984	2,290,050	93.3%	5,623,527	5,407,821	39.5%
37 Managing Agency Admin OH Cost	481,250	344,914	1,693,350	1,707,732	99.2%	3,540,298	4,148,129	40.8%
38 Board of Directors	751	3,502	3,278	3,920	83.6%	12,800	12,800	25.6%
39 Professional Services	211,197	1,276,347	1,112,634	1,134,601	98.1%	2,673,479	2,766,229	40.2%
40 Communications and Marketing	12,250	28,209	51,358	57,500	89.3%	138,000	138,000	37.2%
41 Office Expense and Other	89,422	783,674	619,882	639,331	97.0%	1,932,507	1,357,176	45.7%
42								
43 TOTAL ADMINISTRATIVE EXPENSE	1,255,767	4,362,833	5,616,488	5,833,134	96.3%	13,920,611	13,830,155	40.6%
44								
45 Long Term Debt Expense	91,906	459,531	459,531	459,532	100.0%	1,102,875	1,102,875	41.7%
46								
47 GRAND TOTAL EXPENSE	8,778,660	41,174,395	44,813,605	46,449,721	96.5%	111,368,706	111,368,706	40.2%

"% 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 2012

Adrienne Tissier, Chair  
Ken Yeager, Vice Chair  
José Cisneros  
Malia Cohen  
Jerry Deal  
Ash Kalra  
Liz Kniss  
Arthur L. Lloyd  
Tom Nolan

Michael J. Scanlon  
Executive Director

## PENINSULA CORRIDOR JOINT POWERS BOARD

### INVESTMENT PORTFOLIO

AS OF NOVEMBER 30, 2012

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
-----	-----	-----	-----	-----
Local Agency Investment Fund (Restricted)	Liquid Cash	0.324%	\$ 2,000,000	\$ 2,000,000
Local Agency Investment Fund (Unrestricted)	Liquid Cash	0.324%	39,685,686	39,685,686
County Pool (Unrestricted)	* Liquid Cash	0.880%	20,059,157	20,059,157
Investment Portfolio (Unrestricted)	** Liquid Cash	0.000%	0	0
Other (Unrestricted)	Liquid Cash	0.010%	786,585	786,585
-----	-----	-----	-----	-----
			\$ 62,531,427	\$ 62,531,427

Accrued Earnings for November, 2012	\$ 25,101.75
Cumulative Earnings FY2013	\$ 95,438.34

\* County Pool average yield for the month ending November 30, 2012 was 0.880%. As of November 2012, the amortized cost of the Total Pool was \$2,648,847,013.60 and the fair market value per San Mateo County Treasurer's Office was \$2,662,463,315.75.

\*\* 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: **ADOPTION OF A NEW FAREBOX RECOVERY RATE GOAL**

**ACTION**

Staff Coordinating Council recommends the Board adopt a farebox recovery rate goal with a range of 45 to 65 percent, to take effect in Fiscal Year (FY) 2014.

**SIGNIFICANCE**

A farebox recovery goal range of 38 to 50 percent was adopted by the Board in August 2008. Ridership and farebox receipts have been increasing steadily and significantly during the past two years and are trending at a rate higher than the originally adopted goal. As the farebox revenues continue to grow, it is prudent to revise the Board adopted goal to reflect current farebox recovery levels and growth potential.

An increase in the farebox recovery goal to a range of 45 to 65 percent will be more in line with current transportation industry trends. Although this goal has not yet been adopted as policy by the Board, staff will prepare the FY2014 budget with the understanding that the customer contribution toward revenues will be generated from the farebox in this increased recovery range and that the balance of revenues will be provided from other sources. This new goal will create a parameter to be used in future budget planning practices. A range of recovery percentages rather than a specific percentage provides flexibility in order to accommodate economic and budgetary fluctuations.

<b>Table: Farebox Recovery Rates</b>			
<b>Fiscal Year</b>	<b>Fare Revenue</b>	<b>Operating Expense</b>	<b>Percentage of Recovery</b>
<b>FY2013 Adopted</b>	\$60,293,443	\$111,368,706	54.14%
<b>FY2012 Audited</b>	\$59,891,343	\$102,225,947	58.59%
<b>FY2011</b>	\$49,025,572	\$96,710,101	50.69%
<b>FY2010</b>	\$42,732,343	\$89,716,521	47.63%
<b>FY2009</b>	\$43,271,656	\$91,018,423	47.54%
<b>FY2008</b>	\$40,129,943	\$87,831,635	45.69%
<b>FY2007</b>	\$34,844,628	\$77,905,255	44.73%
<b>FY2006</b>	\$30,376,327	\$72,943,148	41.64%
<b>FY2005</b>	\$23,036,916	\$70,574,877	32.64%
<b>FY2004</b>	\$19,257,579	\$63,817,729	30.18%

### **BUDGET IMPACT**

While this goal has no direct effect on the budget for FY2013, it will be prudent to closely monitor actual fare revenues and see how revenue trends develop over time. The actual fare revenue collected in FY2012 is trending toward the continued growth in farebox recovery, which will be necessary to sustain in order to achieve the annual fare revenues of \$60.3 million adopted in FY2013 Budget.

### **BACKGROUND**

Throughout the transportation industry, revenues to support rail transit come from a variety of sources, with fares being only one of the sources. Farebox recovery rates vary significantly, from a low of 10 percent up to 60 percent or more for rail systems in dense urban areas. A goal with a range of 45 to 65 percent moves the JPB higher than the median of ranges utilized by similar agencies.

Prepared by: Ladi Bhuller, Manager of Budgets  
Aandy Ly, Senior Financial Analyst

650.508.7755  
650.508.6376

**RESOLUTION NO. 2013 –**

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

**\* \* \***

**AUTHORIZING ADOPTION OF A NEW FAREBOX RECOVERY GOAL  
RANGE OF 45 TO 65 PERCENT**

**WHEREAS**, the Peninsula Corridor Joint Powers Board (JPB) adopted a farebox recovery goal range of 38 to 50 percent in August 2008; and

**WHEREAS**, since the original goal was adopted, Caltrain has experienced steady and significant growth in farebox revenue recovery; and

**WHEREAS**, Staff Coordinating Council recommends the JPB increase the farebox recovery rate goal by establishing a range of 45 to 65 percent; and

**WHEREAS**, setting a goal with a range of recovery percentages rather than a specific percentage will provide flexibility in order to accommodate economic and budgetary fluctuations; and

**WHEREAS**, the proposed farebox recovery rate goal reflects a percentage range consistent with the experienced increases in farebox revenue and associated ridership.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby adopts a farebox recovery goal range of 45 to 65 percent.

Regularly passed and adopted this 3rd day of January, 2013 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Chair, Peninsula Corridor Joint Powers Board

ATTEST:

\_\_\_\_\_  
JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD  
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon  
Executive Director

FROM: Gigi Harrington  
Deputy CEO

C. H. (Chuck) Harvey  
Deputy CEO

SUBJECT: **APPROVAL TO EXERCISE OPTION 1 TO THE CONTRACT FOR THE  
COMMUNICATIONS BASED OVERLAY SIGNAL SYSTEM / POSITIVE TRAIN  
CONTROL PROJECT (CBOSS/PTC)**

**ACTION**

Staff Coordinating Council (SCC) recommends the Board authorize the Executive Director or his designee to exercise the first Option to the Agreement with Parsons Transportation Group (PTG) in the amount of \$35,289,630 for Phase 2 of the Communications-based Overlay Signal System / Positive Train Control project (CBOSS/PTC) for Caltrain, specifically including final design, integrated subsystem/system factory acceptance testing, and installation of the data communication subsystem.

**SIGNIFICANCE**

By exercising Option 1 of the contract, Phase 2 of the CBOSS/PTC project will be initiated to provide the Peninsula Corridor Joint Powers Board (JPB) with the subsystem and system final design and factory acceptance test, and the Installation of a data communication subsystem with fiber optic network backbone. These components are necessary for the completion of the CBOSS/PTC project.

**BUDGET IMPACT**

The total amount of Option 1 is \$35,289,630. This amount was included in the December 2012 Amendment to the Caltrain Fiscal Year 2013 Capital budget.

**BACKGROUND**

In October, 2008, Congress enacted the Rail Safety Improvement Act of 2008 (RSIA), which mandates the development and implementation of PTC systems on "Class I" and commuter railroads such as Caltrain by December 31, 2015.

The Caltrain CBOSS/PTC system includes the four key requirements of the RSIA, a system that reliably and functionally prevents: (1) train-to-train collisions, (2) overspeed derailments, (3) unauthorized incursions into work zones and (4) routing over misaligned switches. The Caltrain CBOSS/PTC system will not only improve rail safety, but it will also provide enhanced operational benefits including improved schedule management,

station stop enforcement, crossing safety improvements, and optimized operating performance. The Caltrain CBOSS/PTC system will be implemented on all main tracks between San Francisco and Control Point Lick in south San Jose and will be interoperable with its tenant and host railroads. The Caltrain CBOSS/PTC system will provide significant advances to the signaling system capabilities.

Pursuant to Resolution 2011-43, on December 28, 2011 the JPB entered into an agreement with PTG to implement CBOSS/PTC for Caltrain. To accommodate funding constraints and requirements, the CBOSS/PTC project was structured to consist of three Phases, described in the contract as a base term (Phase 1) for the critical design of PTC, with two subsequent options (Phases 2 and 3) for the continuing implementation and deployment of the PTC system. The options are to be executed upon funding availability, and subject to Board approval.

Phase 1 of the CBOSS/PTC project is anticipated to be complete by March, 2013. Work to date has included the following achievements:

- Completed Project Execution Planning (PEP).
- Obtained approval of Project PEP.
- Obtained approval of Project Baseline Schedule.
- Completed Project Contract Deliverable Requirements List.
- Completed co-location of PTG project personnel at SF Caltrain Field Office.
- Completed Project Preliminary Design & Approval.
- Submitted Project PTC Development Plan to Federal Railroad Administration (FRA).
- Commenced Back-up Central Control Facility Real Estate search.
- Developed Caltrain Interoperability Coordination Plan for FRA and other railroads' review and comments. Met with Union Pacific Railroad and other tenant railroads for establishing Interoperability coordination plan process and working groups.
- Conducted monthly project reviews with California High Speed Rail Authority (CHSRA)-designated consultant.
- Submitted deliverable packages as required by the JPB's agreement with CHSRA. Met with FRA/CHSRA to discuss project status and addressed FRA comments in September 2012.
- Commenced system and subsystem critical design.

JPB staff deems it critical to exercise Option 1 for Phase 2 of the CBOSS/PTC project. The cost of Phase 2 is set in the originally awarded contract. Per Board Resolution 2011-43, the authorized amount of the PTG contract is \$16,342,402 for the Base contract (Phase 1); \$35,289,630 for Option 1 (Phase 2); and \$86,503,641 for Option 2 (Phase 3). At the appropriate time, Board approval will be sought before Option 2 is exercised for Phase 3.

Sr. Contract Officer: Juanita Vigil  
Project Manager: Jack Buckingham

650.508.7731  
650.622.8013

**RESOLUTION NO. 2013 –**

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

**\* \* \***

**AUTHORIZING EXERCISE OF OPTION 1 TO THE CONTRACT WITH PARSONS  
TRANSPORTATIONS GROUP FOR PHASE 2 OF THE COMMUNICATIONS BASED OVERLAY  
SIGNAL SYSTEM POSITIVE TRAIN CONTROL PROJECT (CBOSS/PTC) IN THE AMOUNT OF  
\$35,289,630**

**WHEREAS**, on October 6, 2011, pursuant to Resolution 2011-43, the Peninsula Corridor Joint Powers Board (JPB) awarded a contract to Parsons Transportation Group (PTG) to implement CBOSS/PTC for Caltrain, which contract consists of three Phases, described as a Base contract (Phase 1) for the critical design, with two subsequent options, (Phases 2 and 3), for the continuing implementation and deployment of the CBOSS/PTC system; and

**WHEREAS**, staff now deems it appropriate to exercise Option 1 to the PTG contract in order to commence Phase 2 of the CBOSS/PTC project on schedule, which will provide Caltrain with a final design, integrated subsystem/system factory acceptance testing, and the installation of the data communication subsystem including a fiber optic backbone; and

**WHEREAS**, funding for Option 1 (Phase 2) has been budgeted in the Caltrain Fiscal Year 2013 Capital budget.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director or his designee to exercise Option 1 to the Agreement with PTG of Washington, D.C. in the amount of \$35,289,630, in full conformity with all of the terms and conditions of the Agreement and in a form approved by Legal Counsel.



Regularly passed and adopted this 3rd day of January 2013 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                      Mark Simon  
Deputy CEO                                  Executive Officer, Public Affairs

SUBJECT: **AUTHORIZING AWARD OF CONTRACTS TO PROVIDE FEDERAL LEGISLATIVE  
ADVOCACY SERVICES**

**ACTION**

Staff Coordinating Council (SCC) recommends the Board approve:

1. Award of contracts to:
  - Holland & Knight, LLP to provide Federal legislative advocacy services for a firm-fixed price of \$300,000 for a five-year term; and
  - Kadesh & Associates, LLC for the specialized scope of Caltrain modernization and high speed rail (HSR) advocacy services for a firm-fixed price of \$265,404 for a five-year term.
2. Authorize the Executive Director or designee to execute a contract with each firm in full conformity with the terms and conditions of the solicitation documents and negotiated agreement.

**SIGNIFICANCE**

Award of a contract to Holland & Knight, LLP will provide the JPB with the services of a well-qualified, professional Federal advocacy firm. Holland & Knight, LLP has a dedicated public policy and regulation practice that has represented public transportation clients since 1982.

Award of a contract to Kadesh & Associates, LLC, a firm well versed in the specialized area of commuter rail legislative advocacy, will ensure that the JPB's interests are advanced at the Federal level during the planning and implementation of HSR along the Caltrain corridor.

**BUDGET IMPACT**

Funding for these services will be available under approved and projected operating budgets.

**BACKGROUND**

A Request for Proposals (RFP) to provide Federal legislative advocacy services was issued detailing the scope of services. In light of HSR activities, the JPB specified its needs for specialized services focused on Federal advocacy efforts associated with advancing the Caltrain modernization program and delivering HSR along the Caltrain corridor in addition to requiring a broad spectrum of advocacy services. The solicitation was advertised in a

newspaper of general circulation and on the JPB's website. Solicitation notices also were sent to interested firms, small business enterprises (SBEs) and disadvantaged business enterprises (DBEs). Staff received proposals from three firms, none of which are SBEs/DBEs.

An Evaluation Committee (Committee), comprised of qualified staff and three outside experts with experience in community and legislative advocacy for public transit agencies, reviewed and ranked proposals according to the following weighted criteria set forth in the RFP:

- |  |           |
|--|-----------|
| • Approach to Scope of Services                                      | 15 points |
| • Qualifications and Experience of Firm                              | 35 points |
| • Qualifications and Experience of Management Team and Key Personnel | 30 points |
| • Cost Proposal  | 20 points |

After review, evaluation, and initial scoring of proposals, the Committee invited all three firms for interviews. Following interviews, the Committee completed the final evaluation and consensus ranking. The firms are listed below in order of their final consensus ranking:

- Holland & Knight, LLP, Washington, D.C.
- Kadesh & Associates, LLC, Washington, D.C.
- FaegreBD Consulting, Washington, D.C.

Holland & Knight has broad experience in the area of Federal legislative advocacy services and has been recognized by peers as one of the best performing transportation practices in the nation; furthermore, it has a strong presence in the Washington, D.C. area. Key personnel assigned to the JPB's account have in-depth knowledge of DOT, FRA and FTA regulatory requirements and have extensive experience in government relations and public transportation legislative advocacy.

Kadesh & Associates, LLC has a solid rail transportation advocacy track record and extensive experience on Capitol Hill. Each of the key personnel assigned to the JPB account has developed strong relationships with the California congressional delegation.

The backgrounds of these firms demonstrate that they have the requisite depth of knowledge and experience in Federal policy and legislative advocacy services for the successful advocacy of the JPB's Federal transportation priorities. Staff therefore recommends award of a contract to each firm. Both firms will provide all of the required services with their own staff and will not engage any subconsultants.

Holland & Knight currently provides Federal legislative advocacy services for the District and the Transportation Authority. The value of Kadesh & Associates' current contract with the JPB is \$420,000 for a three-year term.

Contract Officer:	Adwoa Oni	650.508.6411
Project Manager:	Seamus Murphy, Director, Government & Community Affairs	650.508.6388

**RESOLUTION NO. 2013 –**

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

**\* \* \***

**AUTHORIZING AWARD OF CONTRACTS  
TO PROVIDE FEDERAL LEGISLATIVE ADVOCACY SERVICES  
FOR A NOT-TO-EXCEED AMOUNT OF \$565,404 FOR FIVE YEARS**

**WHEREAS**, the Peninsula Corridor Joint Powers Board (JPB) has solicited competitive proposals to provide Federal legislative advocacy services, with special emphasis on Caltrain modernization and high speed rail advocacy services; and

**WHEREAS**, in response to the JPB's advertisement, three firms submitted proposals; and

**WHEREAS**, an Evaluation Committee (Committee) has reviewed proposals and conducted interviews, and ranked the proposers according to the evaluation criteria set forth in the Request for Proposals (RFP); and

**WHEREAS**, the Committee has determined that Holland & Knight, LLP and Kadesh & Associates, LLC are the two highest consensus-ranked firms; and

**WHEREAS**, the Committee has determined that it would be in the best interest of the JPB to award a contract to Holland & Knight, LLP for the broad scope of Federal legislative advocacy services and a contract to Kadesh & Associates, LLC for the specialized scope of Caltrain modernization and high speed rail advocacy services; and

**WHEREAS**, legal counsel has reviewed the Holland & Knight, LLP and Kadesh & Associates, LLC proposals and determined that they comply with the requirements of the solicitation documents; and

**WHEREAS**, the Executive Director recommends that a five-year contract for Federal legislative advocacy services be awarded to Holland & Knight, LLP for a five-year term for a total firm-fixed price of \$300,000; and additionally, a five-year contract for the specialized scope of Caltrain modernization and high speed rail advocacy services be awarded to Kadesh & Associates for a total firm-fixed price of \$265,404.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board hereby awards a contract for Federal legislative advocacy services to Holland & Knight, LLP of Washington, D.C. for a five-year term for a firm-fixed price of \$300,000 ; and

**BE IT FURTHER RESOLVED** that the Board hereby also awards a contract for the specialized scope of Caltrain modernization and high speed rail advocacy services to Kadesh & Associates, LLC of Washington, D.C. for a five-year term for a firm-fixed price of \$265,404; and

**BE IT FURTHER RESOLVED** that the Board authorizes the Executive Director or designee to execute contracts on behalf of the JPB with Holland & Knight, LLP and Kadesh & Associates, LLC in full conformity with all of the terms and conditions of the contract documents, and in a form approved by legal counsel.

Regularly passed and adopted this 3<sup>rd</sup> day of January 2013 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

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Chair, Peninsula Corridor Joint Powers Board

---

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.

Due to the holidays, staff has no significant State or Federal items to report for either State or Federal Legislature.

Prepared By: Seamus Murphy, Director, Government and Community Affairs 650.508.6388