

CITIZENS ADVISORY COMMITTEE (CAC)
PENINSULA CORRIDOR JOINT POWERS BOARD (JPB)
SAN MATEO COUNTY TRANSIT DISTRICT ADMINISTRATIVE BUILDING
Bacciocco Auditorium, 2nd Floor
1250 San Carlos Avenue, San Carlos CA 94070

MINUTES OF AUGUST 15, 2012

MEMBERS PRESENT: K. Gardiner, J. Hronowski, B. Jenkins, A. Levin,
Y. Mills, A. Sweet, C. Tucker

MEMBERS ABSENT: P. Bendix (Chair), D. Lindsey

STAFF PRESENT: J. Averill, T. Bartholomew, N. McKenna, M. Bouchard, L. Alarcon
(Hanson Bridgett), A. Schutte (Hanson Bridgett)

Due to the absence of Chair Paul Bendix and no current vice chair, John Hronowski served as Chair. The meeting was called to order at 5:44 p.m. and Kevin Gardiner led the Pledge of Allegiance.

NOMINATION AND ELECTION OF VICE CHAIR

Chair Hronowski said with the departure of Scott Klemmer, the CAC has an opening for the vice chair position. A motion (Tucker/Mills) to nominate and elect Mr. Gardiner as vice chair passed.

Chair Hronowski said he will relinquish the gavel to Vice Chair Gardiner after item six on the agenda which is the presentation of certificates of appreciation.

APPROVAL OF MINUTES

A motion (Jenkins/Gardiner) to approve the minutes of July 18, 2012 was approved (Tucker abstained).

PUBLIC COMMENT

Jeff Carter, Millbrae, said he heard rumors there might be a backlog of maintenance of equipment. He said a train he was on had only one bike car and a conductor told him Caltrain is short of cab cars.

Doug DeLong, Mountain View, said he was on a train that did not have enough seats for all of the passengers and Caltrain has a big challenge to meet the demand. He said if trains are full there is no point in adding stops but reducing stops would get better asset utilization and less cost per passenger. He said Caltrain could also acquire more equipment. He thinks Caltrain potentially has considerable under-met demand and would like Caltrain to employ a very aggressive program to meet it.

Gerald Graham, Burlingame, said he still hears from his former constituents in Burlingame who complain about southbound rush hour service out of Burlingame. He said some people drive to other stations to get more direct service including his son who drives to San Mateo in order to get a train to Mountain View as opposed to taking an earlier train from Burlingame and having to transfer at Redwood City. He said the service to Redwood City is only hourly but Redwood City is an important transfer point. He said he hopes something will be done to correct this issue.

CHAIRPERSON'S REPORT – J. Hronowski

- a. Certificate of Appreciation to Gerald Graham
- b. Certificate of Appreciation to Scott Klemmer

Chair Hronowski presented certificates of appreciation for Mr. Graham and Mr. Klemmer for their support and contributions to the CAC.

Vice Chair Gardiner took over as Chair for the remainder of the meeting.

PUBLIC COMMENT

Jeff Carter, Millbrae, thanked Mr. Graham and said he appreciated him for what he has done for the CAC and Caltrain and he was a very good advocate for public transportation.

PRESENTATION: THE BROWN ACT – A. Schutte and L. Alarcon

Legal Counsel, Allison Schutte and Lance Alarcon presented the following:

- Governmental ethic laws set a minimum standard for behavior and in public service appearances really matter.
- The Brown Act is an open meeting law that ensures the public is informed of and has access to a committee's meetings.
- Those subject to the Brown Act are any legislative body, any committee created by the Board of Directors and any committee created by a committee.
- The CAC is subject to the Brown Act because it is a committee created by the Board of Directors.
- The Brown Act requires meetings must be open to the public, properly noticed with a written agenda available to the public at least 72 hours in advance and the public must be allowed to speak before the body.
- A meeting is a majority of members of a legislative body meeting at the same place and time to hear, discuss, deliberate or take action on any item that is within the subject matter jurisdiction of the legislative body.
- A meeting not subject to the Brown Act is individual contact between a member and a non-member or attendance at a conference open to the public.
- The Brown Act does allow for closed sessions, but it is very unlikely the CAC will ever have a closed session. If there is a closed session materials distributed and discussions held must remain confidential.
- Areas of risky business and possible Brown Act violations include serial conversations which are a series of communications. Each involves less than a quorum, but ultimately results in communication amongst the majority of the members that did not occur in public. There are two types of serial conversations, a hub-and-spoke and a daisy chain.

Other areas include chat rooms, other social media technology, social engagements and other agencies' meetings.

- The Brown Act does have penalties and enforcement, but there are opportunities to cure an action.

Ms. Schutte said if CAC members want to e-mail something to the committee they should e-mail it to staff who will forward it as needed. Cat Tucker asked if staff would be an intermediary at that point. Ms. Schutte said yes but it is just for sharing information.

Ms. Tucker asked how to avoid violating the serial communication policy if a reporter contacted CAC members. Ms. Schutte said to ask the reporter who else he or she spoke with or not share comments with the reporter. Reporters are not subject to the Brown Act.

Bruce Jenkins asked if election subcommittees are allowed to e-mail each other. Ms. Schutte said that is a short-term committee and it does not have a quorum of the CAC so would possibly be considered an ad hoc committee and would not be subject to the Brown Act.

Mr. Hronowski said public members have always disclosed their names on the public speakers cards and asked if they can write anonymous on the card. Ms. Schutte said they can put their first name only or use another name but they cannot be forced to disclose their name in order to speak during a meeting if they don't want to.

Adina Levin asked if Caltrain is following the 72-hour prior notice requirement for meeting agendas and asked if presentations and handouts must be posted. Ms. Schutte said the agenda is required to be posted and the attachments or other information must be available at the meeting.

Ms. Levin asked if web forums which are open to the public and would enable legislative bodies to have online discussions violate the Brown Act. Ms. Schutte said at this stage there is not enough ubiquitous computer access to consider online discussions open to the public and does not enable enough interaction to constitute public participation.

Ms. Levin asked if any updates have been made to the teleconference policy since tools like Skype have become available. Ms. Schutte said the issue is that the public must have access to the meetings, so if a member uses Skype from his or her home then the public must have access to that member's property in order to participate. No member can be isolated from the public during teleconference participation.

Ms. Levin asked when a quorum of a body is at an event outside the agency where there will be a discussion of an item under their subject matter jurisdiction if the event needs to be noticed to the public to clear the body of a potential Brown Act violation. Ms. Schutte said to contact staff if a quorum of CAC members attends a meeting to discuss something under their subject matter jurisdiction but to choose carefully what is discussed at those meetings.

PUBLIC COMMENT

Jeff Carter, Millbrae, asked if he can email members of the committee or if he should go through staff and if he can talk to committee members individually over the phone. Ms. Schutte said

members of the public are allowed to speak to the individual committee members directly but it is better to go through staff to communicate to help protect the members from accidentally violating the Brown Act. She said it is easy to unintentionally become the hub in hub-and-spoke communications.

Vice Chair Gardiner asked what the protocol is if someone wants to hand out something to the committee during a meeting without it being available beforehand. Ms. Schutte said the agency must keep at least one copy with the agenda materials so if someone requests it later it can be made available but there is no law the item must be handed or mailed out to everyone.

STAFF REPORT – M. Bouchard

Director, Rail Transportation Michelle Bouchard reported:

- July on-time performance (OTP) was up to 93.6 percent. Staff analyzed why Caltrain is not making the 95 percent OTP goal. Caltrain's standard for OTP is arrival within five minutes of the scheduled time. OTP jumps to 97.7 percent when it is measured against a 10 minute window. There are issues with some mechanical subsystems that lead to smaller delays. High ridership also leads to a decline in OTP.
- There has been a persistent issue with State of Good Repair and insufficient funding for preventative maintenance to keep the fleet in a state of "stellar" repair. Funding is available this year for preventative maintenance.
- Transit America Services Inc. (TASI) performed an assessment of the infrastructure to understand the state of the repair. There is no back log of maintenance to be done.
- Train problems are a result of a series of years of deferred preventative maintenance.
- Caltrain has had a safety issue at the Redwood City Station with using the wheelchair boarding ramp with Bombardier cars. Caltrain stopped using the ramp and switched to the crank lift which takes longer and causes a delay. She said the ramps help to expedite the boarding of wheelchairs, so Caltrain will start work in the next few months to design a safer ramp which will remove this cause of delay.
- There will be a service increase of 6 additional trains and 12 additional stops in October. By adding strategic stops, staff is hoping to increase ridership and pull riders from other trains which will potentially help with OTP, overcrowding, and bike capacity. Changing a schedule sounds very simple but is in fact extremely complicated.
- Last month, Caltrain hit an all-time high of over 50,000 daily riders. There was a small dip in ridership in July but it is still 10 percent above July of last year.
- Caltrain hit an all-time high fare revenue in excess \$5.8 million which is 17 percent over previous year.
- Overpasses have been installed in San Bruno for the grade separation project. The walls will be put up over the next few months. Project completion date is August of 2013.
- On Labor Day, Caltrain will switch to a new rail operations control system. The control system is an upgrade and will be expandable when Caltrain is electrified. A component of the control system is the Predictive Arrival Departures System which allows for real time display of OTP at stations and other features including automatic announcements.

Ms. Levin asked if any changes were made to the proposed schedule since the public review. Ms. Bouchard said it is largely the same. The comments received were balanced.

Ms. Levin asked if Caltrain will be adding wireless internet access at some point. Ms. Bouchard said staff has begun investigating how the technology has changed since the last time they looked at adding it. She said that project would have to compete on a tight budget with other capital projects including preventative maintenance.

Ms. Levin said she has heard one reason for delayed boardings is people with bikes, and the Caltrain policy is to let people who do not have bikes on the train first. She said she experienced a situation during which a pedestrian was blocking the way for bicyclists to board the train. She asked if there was a way to allow bikes on first to avoid dwell time issues. Ms. Bouchard said she will take the comment to staff to discuss.

Mr. Hronowski asked why some trains only have one bike car. Ms. Bouchard said if a car is out for unscheduled maintenance that would result in a train with only one bike car. It is standard policy that every train has two bike cars but very rare mechanical issues might result in the absence of one of those cars.

Ms. Tucker said she has heard Caltrain will not be modernized with the electrification between San Jose and Gilroy and asked for clarification and documentation that she can share with the public from that area. Ms. Bouchard said she will send Ms. Tucker information about the issue.

Yvonne Mills asked if schedule changes are coordinated with the Santa Clara Valley Transportation Authority and the San Mateo County Transit District. Ms. Bouchard said yes but from a rider perspective it may not appear that way. Staff has to try to balance competing objectives. She said staff advises other agencies of schedule changes and tries to make them coincide with other schedules.

Ms. Levin said Stanford is providing incentives to its employees to get them to arrive at off-peak hours. She thinks it might have to do with parking but the concept might be applicable to Caltrain to help spread the loads.

PUBLIC COMMENT

Jeff Carter, Millbrae, said when he started riding the train ridership was only 14,000 passengers per day and he is happy that today it is up to 50,000 and it proved critics wrong. He said he appreciates the efforts staff makes to improve the service. He thinks fewer stops would defeat the purpose of public transit services because it would force people to drive to a station that is not convenient to them.

COMMITTEE COMMENTS

Ms. Tucker said she heard compliments about the conductors from the public. She asked staff to add updates to sustainability and the budget to a future agenda.

Ms. Mills said the YouTube clip on the Caltrain Facebook page was marvelous and she heard positive feedback about it. She said the conductors seem to have risen in professionalism and are more congenial and approachable.

Mr. Jenkins said an announcement he heard for a tardy train was clear and understandable.

Ms. Bouchard said she's pleased to have members of the TASI team here to hear the positive comments. She said their efforts are paying off.

Vice Chair Gardiner said the YouTube clip about the San Bruno construction was also very good. He said the conductors are doing great and the gate checks in San Francisco are going more smoothly.

DATE, TIME AND LOCATION OF NEXT MEETING:

September 19, 2012 at 5:40 p.m., San Mateo County Transit District Administrative Building, 2nd Floor Bacciocco Auditorium, 1250 San Carlos Avenue, San Carlos, CA.

Meeting adjourned at 7:09 p.m.