



BOARD OF DIRECTORS 2021

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JEFF GEE
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JIM HARTNETT
EXECUTIVE DIRECTOR

AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

Work Program – Legislative – Planning (WPLP) Committee Meeting

Committee Members: Charles Stone (Chair), Cindy Chavez, Steve Heminger

Due to COVID-19, this meeting will be conducted via teleconference only (no physical location) pursuant to the [Governor's Executive Orders N-25-20 and N-29-20](#).

Directors, staff and the public may participate remotely via Zoom at

<https://zoom.us/j/99768901849?pwd=VmVSSEJFZHZHhYUzhIR212RURzODNndz09> or by entering Webinar ID: **997 6890 1849**, Passcode: **609602**, in the Zoom app for audio/visual capability or by calling 1-669-900-6833 (enter webinar ID and press # when prompted for participant ID) for audio only. The video live stream will be available after the meeting at <http://www.caltrain.com/about/bod/video.html>

Public Comments: Members of the public are encouraged to participate remotely. Public comments may be submitted to publiccomment@caltrain.com prior to the meeting's call to order so that they can be sent to the Board as soon as possible, while those received during or after an agenda item is heard will be included into the Board's weekly correspondence and posted online at http://www.caltrain.com/about/bod/Board_of_Directors_Meeting_Calendar.html.

Oral public comments will also be accepted during the meeting through *Zoom or via the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM. Use the Raise Hand feature to request to speak. For public participants calling in, dial *67 if you do not want your telephone number to appear on the live broadcast. Callers may dial *9 to use the Raise the Hand feature for public comment and press *6 to accept being unmuted when recognized to speak for two minutes or less. Each commenter will be automatically notified when they are unmuted to speak for two minutes or less. The Board Chair shall have the discretion to manage the Public Comment process in a manner that achieves the purpose of public communication and assures the orderly conduct of the meeting.

January 27, 2021 – Wednesday

3:00 pm

1. Call to Order / Pledge of Allegiance
2. Roll Call
3. Public Comment on Items not on the Agenda
Comments by each individual speaker shall be limited to two (2) minutes. Items raised that require a response will be deferred for staff reply.
4. Approve Meeting Minutes of October 28, 2020 MOTION
5. State and Federal Legislative Update and Approval of Legislative Proposals MOTION
6. Adoption of a Mitigated Negative Declaration for the Guadalupe River Bridge Replacement Project MOTION
7. Increase the Contract Change Order Authority for Construction of the 25th Avenue Grade Separation Project by \$12,100,000 and Amend to Increase The Fiscal Year 2021 Capital Budget to Include \$25,900,000 for the Project and Reflect a Cumulative Increase of \$26,100,000 for a New Total Budget of \$112,559,772 INFORMATIONAL
8. Post COVID Business Strategy – Scenario Planning INFORMATIONAL
9. Caltrain Electrification Two Speed-Check Crossing Designs (**verbal update**) INFORMATIONAL
10. Committee Member Requests
11. Date/Time of Next Regular WPLP Committee Meeting: Wednesday, February 24, 2021 at 3:00 pm via Zoom
12. 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. Communications to the Board of Directors can be e-mailed to board@caltrain.com.

Free translation is available; Para traducción llama al 1.800.660.4287; 如需翻译 请电 1.800.660.4287

Date and Time of Board and Committee Meetings

JPB Board: First Thursday of the month, 9:00 am; JPB Finance Committee: Fourth Monday of the month, 1:30 pm. Date, time and location of meetings may be changed as necessary. Meeting schedules for the Board and committees are available on the website.

Location of Meeting

Due to COVID-19, the meeting will only be via teleconference as per the information provided at the top of the agenda. The Public may not attend this meeting in person.

*Should Zoom not be operational, please check online at http://www.caltrain.com/about/bod/Board_of_Directors_Meeting_Calendar.html for any updates or further instruction.

Public Comment*

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Accessible Public Meetings/Translation

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 and provide comments at/related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least at least 72 hours in advance of the meeting or hearing. Please direct requests for disability-related modification and/or interpreter services to the Title VI Administrator at San Mateo County Transit District, 1250 San Carlos Avenue, San Carlos, CA 94070-1306; or email titlevi@samtrans.com; or request by phone at 650-622-7864 or TTY 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.



BOARD OF DIRECTORS 2020

DAVE PINE, CHAIR
DEV DAVIS, VICE CHAIR
CINDY CHAVEZ
RON COLLINS
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CHARLES STONE
SHAMANN WALTON
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JIM HARTNETT
EXECUTIVE DIRECTOR

Notice of Cancellation

PENINSULA CORRIDOR JOINT POWERS BOARD WORK PROGRAM – LEGISLATIVE – PLANNING (WPLP) COMMITTEE MEETING

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

The Work Program – Legislative – Planning meeting for
Wednesday, **November 25, 2020 has been cancelled.**

The next scheduled meeting is Wednesday, December 23
(POSTED 11.19.20)

The Work Program – Legislative – Planning meeting for
Wednesday, **December 23, 2020 has been cancelled.**

The next scheduled meeting is Wednesday, January 27
(POSTED 12.17.20)

**Peninsula Corridor Joint Powers Board
Work Program – Legislative – Planning Committee (WPLP)
1250 San Carlos Avenue, San Carlos CA**

DRAFT MINUTES OF OCTOBER 28, 2020

MEMBERS PRESENT: C. Stone (Chair), C. Chavez, M. Zmuda

MEMBERS ABSENT: None.

STAFF PRESENT: J. Hartnett, J. Cassman, S. van Hoffen, S. Petty, M. Bouchard, D. Hansel, S. Murphy, D. Seamans, S. Wong

1. CALL TO ORDER

Chair Charles Stone called the subcommittee meeting to order at 3:00 p.m.

2. ROLL CALL

District Secretary Dora Seamans called the roll and confirmed all members were present.

3. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Roland Lebrun, San Jose, commented on the pledge with a flag.

4. APPROVE MEETING MINUTES OF AUGUST 26, 2020

Motion/Second: Stone/Zmuda

Ayes: Chavez, Zmuda, Stone

Noes: None

Absent: None

5. APPROVE 2021 WPLP COMMITTEE CALENDAR

Motion/Second: Zmuda/Chavez

Ayes: Chavez, Zmuda, Stone

Noes: None

Absent: None

6. ATHERTON STATION CLOSURE

Sebastian Petty, Deputy Chief of Planning, provided an overview of the proposed actions which included the following: background information on the Town proposing the closure; the benefits of the station closure; the Memorandum of Understanding (MOU) and associated Maintenance and Use Agreement (MUA) between the JPB and Atherton; cost and funding; the addendum to PCEP Environmental Impact Report (EIR); and, completing the Title VI Equity Analysis.

Director Monique Zmuda stated that she received comments in opposition of this closure. Mr. Petty replied that the Town Council and majority of the public have stated support for the closure.

Public comment

Roland Lebrun, San Jose, commented on seeing the MOU before executive director signature/approval, the quad-gate at Watkins, funding and equity across the line, quiet zones, and questioned the cost estimate at Broadway.

Chair Stone asked about funding for the new four-quadrant gates. Mr. Petty replied that it would be funded through the San Mateo Transportation Authority and they would seek other grant sources. He replied that Broadway is a hold out rule station so rebuilding the station would include a grade separation.

Motion/Second: Chavez/Zmuda

Ayes: Chavez, Zmuda, Stone

Noes: None

Absent: None

7. RESOLUTION SUPPORTING AN ALTERNATIVE TO PLAN BAY AREA (PBA) 2050 STRATEGY EN7: "INSTITUTE TELECOMMUTING MANDATES FOR MAJOR OFFICE-BASED EMPLOYERS"

Seamus Murphy, Chief Communications Officer, stated that MTC (Metropolitan Transportation Commission) approved a resolution requiring 60 percent of employees to telecommute if they worked for an employer with more than 25 workers. He stated that this resolution would support alternatives to reducing greenhouse emissions with a more flexible transit alternative. MTC has stated it will come back in December when Plan Bay Area comes back to the Commission with an alternative strategy that considers the comments heard.

Director Zmuda inquired if this resolution provides alternatives for taking comments and responses into account. Mr. Murphy replied that it does provide alternatives for MTC to take into account other modes of travel and include consideration of zero emission buses. Director Zmuda asked if Mr. Murphy had seen San Francisco County Transportation Authority's (SFCTA) response to this. Mr. Murphy replied that they have not, but noted that they have seen the resolution by BART.

Director Cindy Chavez suggested replacing "suppression" with "reduction" in the eighth paragraph of the JPB resolution. She suggested including the three JPA counties instead of "this county" in the eleventh paragraph and to indicate that equity is a core value of Caltrain and we are looking to exercise that core value. Jim Hartnett, Executive Director, suggested amending "this county" to "this region".

Director Chavez asked if the last sentence on the fifteenth paragraph of the resolution was intended to address the limits of Senate Bill (SB) 375. Mr. Murphy replied yes, JPB took into account VTA's suggestions in not taking greenhouse gas reductions with zero emission buses into consideration and the JPB should take credit for everything done to reduce emissions. She asked staff to consider a companion initiative to credit zero emission vehicle strategies to regional greenhouse gas emission reduction goals and the possible option of sending a separate letter indicating what the JPB thinks should be pursued. Mr. Murphy replied that he has not heard of MTC responding to the emissions language, but would put language in addressing this.

Public comment

Aleta Dupree, Oakland, commented on Plan Bay Area 2050 not being enforceable, focusing on bringing people to the railroad, finishing electrification, continuing work on equity (including Clipper START), telecommuting, businesses determining telecommute regardless, and ending disputes.

Roland Lebrun, San Jose, commented on alternatives GHG (green house gas emissions) based on good movements, providing incentives, including electrification, and providing choice rides to Caltrain riders (double ridership).

Director Zmuda asked when MTC would revise their resolution. Mr. Murphy replied that they would be heard in committees in November and the full commission in December.

Motion/Second: Chavez/Zmuda moved to approve the resolution as stated and amended (with flexibility to update it based on further feedback and any new information before it goes before the full Board).

Ayes: Chavez, Zmuda, Stone

Noes: None

Absent: None

8. RECEIVE STATE AND FEDERAL LEGISLATIVE UPDATE

Casey Fromson, Director of Government and Community Affairs, noted that there should be more answers on getting a COVID package in the future after the election. She commented on the educating federal and state members on the importance of Caltrain receiving funding and how long funding will last.

9. COVID RECOVERY PLANNING UPDATE - SERVICE PLANNING

Sebastian Petty, Deputy Chief of Planning provided the presentation, which included the following: context and background on crisis response, equity during the pandemic, change in weekday service levels, Caltrain finances, maintaining at least two trains per hour, shut down considerations, balancing passenger loads and social distancing, weekend recommendation, and next steps.

Director Zmuda asked when cost information would be available, and if the cost was prohibitive, would the JPB implement a severe reduction in service. Mr. Petty replied that they were estimating out the more severe reductions in service. He noted that the cost is not more than the current operating cost. Director Zmuda asked if they need existing staff for this medium level of service. Michelle Bouchard, Chief Operating Officer, replied that it does require less staff.

Director Chavez said suggested indicating the income breaks with regard to low-income riders in addition to housing qualifications. She suggested including equity benefits in regards to Caltrain in the presentation slides. Director Chavez asked if the price per ride is the same now as pre-COVID. Mr. Petty replied yes, the Board suspended scheduled fare increases and the pilot program began for reduced fares. Director Chavez requested information on riders using the reduced fare program. Mr. Petty replied that they were planning to have a full report on Clipper START at the December meeting.

Public comment

Roland Lebrun, San Jose, commented on the May 15th Board correspondence regarding restoring ridership like BART has done, following CDC guidelines for making the train safe, social distancing on the bombardier cars, and proposed a local every hour and two baby bullets.

Aleta Dupree, Oakland, supported two trains per hour, encouraging more riders with more frequency.

10. COMMITTEE MEMBER REQUESTS

There were none.

11. DATE/TIME OF NEXT REGULAR WPLP COMMITTEE MEETING: WEDNESDAY, SEPTEMBER 23, 2020 AT 3:00 PM VIA ZOOM

12. ADJOURN

The meeting adjourned at 4:21 p.m.

DRAFT

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: JPB Work Program-Legislative- Planning Committee

THROUGH: Jim Hartnett
Executive Director

FROM: Rona Rios
Chief Communications Officer, Acting

SUBJECT: **STATE AND FEDERAL LEGISLATIVE UPDATE AND APPROVAL OF LEGISLATIVE PROPOSALS**

ACTION

Staff Coordinating Council recommends the Board:

1. Receive the attached Federal and State Legislative Updates
2. Approve the recommended Peninsula Corridor Joint Powers Board positions on those pieces of legislation designated for action on the attached State Legislative Matrix

SIGNIFICANCE

The 2021 Legislative Program establishes the principles that will guide the legislative and regulatory advocacy efforts. Based on those principles, staff coordinates closely with our Federal and State advocates on a wide variety of issues that are considered in Congress and the State legislature. The attached reports highlight the recent issues and actions that are relevant to the Board, and specifies those bills on which staff proposes that the Board take a formal position.

Prepared By: Brent Tietjen, Government and
Community Affairs Officer

650-508-6495



January 15, 2021

TO: Peninsula Corridor Joint Powers Board Members

FROM: Mike Robson and Trent Smith, Edelstein Gilbert Robson & Smith, LLC
Joshua W. Shaw and Matt Robinson, Shaw / Yoder / Antwih, Inc.

RE: **STATE LEGISLATIVE UPDATE – January 2021**

General Update

The Legislature was set to return to Sacramento on January 4, 2021. However, given the surge of COVID-19 throughout the state, the Legislature delayed their return until Monday, January 11. Now that they are back in session, legislators will continue introducing more bills until February 19, the bill introduction deadline.

It remains to be seen if legislative proceedings will be curtailed by the pandemic in a manner similar to the 2019-2020 legislative session.

Legislation

SB 44 (Allen) – CEQA Streamlining for Transit. This bill would allow certain transit projects that meet environmental and labor requirements to have a streamlined judicial review period for CEQA. This is the new legislative effort after SB 757 (Allen) was vetoed last session because it was tied to SB 995. **We recommend Caltrain support this bill.**

ACA 1 (Aguilar – Curry) Local Government Financing. This constitutional amendment is a reintroduced version of ACA 1 (Aguilar-Curry) from last session, which failed to pass off the Assembly floor 44-20. The measure would reduce the voter-approval threshold from 2/3 to 55% for cities and counties to issue bonds or raise taxes for public infrastructure, affordable housing or permanent supportive housing for the homeless. **We recommend Caltrain support this bill.**

Governor’s Proposed 2021-22 State Budget

On January 8, Governor Newsom presented his proposed 2021-22 State Budget. The Budget reflects more clearly the impact the year-long COVID-19 pandemic has had on California's revenues and primarily focuses on the state's response. To that end, the Budget includes a robust [Equitable Recovery for California's Businesses and Jobs Plan](#),

inclusive of significant new investments in small business grants, job creation and retention, workforce development, deferred maintenance, housing, and zero-emission vehicles and zero-emission vehicle infrastructure (more details below on the proposed investment in zero-emission vehicles and zero-emission vehicle infrastructure).

Appreciatively, the Budget acknowledges the "significant financial hardship" faced by transit agencies and the reality that "many agencies furloughed workers and curtailed service due to significant reductions in revenues and higher expenses related to serving essential workers and other travelers during the COVID-19 pandemic." The budget notes that the Administration continues to work with the federal government to obtain "ongoing federal support" for transit agencies.

The Budget does not include new state-level emergency funding support for transit agencies; however, it does present improved estimates for key state funding programs, showing that the State Transit Assistance (STA) Program will receive approximately \$667 million in 2021-22, an increase of almost \$24 million over the revised current year estimates and \$139 million more than the current year estimate published last year in the May Revise. Intercity and Commuter Rail will receive an estimated \$214 million in the coming fiscal year.

Cap and Trade funding will provide an additional \$106 million to the Low-Carbon Transit Operations Program, which is distributed using the STA formula. Lastly, the Transit and Intercity Rail Capital Program will receive SB 1 funds and Cap and Trade revenues for a total of \$487 million in 2021-22. A breakdown of these revenue totals can be found in the table below.

Estimated Transit Funding (January 2021)					
Source	2020-21 (2020 GB)	2020-21 (2020 MR)	2020-21 (2021 GB)	YOY Change (2020 GB to 2021 GB)	2021-22 (2021 GB)
STA					
Base (2.375%)	\$225,281	\$138,012	\$172,965	(\$52,317)	\$179,263
Gas Tax Swap (1.75%)	\$155,684	\$91,895	\$118,716	(\$36,968)	\$123,356
SB 1 (3.5%)	\$311,288	\$183,789	\$237,431	(\$73,857)	\$246,712
STA SGR (TIF)	\$112,000	\$114,600	\$114,067	\$2,067	\$117,488
Total	\$804,253	\$528,296	\$643,178	(\$161,075)	\$666,819
INTERCITY & COMMUTER RAIL					
Base (2.375%)*	\$225,281	\$138,012	\$172,965	(\$52,317)	\$179,263
SB 1 (0.5%)	\$44,470	\$26,256	\$33,919	(\$10,551)	\$35,245
Total	\$269,751	\$164,267	\$206,883	(\$62,868)	\$214,507
LCTOP					
Cap & Trade (5.0%)**	\$114,666	\$115,900	\$100,000	(\$14,666)	\$106,000
Total	\$114,666	\$115,900	\$100,000	(\$14,666)	\$106,000
TIRCP					
Cap & Trade (10.0%)**	\$233,408	\$225,400	\$200,000	(\$33,408)	\$213,000
SB 1 (TIF)	\$261,000	\$267,400	\$266,155	\$5,155	\$274,140
Total	\$494,408	\$492,800	\$466,155	(\$28,253)	\$487,140
LTF					
Sales and Use Tax (.25%)	\$1,993,621	\$1,426,873	\$1,822,723	(\$170,898)	\$1,807,441
Total	\$1,993,621	\$1,426,873	\$1,822,723	(\$170,898)	\$1,807,441
* Funds also used for other Caltrans purposes					
**Amount reflects auction revenues for the Fiscal Year					

Additionally, the Budget recommends "regulatory and reporting relief" related to the Transportation Development Act, allowing agencies to plan with more certainty and flexibility for the expenditure of state transit funding. The proposed statutory

language has not been released yet, but we will provide additional details on the parameters of the relief, when available.

As for Cap-and-Trade, the Budget includes a \$1.369 billion expenditure plan (\$624 million for Early Action in 2020- 21 and \$745 million in 2021-22) to provide funding for programs that reduce or sequester greenhouse gases (GHGs).

While not part of Cap-and-Trade Expenditure Plan, the Budget includes \$1 billion in future revenues to increase the pace and scale of the construction of electric vehicle charging and hydrogen fueling stations necessary to accelerate zero-emission vehicle adoption. The Budget proposes statutory changes to extend existing vehicle registration fees currently set to expire in 2024 and to authorize the securitization of these future revenues to support expansion of the California Energy Commission's Clean Transportation Program, which supports infrastructure development for light-, medium- and heavy-duty vehicles. If successful, this proposal would provide \$1 billion in new revenues for electric vehicle charging and hydrogen fuel infrastructure.

The Governor's Proposed Budget must now make its way through the Legislature. While we do expect some early actions related to the pandemic, the budget bill is not due to the Governor until June 15, 2021, with the new fiscal year beginning July 1.

Statewide Competitive Grant Programs

Below is a list of major competitive grant programs administered by the State from which transit and rail projects are eligible/can be funded.

Transit and Intercity Rail Capital Program (TIRCP)

The TIRCP was created to fund capital improvements to modernize California's intercity rail, bus, ferry, and rail transit systems to reduce emissions, expand and improve transit service and ridership, integrate rail services and improve transit safety. Funding from this program can be used to purchase zero-emission buses. Funds available are estimated at \$450-500 million for Cycle 4 but could change on auction proceeds and changing cash flow requirements of already awarded projects.

Solutions for Congested Corridors Program (SCCP)

The SCCP provides funding to achieve a balanced set of transportation, environmental, and community access improvements to reduce congestion throughout the state. The program makes \$250 million available annually (programmed in 2-year increments) for projects that implement specific transportation performance improvements.

Local Partnership Program (LPP)

The LPP is intended to provide local and regional transportation agencies that have passed sales tax measures, developer fees, or other imposed transportation fees with a continuous appropriation of \$200 million annually from the Road Maintenance and Rehabilitation Account to fund road maintenance and rehabilitation, sound walls, and other transportation improvement projects. The Competitive program is funded at \$100 million annually.

Trade Corridor Enhancement Program (TCEP)

The TCEP provides funding for infrastructure improvements on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network as identified in California Freight Mobility Plan, and along other corridors that have a high volume of freight movement. There is approximately \$300 million provided per year (programmed in 2-year increments) for the competitive program.

Grade Separation Funding

Below is a list of the funding sources that we are aware of and/or that have been used to fund grade separations in the recent years. The funding sources below are managed across various state agencies and departments, including the Public Utilities Commission (PUC), the California State Transportation Agency (CalSTA), the California Transportation Commission (CTC), and Caltrans.

PUC Section 190 Grade Separation Program – The Program is a state funding program to grade separate crossings between roadways and railroad tracks and provides approximately \$15 million annually, transferred from Caltrans. Agencies apply to the PUC for project funding.

State Transportation Improvement Program – The STIP, managed by Caltrans and programmed by the CTC, is primarily used to fund highway expansion projects throughout the state, but also supports grade separations. The STIP is programmed every two years (currently the 2018 STIP added \$2.2 billion in new funding). Local agencies receive a share of STIP funding, as does the State. The STIP is funded with gasoline excise tax revenues.

Transit and Intercity Rail Capital Program – The TIRCP is managed by CalSTA and is available to fund rail and transit projects that reduce greenhouse gas emissions. The program receives funding from Cap and Trade and the recently created Transportation Improvement Fee to the tune of approximately \$500 million per year. The TIRCP is programmed over 5 years, with the most recent cycle beginning in May 2018. Caltrain received \$160 million for the CalMod project.

Proposition 1A – This \$9.9 billion Bond Act is the primary funding source for the high-speed rail project and has been used to fund a very limited number of grade separation projects in the past, including in the City of San Mateo.

Caltrain

State Legislative Matrix 1/15/2020

Active Bills			
Bill Number (Author)	Summary	Location	Position
ACA 1 (Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.	(1)The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure.This bill contains other related provisions and other existing laws. Introduced: 12/7/2020	Assembly Print	Recommend Support
AB 5 (Fong R) Greenhouse Gas Reduction Fund: High Speed Rail Authority: K-12 education: transfer and loan.	The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include in its regulation of those emissions the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund. Existing law continuously appropriates 25% of the annual proceeds of the fund to the High-Speed Rail Authority for certain purposes. This bill would suspend the appropriation to the High-Speed Rail Authority for the 2021-22 and 2022-23 fiscal years and would require the transfer of those amounts from moneys collected by the state board to the General Fund. The bill would specify that the transferred amounts shall be available, upon appropriation, to support K-12 education and to offset any funding reduction for K-12 education.This bill contains other related provisions and other existing laws. Introduced: 12/7/2020	Assembly Print	Watch
SB 7 (Atkins D) Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021.	(1)The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA authorizes the preparation of a master EIR and authorizes the use of the master EIR to limit the environmental review of subsequent projects that are described in the master	Senate Rules	Watch

	<p>EIR, as specified. This bill would require a lead agency to prepare a master EIR for a general plan, plan amendment, plan element, or specific plan for housing projects where the state has provided funding for the preparation of the master EIR. The bill would allow for limited review of proposed subsequent housing projects that are described in the master EIR if the use of the master EIR is consistent with specified provisions of CEQA. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 12/7/2020</p>		
<p>SB 10 (Wiener D)</p> <p>Planning and zoning: housing development: density.</p>	<p>The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing. This bill would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to pass an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2022, based on specified criteria. The bill would specify that an ordinance adopted under these provisions is not a project for purposes of the California Environmental Quality Act. The bill would prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel rezoned pursuant to these provisions from being approved ministerially or by right. This bill contains other related provisions.</p> <p>Introduced: 12/7/2020</p>	Senate Rules	Watch
<p>SB 44 (Allen D)</p> <p>California Environmental Quality Act: streamlined judicial review: environmental leadership transit projects.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would establish specified procedures for the administrative and judicial review of the environmental review and approvals granted for environmental leadership transit project, as defined, undertaken by a public agency. The bill would require the Judicial Council, on or before April 1, 2022, to adopt rules of court establishing procedures requiring actions or proceedings seeking judicial review pursuant to CEQA or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to an environmental leadership transit project. The bill would require the environmental leadership transit project to meet certain labor requirements.</p> <p>Introduced: 12/7/2020</p>	Senate Rules	Recommend Support

Holland & Knight

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Caltrain As of January 20, 2021 Transportation Report

Trump Signs Into Law Massive Omnibus Spending, Coronavirus Relief Package

On December 27, 2020, President Donald Trump signed into law a massive legislative package containing: \$1.4 trillion in FY 2021 appropriations and \$900 billion in pandemic aid.

Summary of Department of Transportation (DOT) Funding in FY 2021 Omnibus Appropriations

DOT: \$88.2 billion, a \$955 million increase over FY 2020.

Airport Revenue Report Language - "Given the utility of sales tax measures to address local transportation needs and reduce the burden on Federal spending, the Secretary is directed to continue working with State and local governments and the FAA to develop a path forward to allow the use of local sales tax revenues generated on the sale of aviation fuel to be used in a manner consistent with their enactment."

Highways: \$46.365 billion (FAST Act authorized Highway Trust Fund), same as FY 2020

- Additional \$2 billion from the Treasury Department, allocated as follows:
 - \$640.7 million for STBG.
 - \$1.08 billion for Bridge Replacement/Rehabilitation Grants.
 - \$50 million for Competitive Grade Crossing Grants.

Federal Transit Administration (FTA): \$12.957 billion, \$46 million increase over FY 2020

- Transit Formula Grants: \$10.15 billion, same as FY 2020
- Additional \$566.2 million for transit formula grants from the Treasury Department, allocated as follows:
 - \$243,000,000 for buses and bus facilities grant, of which \$118 million for formula grants and \$125 million for competitive grants
 - \$125,000,000 for low or no emission grants
 - \$40,000,000 for state of good repair grants
 - \$8,000,000 for the passenger ferry grant program
- Capital Investment Grants (CIG): \$2 billion
 - \$1.169 million for New Starts
 - \$525 million for Core Capacity including \$100 million for the Peninsula Corridor Electrification project
 - \$200 million for Small Starts

- CIG Report Language - "Prevents FTA from delaying projects that have a proposed federal share of their capital costs greater than 40 percent and prevents FTA from requiring CIG get a medium or higher rating before finishing its EIS."
- Office of Regional Services Report Language - "The Committee supports the FTA's request to create a new Office of Regional Services at headquarters to oversee all regional field operations."

BUILD Grants: \$1 billion, same as FY 2020

- \$30,000,000 for planning grants, of which not less than \$10,000,000 is for areas of persistent poverty.
- DOT can increase the Federal cost-share above 80 percent for awards in rural and persistent poverty areas.
- Maximum grant size is \$25 million and minimum grant size is \$5 million
- No more than \$500 million for rural grants and no more than \$500 million for non-rural grants
- DOT Secretary must issue the NOFO within 120 days of the bill's enactment, application deadline of 90 days after the NOFO is published, and announce at least some of the grants within 330 days of the bill's enactment

Summary of DOT Funding in the \$900 billion Coronavirus Supplemental Package:

Transit (\$14 Billion)

- Funding to prevent, prepare for, and respond to Covid-19 and to the maximum extent possible, shall be directed to payroll and operations. 100 percent federal share. The Federal Transit Administration (FTA) must allocate the funding not later than 30 days after the date of enactment of this Act. Funding is distributed through the following formula funds. The San Francisco Region will receive \$822,676,366.
 - \$13,271,310,572 by Federal Transit Administration (FTA) Section 5307 Urbanized Area Formula (including FTA Section 5337 State of Good Repair formula funds).
 - \$50 billion for paratransit.
 - \$679 million for grants to rural areas.

Highways (\$10 Billion)

- Funding to support State Departments of Transportation and certain local transportation agencies.
- Funds are available to replace amounts lost as a result of Covid-19 for preventive maintenance, routine maintenance, operations, and personnel costs, including salaries of employees (including those employees who have been placed on administrative leave) or

contractors, debt service payments, availability payments, and coverage for other revenue losses.

- Surface Transportation Block Grant (STBG) funds will be apportioned to states in the same ratio as the obligation limitation for FY 2021. Has to be apportioned not later than 30 days after the date of enactment of this bill.
- Funds will be sub-allocated within the state to urbanized areas with a population of over 200,000.

President Biden Unveils \$1.9 Trillion Stimulus Package

On Thursday, January 14, Biden released details of his \$1.9 trillion stimulus plan proposal, the American Rescue Plan, to help people struggling from the pandemic. The incoming Biden-Harris administration hopes Congress will quickly pass the plan, which will:

- \$20 billion to help struggling transit systems. This money is being allocated to keep agencies from laying off workers and cutting routes, while increasing resiliency and ensuring that communities of color maintain access to public transportation.
- Create a national vaccination program by setting up community vaccination sites, scaling up testing and tracing, eliminating supply shortage problems, investing in high-quality treatments, providing paid sick leave to contain spread of the virus, and addressing health disparities.
- Send \$1,400 per-person checks to households across the country, providing direct housing and nutrition assistance, and expanding access to safe and reliable childcare and affordable healthcare. Increase the minimum wage to \$15 an hour, and provide workers with \$400 in extra weekly unemployment benefits through September under an extension of the Federal Pandemic Unemployment Compensation program.
- Provide \$350 billion in emergency funding for state, local, and territorial governments to ensure that they keep front line public workers on the job and paid, while also effectively distributing the vaccine, scaling up testing, reopening schools, and maintaining other necessary services.
- Allocate funding for and authorize the Occupational Safety and Health Administration to issue COVID-19-specific safety rules that employers must follow to protect their workers.

President Biden's COVID proposal will be the first bill that Congress will consider. They are working to pass it on a bipartisan basis. If Republicans do not support it, Senate leadership will consider it under budget reconciliation which only requires a simple majority vote for passage vs. the normal 60 vote majority required in the Senate. In February, President Biden plans to introduce his infrastructure proposal that Congress is hoping to consider after the COVID relief bill.

Positive Train Control Requirement Achieved by Railroads

On December 29, 2020, the Federal Railroad Administration (FRA) announced that positive train control (PTC) is in operation on all required route miles on all railroads two days before the

statutory deadline of December 31, 2020. PTC is now in operation on all 57,536 required freight and passenger railroad route miles, and each host railroad's PTC system complies with the technical requirements and interoperability needs to prevent collisions and derailments.

Grant Opportunities & Award Announcements

- **Regional Infrastructure Accelerators Program**: \$5 Million Available. The Build America Bureau is issuing this Notice of Funding Opportunity (NOFO) to solicit applications for designating and funding an RIA that will: 1) serve a defined geographic area; 2) act as a resource to qualified entities in the geographic area in accordance with Section 1441 of the FAST Act; and 3) demonstrate the effectiveness of an RIA to accelerate the delivery of eligible projects through the Bureau's innovative financing programs including the TIFIA credit program, and, to the extent applicable, the Railroad Rehabilitation and Improvement Financing (RRIF) credit program and Private Activity Bonds (PABs) and other innovative financing methods.

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: JPB Work Program-Legislative- Planning Committee

FROM: Michelle Bouchard
Caltrain Acting Executive Director

SUBJECT: **ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE GUADALUPE RIVER BRIDGE REPLACEMENT PROJECT**

ACTION

Adopt the Mitigated Negative Declaration for the Guadalupe River Bridge Replacement Project (Project) and approve construction of the Project.

SIGNIFICANCE

Caltrain operates on two bridges over the Guadalupe River, the 1935 MT-1 bridge and 1990 MT-2 bridge, each carrying a single track. The purpose of the proposed Project is to address the structural deficiencies of the MT-1 bridge and the geomorphic instability of the Guadalupe River channel in the vicinity of the MT-1 and MT-2 bridges to provide for long-term public safety and service reliability. The major elements of the Project include replacement of the 1935 MT-1 bridge with a new 265-foot structure, extending the southern end of the MT-2 bridge by 90 feet, and widening the river channel to reduce the risk of scour and bank failure issues during storm events. Project construction will take place in a series of stages to maintain existing rail services, and is estimated to take approximately two years.

BUDGET IMPACT

There is no impact on the budget.

BACKGROUND

The 1935 MT-1 bridge urgently needs to be replaced with a new structure to maintain safe and reliable operations for all users. The bridge does not meet current railroad structural design standards (including seismic criteria) and, as a result, is vulnerable to collapse in the event of a significant earthquake. The timber structure of MT-1 has been further damaged by multiple fires, most recently a large fire in November 2017.

The MT-1 and MT-2 bridges are located along a sharp meander of the Guadalupe River. The river exhibits a high degree of floodplain fill, channel confinement, and bank failures. Geomorphic issues directly affect the safety and reliability of the railroad bridges because the extent of bank erosion is approaching the bridge abutments. Riverbank failures at MT-2 occurred in 2017 and at both MT-1 and MT-2 in previous years, requiring emergency bank stabilization measures. To address these safety issues and protect the rail bridge asset, Caltrain proposes to widen the channel; replace the MT-1

bridge with a new, longer bridge; and extend the MT-2 bridge on the southern side to help address geomorphic stability issues at the bridge abutments.

Construction of the proposed Project is estimated to take approximately 2 years and is anticipated to begin in January 2022.

To comply with the environmental review process required by the California Environmental Quality Act (CEQA), the Peninsula Corridor Joint Powers Board (JPB) prepared and published a draft Initial Study/Mitigated Negative Declaration (IS/MND) document, which was circulated for review and comment by the public and relevant regulatory agencies. Written comments on the IS/MND document were received from one public agency (Caltrans) and one individual (Larry Ames) during the public comment period; and comments were received during the December 10, 2020 public meeting. Comments received addressed topics such as construction trucks for soil hauling, construction methods/duration and coordination with other projects in the area, including the Guadalupe River Trail and High Speed Rail.

JPB staff has compiled and addressed the comments and prepared the Final MND environmental document, along with a Mitigation Monitoring and Reporting Program, for Board approval. The Final MND will be available on the project website:

www.caltrain.com/guadalupebridge

As part of the CEQA process, JPB has undertaken the following public outreach efforts:

- Advertised the Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration (NOA/NOI) in local newspapers on November 20, 2020, specifically the Mercury News (in English) and El Observador (in Spanish);
- Filed the NOA/NOI and Draft IS/MND with the State Clearinghouse;
- Posted the NOA/NOI and Draft IS/MND on the Caltrain project website;
- Mailed 1,700 post cards to residents and businesses within one-quarter mile of the project area to notify them of the Project and virtual public meeting;
- Issued a press release regarding the public meeting and posted information about the meeting to Caltrain social media channels; and
- Held a virtual public information meeting for the Project on December 10, 2020.

The Guadalupe River Bridge Replacement Project is necessary to address the structural deficiencies of the MT-1 bridge and the geomorphic instability of the Guadalupe River channel in the vicinity of the MT-1 and MT-2 bridges to provide for long-term public safety and service reliability. In order to construct the Project, the Board needs to approve the Final MND and the Mitigation Monitoring and Reporting Program.

Prepared by:

Hilda Lafebre, Manager
Capital Project and Environmental Planning

650.622.7842

RESOLUTION NO. 2021 –

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

* * *

**ADOPTING MITIGATED NEGATIVE DECLARATION AND APPROVING THE
GUADALUPE RIVER BRIDGE REPLACEMENT PROJECT**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) owns the railroad right of way between San Francisco and San Jose and operates commuter rail service between San Francisco and Gilroy; and

WHEREAS, north of the Tamien Station, Caltrain operates trains on two independent, adjacent bridges over the Guadalupe River, the 1935 MT-1 bridge and 1990 MT-2 bridge, each carrying a single track; and

WHEREAS, the bridges are also used by Union Pacific Railroad freight service, Amtrak passenger service, and the Altamont Commuter Express and Capitol Corridor to reach the Tamien Yard; and

WHEREAS, the 1935 MT-1 bridge is structurally deficient, seismically vulnerable and has been damaged by multiple fires (most recently in November 2017) making it in need of immediate replacement; and

WHEREAS, the Guadalupe River channel in the vicinity of the MT-1 and MT-2 bridges exhibits geomorphic instability and erosion problems, resulting in multiple emergency repairs to address bank failures adjacent to the bridges following storm events; and

WHEREAS, widening the Guadalupe River channel and lengthening the southern end of MT-2 is required to address the geomorphic instability and risk it poses to the bridge structures; and

WHEREAS, the JPB has prepared an Initial Study (IS) of the possible environmental effects of the Guadalupe River Bridge Replacement Project (Project); and

WHEREAS, the IS concluded that the Project's effects can be mitigated to the extent that the Project would not have a significant effect on the environment and therefore recommended that a Mitigated Negative Declaration (MND) be prepared by the JPB; and

WHEREAS, the JPB published a notice of availability of the Draft IS/MND in the Mercury News and El Observador newspapers and with the Governor's Office of Planning and Research State Clearinghouse, and invited comments thereon until December 21, 2020 and also received public comment on the Project at a virtual public information meeting on December 10, 2020; and

WHEREAS, the JPB received one written comment letter from a public agency (Caltrans) and one written comment letter from an individual (Larry Ames) during the comment period; and

WHEREAS, these comments were reviewed by staff and counsel, who concluded that none of the points raised in the comments required a change in the conclusion of the draft IS/MND.

NOW, THEREFORE, BE IT RESOLVED the Peninsula Corridor Joint Powers Board of Directors:

1. Hereby finds that, in light of the public safety imperative to replace the MT-1 bridge and extend the MT-2 bridge over the Guadalupe River at the

earliest possible date, and the need to widen the river channel to address geomorphic instability issues, it is necessary to proceed with the Guadalupe River Bridge Replacement Project, with the understanding that the mitigation measures described in the MND will be implemented to avoid any significant effects on the environment; and

2. Hereby finds and declares that, based upon its independent judgment following review of the Initial Study and proposed Mitigated Negative Declaration and consideration of the record of the Project as a whole, there is no evidence before the Board that the proposed Project will have a significant effect upon the environment; and
3. Hereby finds that the Project will not have a significant effect on the environment, and therefore adopts the MND; and
4. Hereby adopts the mitigation monitoring and reporting program;

BE IT FURTHER RESOLVED the JPB Secretary is directed to file a Notice of Determination promptly with the County Clerk of Santa Clara County and the State Clearinghouse; and

BE IT FURTHER RESOLVED that the Guadalupe River Bridge Replacement Project is hereby approved; and

BE IT FURTHER RESOLVED the record of this action shall be maintained by the Board Secretary at the JPB's offices at 1250 San Carlos Avenue in San Carlos, CA.

Regularly passed and adopted this 4th day of February, 2021 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: JPB Work Program-Legislative- Planning Committee

THROUGH: Jim Hartnett
Executive Director

FROM: Michelle Bouchard
Chief Operating Officer, Rail

SUBJECT: **INCREASE THE CONTRACT CHANGE ORDER AUTHORITY FOR CONSTRUCTION OF THE 25TH AVENUE GRADE SEPARATION PROJECT BY \$12,100,000 AND AMEND TO INCREASE THE FISCAL YEAR 2021 CAPITAL BUDGET TO INCLUDE \$25,900,000 FOR THE PROJECT AND REFLECT A CUMULATIVE INCREASE OF \$26,100,000 FOR A NEW TOTAL BUDGET OF \$112,559,772**

ACTION

Staff Coordinating Council recommends that the Board of Directors (Board):

1. Increase the Executive Director's contract change order authority for the 25th Avenue Grade Separation Project (Project) in an amount not to exceed \$12.1 million;
2. Increase the Project budget by \$25.9 million, from \$180.0 million to \$205.9 million, and amend to increase the total Fiscal Year 2020-21 (FY2021) Capital Budget to \$112,559,772; and
3. Authorize the Executive Director or his designee to take any actions necessary to give effect to the above actions, including the execution of amendments to funding agreements with the City of San Mateo (City) and San Mateo County Transportation Authority (TA) to provide funding to complete the Project.

This item is presented to the Finance Committee for concurrence and to the Work Program - Legislative - Planning Committee as an informational Project update.

SIGNIFICANCE

The Peninsula Corridor Joint Powers Board (JPB) awarded a contract to Shimmick/ Disney Joint Venture for construction of the Project in 2017 at a cost not to exceed \$82.89 million (Contract), with a Contract contingency of \$16.578 million. The Contract change order authority was increased by \$7 million in 2019. When the Contract was initially awarded, the total Project budget was \$180 million.

Several significant and unforeseen circumstances have occurred since 2017, resulting in the Contract and Project requiring increases to their budget capacities by \$12.1 million

and \$25.9 million, respectively, to complete the Project. These circumstances were largely related to utility coordination and relocation that was not accounted for in the original Project scope. Some of the resulting costs are being paid for out of the existing Project contingency. A more detailed description of these circumstances is provided below.

- Union Pacific Third Party Fiber Optic line (TPFOC) and AT&T lines: These underground communications facilities were in conflict with the Project and needed to be relocated, which resulted in approximately 500 days of delay. While the utility relocation work is complete, this delay increased Project costs by \$14 million.
- PG&E High Pressure Gas (HPG) Pipeline: This pipeline was in conflict with the Project construction and needed to be relocated outside the Project area. PG&E had obtained permanent easement rights to place their gas line within the railroad right of way when the railroad was owned by Southern Pacific, prior to purchase of the railroad by the Peninsula Corridor Joint Powers Board (JPB). There were no provisions in the easements requiring PG&E to bear the cost of relocation. The cost of this pipeline relocation is \$18 million.
- Additional administrative, materials, and labor escalation costs due to the overall delay in completion of the Project.
- Re-design of affected Project elements to accommodate the newly-relocated TPFOC and AT&T lines.
- Utility connections to new Caltrain facilities: The design of these utilities was finalized after the original Contract award, causing an increase in the overall construction cost.
- Costs for removing contaminated soil and improving ground conditions related to unsuitable and unforeseen subsurface issues.
- Contingency for ongoing field adjustments to various structural components, roadways, the Hillsdale station, and the station parking lot.
- Contingency for upcoming change order work and open risk register items, including: COVID-19 related claims and differing site conditions.
- Costs associated with modifying the design and eventual construction of a set-out track to address nearby community concerns.

The following table provides a comparison of the original and revised Project costs. While some of the cost increases can be covered by the existing Contract contingency, additional funding will be needed to fully fund the cost increases. Additional information on Project cost increases, challenges, and status will be provided via a PowerPoint presentation at the January 2021 Finance Committee meeting and February 2021 Board of Directors (Board) meeting.

Project Phase/Component	Original Cost Estimate	Updated Costs
Pre-Construction Costs	\$14.7 M	\$15.0 M
Construction Contract	\$84.9	\$117.3
Utilities and Right of Way	\$12.0	\$31.9
Construction management	\$28.6	\$38.2
Contingency	\$39.8	\$5.3
Repayment from JPB*		(\$1.8)
Total	\$180.0 M	\$205.9 M

**Repayment of costs associated with installation of overhead centenary system foundations from the Peninsula Corridor Electrification Project*

At the City's request, the TA has allocated \$23.8 million in additional Measure A funding for the Project, which will be supplemented by \$2.1 million from the City, to cover cost increases in the Project budget from \$180.0 million to \$205.9 million.

The revised funding plan for the Project is as follows:

Fund Source	Original Contribution	Additional	Updated
Measure A	\$ 74.0M	\$23.8M	\$97.8M
City of San Mateo	\$ 12.0	\$ 2.1	\$14.1
California High Speed Rail	\$ 84.0		\$84.0
<u>Caltrans Section 190</u>			<u>\$ 10.0</u>
	\$180.0 M	\$25.9 M	\$205.9 M

BUDGET IMPACT

In 2017, the Board of Directors budgeted \$180.0 million for the Project. The additional budget request of \$25.9 million will be funded as follows: \$23.8 million from the TA and \$2.1 million from the City.

The Board of Directors is also being asked to add \$200,000 to the FY2021 Capital Budget for the San Francisco Downtown Extension Project at this February 4 Board meeting. Attachment B shows both of the proposed increases, cumulatively increasing the Capital Budget by \$26,100,000 from \$86,459,772 to \$112,559,772.

BACKGROUND

The 25th Avenue Grade Separation Project will raise the tracks and slightly lower the road (grade separate) at E. 25th Avenue in San Mateo. In addition to separating the tracks and road at E. 25th Avenue, the Project will complete east-west street connections at 28th and 31st Avenues. The Project will also construct a new elevated Hillsdale Station located at E. 28th Avenue. The new station will offer updated amenities and will improve safety and reduced traffic. The City is the sponsor of this Project, with JPB as the lead implementing agency for Project design and construction.

The Project scope and associated funding plan were developed based on the assumption that the Project would incorporate certain scope elements that would enable the Peninsula Corridor Electrification Program (PCEP) and would be completed in time to avoid conflicts with construction of PCEP. It was determined that waiting until after PCEP to complete the Project would greatly increase the Project's complexity and

costs. As a result, the City and JPB opted to award the construction contract by mid-2017, while working in parallel on the relocation of several utilities and the resolution of other right-of-way issues. While it is unfortunate that resolving these issues took longer than anticipated, the construction of this Project before completion of PCEP is still economically more advantageous for all of the public agencies involved, and less disruptive to the local community, than waiting to implement the Project until after the completion of PCEP.

Prepared by: Joy Sharma, Project Manager

650.489.8161

RESOLUTION NO. 2021 –

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

* * *

**INCREASING THE CONTRACT CHANGE ORDER AUTHORITY FOR CONSTRUCTION OF
THE 25TH AVENUE GRADE SEPARATION PROJECT BY \$12,100,000 AND AMENDING THE FISCAL
YEAR 2020-21 CAPITAL PROJECT BUDGET TO ADD \$25,900,000 FOR THIS PROJECT**

WHEREAS, on July 6, 2017, pursuant to Resolution No. 2017-32, the Peninsula Corridor Joint Powers Board (JPB) awarded a contract to Shimmick/Disney Joint Venture (Contract) to construct the 25th Avenue Grade Separation Project (Project), in an amount not to exceed \$82,890,000; and

WHEREAS, the Executive Director's original Contract change order authority was established at 20 percent of the total Contract amount, or \$16,578,000; and

WHEREAS, pursuant to Resolution 2019-25, adopted on July 11, 2019, the Executive Director's original Contract change order authority was increased by \$7,000,000 to \$23,578,000; and

WHEREAS, additional change orders in the amount of \$12,100,000 are needed to address work associated with third-party utilities and for design changes, time, and time-related costs associated with a delay in relocating third-party fiber optic utilities, and additional changes due to differing site conditions; and

WHEREAS, the above-referenced Contract change orders, as well as third-party costs including utility relocations, require that the Project budget be increased by \$25,900,000, from \$180,000,000 to \$205,900,000; and

WHEREAS, Project funders the San Mateo County Transportation Authority (TA) and

the City of San Mateo (City) have authorized increases to their contributions to the Project;
and

WHEREAS, the Staff Coordinating Council recommends, and the Executive Director concurs, that the Board of Directors (Board):

1. Increase the Executive Director's Contract change order authority in an amount not to exceed \$12,100,000, which will permit execution of essential change orders required for the Project;
2. Amend to increase funds in the Fiscal Year 2020-21 (FY2021) Capital Budget for the Project by \$25,900,000, as reflected in Attachment B, for a new total FY2021 Capital Budget of \$112,559,772
3. Authorize the Executive Director, or his designee, to take whatever actions may be necessary, including executing amendments to funding agreements with the City and the TA, to provide funding to complete the Project.

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

1. Increases the Executive Director's change order authority for the Contract with Shimmick/Disney Joint Venture for the 25th Avenue Grade Separation Project in an amount not to exceed \$12,100,000, for a total not-to-exceed revised Contract authority amount of \$118,568,000; and
2. Increases the overall Project budget by \$25,900,000, from \$180,000,000 to \$205,900,000; and
3. Amends the Fiscal Year 2020-21 Capital Budget for a cumulative increase of \$26.1 million, as reflected in Attachment A and representing the requested

increase from two capital projects, namely the 25th Avenue Grade Separation Project and the Caltrain Downtown Rail Extension Project, both presented for consideration at this February 4, 2021 Board of Directors meeting; and

4. Authorizes the Executive Director or his designee to take any actions necessary to give effect to this Resolution and to receive the requisite funding from the City of San Mateo and San Mateo County Transportation Authority to complete the Project.

Regularly passed and adopted this 4th day of February, 2021 by the following

vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTESTS:

JPB Secretary



FY2020-2021 CAPITAL BUDGET

Item #	PROJECT NAME	Activity	PRIOR YEARS APPROVED	FY21 ADOPTED JUNE BOARD	AMENDMENT #1	AMENDMENT #2	AMENDMENT #3	AMENDMENT #4	Proposed FY21 CAPITAL BUDGET	Federal Funds	Federal De-allocate to Operating	State Funds	STA SOGR Funds	Member Funds Total	Other					Other Funds Total	Transfers from CCF	Proposed Amended FY21 CAPITAL BUDGET		
															Project Savings	AB664	SF Prop K other	Regional Funds	San Mateo County Transportation Authority				Other	
III. OPERATIONAL IMPROVEMENTS/ENHANCEMENTS																								
4	Positive Train Control Litigation ³	16	-	6,600,000					6,600,000	-	-	-	-	-	-	-	-	-	-	-	6,600,000	6,600,000	6,600,000	
5	Wayside Bike Parking Improvements ⁴	16	4,000,000	349,322	1,040,000				1,389,322	-	-	-	-	-	-	-	-	-	-	-	1,240,000	149,322	1,389,322	1,389,322
27	Grade Crossing Hazard Analysis Data Collection	16	-		200,000				200,000	-	-	-	-	200,000	-	-	-	-	-	-	-	-	-	200,000
28	FY21 Grade Crossing Safety Improvements Design	13	-		500,000				500,000	-	-	-	-	500,000	-	-	-	-	-	-	-	-	-	500,000
29	EAM – Enterprise Asset Management software system	16	-		750,000				750,000	-	-	-	-	750,000	-	-	-	-	-	-	-	-	-	750,000
30	Update and Upgrade GIS system	16	-		500,000				500,000	-	-	-	-	500,000	-	-	-	-	-	-	-	-	-	500,000
31	San Mateo Grade Crossing Improvements	13	-		1,600,000	400,000			2,000,000	-	-	2,000,000	-	-	-	-	-	-	-	-	-	-	-	2,000,000
32	Broadway Burlingame Grade Separation ⁹	13	4,550,000		19,838,000				19,838,000	-	-	-	-	-	-	-	-	-	-	-	18,338,000	1,500,000	19,838,000	19,838,000
				6,949,322	24,428,000	400,000			31,777,322	-	-	2,000,000	-	1,950,000	-	-	-	-	-	-	1,240,000	8,249,322	27,827,322	31,777,322
IV. PLANNING/STUDIES																								
6	22nd St. ADA Feasibility Study ⁵	11	300,000	50,000	-				50,000	-	-	-	-	-	50,000	-	-	-	-	-	-	-	50,000	50,000
7	Business Plan ⁶	11	5,537,118	509,157	-				509,157	-	-	-	-	-	-	-	-	-	-	-	-	509,157	509,157	509,157
33	Capital Planning (CIP)	11	750,000		1,250,000				1,250,000	-	-	-	-	1,250,000	-	-	-	-	-	-	-	-	-	1,250,000
34	San Francisco Station and Terminal Planning	11	-		1,000,000				1,000,000	-	-	-	-	1,000,000	-	-	-	-	-	-	-	-	-	1,000,000
35	Diridon and South Terminal Area	11	-		1,000,000				1,000,000	-	-	-	-	1,000,000	-	-	-	-	-	-	-	-	-	1,000,000
36	Rail Network and Operations Planning	11	-		1,250,000				1,250,000	-	-	-	-	1,250,000	-	-	-	-	-	-	-	-	-	1,250,000
37	Redwood City Station Planning	11	-		750,000				750,000	-	-	-	-	750,000	-	-	-	-	-	-	-	-	-	750,000
38	Caltrain Downtown Rail Extension (DTX) ¹¹	11	-		60,000			200,000	260,000	-	-	-	-	-	-	-	75,000	-	-	-	-	185,000	260,000	260,000
39	System-wide Planning and Policy & Org. Design	11	-		1,168,468				1,168,468	-	-	-	-	967,175	-	-	201,293	-	-	-	-	-	201,293	1,168,468
40	Capital Contingency Funds - Engineering		-		330,000				330,000	-	-	-	-	330,000	-	-	-	-	-	-	-	-	-	330,000
41	Capital Contingency Funds - Rail		-		660,000				660,000	-	-	-	-	660,000	-	-	-	-	-	-	-	-	-	660,000
42	Capital Program Management		-		335,000				335,000	-	-	-	-	335,000	-	-	-	-	-	-	-	-	-	335,000
43	Capital Project Development		-		335,000				335,000	-	-	-	-	335,000	-	-	-	-	-	-	-	-	-	335,000
44	Transfers from Prior Year Capital Contingency Funds		-				(1,250,000)	200,000	(1,250,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	(1,250,000)	(1,250,000)
				559,157	8,138,468	-			7,647,625	-	-	-	-	7,877,175	50,000	-	276,293	-	-	-	694,157	1,020,450	(1,250,000)	7,647,625
	TOTAL			19,119,479	65,035,293	(1,820,000)		4,125,000	26,100,000	18,261,021	(2,220,000)	2,915,000	1,350,915	18,000,000	2,790,064	640,000	276,293	1,240,000	46,263,000	23,043,479	74,252,836	-	112,559,772	

¹ Other funds includes project savings from the Los Gatos Bridge Replacement project (\$2,102,558) and from the San Mateo Bridge Replacement project (\$456,881) made up of Federal Section 5337 funds (\$1,421,946), prior years VTA funds (\$901,073) and SM funds (\$236,402) and deobligated Prop K funds (\$180,624)

² Insurance proceeds and/or Operating funds

³ Litigation costs funded by operating funds

⁴ San Carlos Transit Village LLC (\$149,322) and Bay Area Air Quality Management District (BAAQMD \$1,240,000)

⁵ Prior year SF member funds

⁶ Unspent funds from Project 100337 Mega Regional Rail Planning (FY19 \$75k) and from Project 100458 Service & Access Planning (FY20 \$434,157)

⁷ Request only for board authority; funding will begin upon commencement of the electrified service from designated operational savings

⁸ Section 130

⁹ SMCTA and City of Burlingame(\$1.5 million)

¹⁰ identifies the projects that will be funded by VTA Measure B funds of \$2.5 million

¹¹ Transfer of prior years balances from CCF Rail (FY19 & FY20) to the Marin Napoleon Bridge Replacement project.

¹² DTX - Other funds: Trans Bay Joint Powers Authority (TJPA) will provide \$185k.

¹³ 25th Grade Sep - Other funds: \$2.1M from City of San Mateo



25th Avenue Grade Separation Update and Request for Additional Funds

Agenda Slide

- The Project
- Project Background
- Project Status Update
 - Budget and Schedule Update
- Requested Board Action

Project Location



Project Benefits

- East West Access
- Economic Development
- Roadway/Railroad Safety
- Benefit of Completing Project Pre-Electrification

Project Background

- Project developed by City of San Mateo
- Final \$180 Funding Secured in 2016-2017
 - SMCTA-\$74
 - CPUC-\$10
 - CSM-\$12
 - CHSRA-\$84
- Only project to receive CHSRA (High Speed Rail Authority) Grade Separation funding

Project Background (cont'd)

- Timing of project construction is to precede Caltrain electrification
 - If project were to delay until after electrification, will likely lose CHSRA funding
 - Completing project post-electrification would cost \$250M (in 2027)
- Project is complex and much has been completed
 - Construction contract was awarded concurrent with utility relocation and permitting. Delays in utility relocation due to UP negotiation has caused cost and delay to the project since Dec 2017 to April 2019.

Project Update

- Project is 85% complete
- Track is completely separated from vehicular traffic
 - Train service on the berm and bridges since July 2020
- Hillsdale Station work is ongoing-projected opening Spring 2021
- Road work progressing with phased completions
 - 28th Avenue-January 2021
 - 25th Avenue- June 2021
 - 31st Avenue-September 2021

Project Update (Photos)



28th Ave



28th Ave

Project Update (Photos)



31st Ave



31st Ave

Project Update (Photos)



New Hillsdale Station



Pedestrian Underpass Bridge

Project Update (Photos)



South Parking Lot



North Parking Lot

Project Schedule Overview

- Contract Award-July 2017
- NTP-December 2017
- Original Contract Completion-January 2020
- Current Contract Completion-September 2021

Construction Challenges

- Project is to precede Caltrain electrification; as a result, construction contract needs to be advertised and awarded in 2017
 - Permits pursued in parallel
 - Major utility relocation pursued in parallel
 - UPRR negotiations impact ability to move fiber optic – Caused delay of more than 500 days
 - PGE not originally budgeted for relocation of high pressure gas line
 - Contaminated soil
 - Additional associated soft costs
 - Last Update to JPB Board was provided in July 2019, which indicated an year delay in construction schedule due to UP FOC Issue
- Additional challenges in 2020: COVID

Construction Challenges (cont'd)

- A detailed project analysis was performed between July – Oct 2020
- Deep dive program review establishes new cost to complete

Project Cost Summary

Description	Post Bid (2017)	Estimate at Completion
Pre-Construction Costs	\$ 14.7	\$ 15.0
Construction Costs	\$ 82.9	\$ 113.2
Parking Track	\$ 2.0	\$ 4.1
Right of way and Utilities	\$ 12.0	\$ 31.9
Construction Management	\$ 28.6	\$ 38.2
Contingency	\$ 39.8	\$ 5.3
PCEP Reimbursable		\$ (1.8)
Total	\$ 180.0	\$ 205.9

- **Additional Funds Request = \$25.9M**

Additional Funds Request

- City Council of San Mateo approved \$2.1M funds request on Jan 4, 2021
- SMCTA Board of Directors approved \$23.8M funds request on Jan 7, 2021

Remaining Major Risks

- Still digging at 25th and 31st
 - Advanced location of remaining utilities
 - Potential soil contamination
 - Unknown ground conditions/unknown utilities
 - Conformance Issues/Traffic Control at El Camino Real and Delaware
 - Covid-19 Impacts
- Program cash flow
 - \$8M left in project budget, project delays and cost escalation if funding not granted

Board Request

Increase the Total Project Authority By \$25.9M for the 25th Ave Grade Separation Project

Increase the Executive Director's Contract Change Order Authority by \$12.1M

Questions

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: JPB Work Program-Legislative- Planning Committee

THROUGH: Jim Hartnett
Executive Director

FROM: Michelle Bouchard
Chief Operating Officer, Caltrain

SUBJECT: **POST COVID BUSINESS STRATEGY – SCENARIO PLANNING**

ACTION

Staff Coordinating Council recommends the Board of Directors (Board) receive the attached informational ppt describing scenario planning work used to develop Caltrain's post-COVID Business Strategy.

SIGNIFICANCE

At the June 2020 Board Meeting, Peninsula Corridor Joint Powers Board (JPB) staff announced that activity on the Caltrain Business Plan would pause and pivot toward COVID recovery efforts. Over the course of subsequent months staff returned to the Board with a series of updates focused on how the railroad would respond and adapt to the extraordinary social, financial and operational challenges created by the pandemic. Key work products have included:

- The railroad's "Equity, Connectivity, Recovery and Growth" Framework (adopted by the Board in September of 2020)
- The implementation of a revised 68 train service (presented to the Board in November of 2020 and implemented in December)
- Ongoing analysis and work related to understanding the railroad's costs and financial resources during a highly dynamic period

Throughout this time, staff has also been working to develop a body of longer range scenario planning that considers the different realities the railroad may confront as we move through and beyond the pandemic. Now, with the passage of Measure RR and with the rollout of vaccines commencing staff has worked to complete this scenario planning work and has begun the development of a post-COVID Business Strategy to guide the railroad over the next several years. The attached presentation describes the scenario planning work and outlines key strategic considerations for the railroad. Staff plans to return to the Board with a fully developed Business Strategy in spring.

BUDGET IMPACT

There is no budget impact associated with the adoption of this framework. Individual actions called for within the framework may require additional board approval and budget authority as they are brought forward to implementation.

BACKGROUND

In 2017, the JPB secured full funding for the Peninsula Corridor Electrification Project and issued notices to proceed to its contractors for corridor electrification and purchase of Electric Multiple Unit railcars.

Now that construction on this long-awaited project is underway, the agency has the opportunity to articulate a long-term business strategy for the future of the system. The initial concept for a Caltrain "Business Plan" was brought to the Board in April of 2017. The Board reviewed a draft scope of work for the Business Plan in December of 2017 and adopted a final Business Strategy and Scope of Work in February of 2018. Technical work on the Plan commenced in the summer of 2018. The Business Plan has been scoped to include long-range demand modeling, and service and infrastructure planning, as well as organizational analysis and an assessment of Caltrain's interface with the communities it traverses. In October of 2019, the JPB marked a major milestone in the Business Plan process with its adoption of a "2040 Service Vision" for the Caltrain system. This action set long-range policy guidance for the future of the Caltrain service and allowed staff to advance toward the completion of the overall plan by summer of 2020.

Starting in March of 2020, however, the emergence of the COVID-19 Pandemic resulted in a rapid and severe crisis for the railroad, with ridership plummeting by as much as 98% and the implementation of significant service cuts. Based on this unprecedented circumstance, staff informed the Board of their decision to temporarily pivot Business Plan efforts toward recovery planning in June of 2020.

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