

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 January 27, 2021

MOTION

5. State and Federal Legislative Update

INFORMATIONAL

6. Proposed Revisions to the Property Conveyance Policy and Fee Schedule

INFORMATIONAL

7. Background on Grade Separation Projects and Process

INFORMATIONAL

8. Committee Member Requests

9. Date/Time of Next Regular WPLP Committee Meeting: Wednesday, March 24, 2021 at 3:00 pm via Zoom

10. 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*

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 the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM and 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.

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.

**Peninsula Corridor Joint Powers Board
Work Program – Legislative – Planning Committee (WPLP)
1250 San Carlos Avenue, San Carlos CA
DRAFT MINUTES OF JANUARY 27, 2021**

MEMBERS PRESENT: C. Stone (Chair), C. Chavez (left at 4:03 p.m.), S. Heminger

MEMBERS ABSENT: None.

STAFF PRESENT: J. Hartnett, J. Cassman, S. van Hoffen, S. Petty, M. Bouchard, D. Hansel, R. Rios, J. Sharma, H. Lafebre, B. Tietjen, D. Seamans, S. Wong

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chair Charles Stone called the subcommittee meeting to order at 3:00 p.m. and led the Pledge of Allegiance.

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 separating PowerPoint presentations from the agenda packet, and using structured agendas in Hypertext Markup Language (HTML) such as Legistar.

4. APPROVE MEETING MINUTES OF OCTOBER 28, 2020

Motion/Second: Chavez/Heminger

Ayes: Chavez, Heminger, Stone

Noes: None

Absent: None

5. STATE AND FEDERAL LEGISLATIVE UPDATE AND APPROVAL OF LEGISLATIVE PROPOSALS

Brent Tietjen, Government and Community Relations Officer, said they are requesting support for Senate Bill 44 and recommending support for ACA-1, a constitutional amendment to reduce the voter approval threshold from two-thirds (66 percent) to 55 percent for cities and counties to issue bonds or raise taxes for public infrastructure.

Public comment

Roland Lebrun, San Jose, commended Mr. Tietjen's detailed update.

Motion/Second: Chavez/Heminger
Ayes: Chavez, Heminger, Stone
Noes: None
Absent: None

6. ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE GUADALUPE RIVER BRIDGE REPLACEMENT PROJECT

Hilda Lafebre, Manager of Capital Projects & Environmental Planning, stated that a couple of bridges over the Guadalupe River have structural deficiencies and erosion that needs to be addressed. She explained that one was built in 1935 (NT-1) and the other in 1990 (NT-2). Ms. Lafebre stated that NT-1 does not meet seismic, railroad, and engineering standards and they need to widen the channel of the water at NT-2 in order to reduce the velocity of the flow that is causing erosion. She said that the project would take two years for completion in a sequenced manner.

Michelle Bouchard, Chief Operating Officer, clarified that Union Pacific has a policy that would not allow them to operate under wires; therefore NT-1 would not be electrified.

Public comment

Roland Lebrun, San Jose, commented on having a PowerPoint to understand bridge location. He stated that the bridges need to be fixed for electrification to move forward, and commented on taking the same approach as the Los Gatos Bridge.

Director Cindy Chavez agreed that slides would be helpful for the Board.

Motion/Second: Chavez/Heminger
Ayes: Chavez, Heminger, Stone
Noes: None
Absent: None

7. INCREASE THE TOTAL PROJECT AUTHORITY BY \$25,900,000 FOR THE 25TH AVE GRADE SEPARATION PROJECT; INCREASE THE EXECUTIVE DIRECTOR'S CONTRACT CHANGE ORDER AUTHORITY BY \$12,100,000 AND AMEND THE FY2021 CAPITAL BUDGET BY \$25,900,000 TO \$112,559,772

Ms. Bouchard stated that this was brought to the JPB Finance Committee earlier in the week and that the project is one of two supported by San Mateo County, Valley Transportation Authority (VTA), City of San Mateo, and community sponsors. She expounded on the Union Pacific fiber optic issue.

Joy Sharma, Senior Project Manager, said the timing is to precede Caltrain electrification, the project is 85 percent complete, and that the Hillsdale Station should be complete in Spring 2021. Ms. Sharma noted the 31st Avenue project still needs to be completed and the overall project was delayed more than 500 days due to fiber optic issues. She stated that the estimated completion costs would now be \$205.9 million and they are requesting an additional \$25.9 million and to increase the executive director's contract change order authority by \$12.1 million.

The Board members had a robust discussion and staff provided further clarification in response to the Board comments and questions regarding quality control with Schimmick due to its previous performance with the Metropolitan Transportation Commission (MTC), high-speed rail funding, grade separation studies, the timing of this notice for additional funds, working with an underground authority to map what is below grade, looking at options for investments, and comparing the initial estimate and final cost of the last grade separation completed (San Bruno).

Public comment

Adrian Brandt, San Mateo County, commented on digging underground, grade separation designs, excessively thick bridges, and using U-shaped bridges to maximize clearance.

Roland Lebrun, San Jose, commented on the Hillsdale project lifting tracks to provide connectivity, the \$84 million funding, learning from previous lessons and the Broadway project.

8. POST COVID BUSINESS STRATEGY – SCENARIO PLANNING

Sebastian Petty, Deputy Chief of Planning provided a presentation, and spoke about recovery and scenario planning. He explained Caltrain's business (Rail Service & Corridor Management) and how Caltrain provides value. Mr. Petty explained Caltrain's current status within the long-range vision, major shifts in the business environment, and potential scenarios for the future.

Director Chavez left at 4:03pm.

The Board members had a robust discussion and staff provided further clarification in response to the Board comments and questions regarding ridership recovery, fare policy, diversity of riders, passage of Measure RR, electrifying the railroad, micro-mobility issues, and strong federal assistance.

Public comment

Adina Levin, Friends of Caltrain, commented on the assumption of transit recovery in the rest of the world, and low carbon footprints.

Roland Lebrun, San Jose, commented on awarding Transit America Services, Inc. (TASI) the contract on this system, and operating with different leadership to drive ridership.

Jeff Carter, Millbrae, commented on addressing the fare system, getting rid of zones point-to-point pricing, bringing back multi-ride tickets, and going back to the lower multiplier.

Adrian Brandt, San Mateo County, commented on fare structure, pricing, time-based passes for those going into the office infrequently and not tying passes to calendar months.

9. CALTRAIN ELECTRIFICATION TWO SPEED-CHECK CROSSING DESIGNS

John Funghi, CalMod Chief Officer, said their existing grade crossing system requires gates to activate at least 25 seconds prior to the train approaching the crossings, and their current gate down time is longer when trains travel at a slower speed. Mr. Funghi said the current rail industry does not have an AC compatible grade crossing system that is Federal Railroad Administration (FRA) compliant. He also said there is no track-based wayside solution that approximates exactly what they have today. He stated that the first two cut overs would be installed this weekend and there would be an additional performance presentation the future.

The Board members had a robust discussion and staff provided further clarification in response to the Board comments and questions regarding greater delays with the new system, and public records requests.

Public comment

Adrian Brandt, San Mateo County, commented the issues with dual speed check categorizing all trains into two speeds, which would cause a 20 miles per hour train to wait three times longer than necessary.

Roland Lebrun, San Jose, commented pre-conditioning the line before electrification to prevent longer gate down times and selecting the correct provider to deliver on projects.

10. COMMITTEE MEMBER REQUESTS

Director Steve Heminger requested a history of corridor wide grade separations completed, costs, and other data once operational.

Chair Charles Stone requested the initial and final costs for the San Bruno Grade Separation project.

11. DATE/TIME OF NEXT REGULAR WPLP COMMITTEE MEETING: WEDNESDAY, FEBRUARY 24, 2021 AT 3:00 PM VIA ZOOM

12. ADJOURN

The meeting adjourned at 5:10 p.m.

**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**

ACTION

Staff Coordinating Council recommends the Board receives the attached memos. Staff will provide regular updates to the Board in accordance with Legislative Program.

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.

Prepared By: Brent Tietjen, Government and Community
Relations Officer

650-508-6495



February 12, 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 – February 2021**

General Update

As the February 19 bill introduction deadline nears, the Legislature is busy submitting bills for introduction. Assembly leadership has limited each Assemblymember to introducing 12 bills, while the Senate has not enforced such a cap thus far. This cap is likely in anticipation for another truncated legislative session, where risk of COVID-19 exposures in the workplace will limit the Legislature’s ability to safely conduct business in a normal fashion.

In the meantime, budget hearings are beginning as the Legislature considers the Governor’s 2021-22 proposed State Budget.

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. *Caltrain supported this bill in February 2021.*

ACA 1 (Aguir – Curry) Local Government Financing. This constitutional amendment is a reintroduced version of ACA 1 (Aguir-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. *Caltrain supported this bill in February 2021.*

High-Speed Rail

On February 9, the California High-Speed Rail Authority unanimously approved the Proposition 1A funding plan that anticipates the use of \$4.1 billion of High Speed Rail bond proceeds for the Central Valley Segment. It is assumed that this funding plan will

be part of the Governor's May Revision of the budget and will be debated and negotiated by the Legislature as part of budget subcommittee hearings during the Spring.

It is uncertain how receptive the Legislature will be for appropriating bond funds for the Central Valley Segment. There are many reasons for this uncertainty:

First, there has been significant turnover in the Legislature since the last bond appropriation in 2012 and many legislators that were committed to the project at that time are no longer in office. Secondly, the continued cost increases worry many legislators that the project may never get completed.

Finally, in the summer of 2020, the Assembly adopted a non-statutory resolution, HR 97, that makes clear that the Assembly intends to give a thorough review and vetting of any contracts and construction activity pertaining to a bond appropriation. Previous public comments by the Los Angeles-based Speaker of the Assembly and the new Chair of the Assembly Transportation Committee, Laura Friedman have hinted at the idea of shifting the remaining bonds away from the Central Valley.

We will keep the Joint Powers Board updated on legislative action on this matter.

Budget Trailer Bill for Transit Relief (Administration Proposed)

As we noted in our last report, the Governor's Budget initially recommended "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. Subsequently, the Administration released [budget trailer bill language](#) (TBL) laying out the proposed relief measures. Specifically, the Administration's proposal would do the following:

- Extend the hold harmless provision for the calculation and allocation of State Transit Assistance Program, Low Carbon Transit Operations Program, and STA-State of Good Repair allocations (Local Revenue Basis Only) included in [AB 90](#) by one year to fiscal year 2022-2023;
- Extend the suspension of the financial penalties associated with the Transportation Development Act's requirements that transit agencies obtain specified fixed percentages of their operating budgets from passenger fares (TDA farebox recovery requirements) included in AB 90 by one year to fiscal year 2021-2022;
- Extend the suspension of the financial penalties associated with the State Transit Assistance Program's requirement that transit agencies' operating cost per revenue vehicle hour may not exceed operating cost per revenue vehicle hour adjusted by regional CPI, year over year, (STA efficiency criteria) by one year to fiscal year 2022-23;
- Review TDA performance audit requirements to identify opportunities for streamlining and identification of more effective measures;

- Exclude from the definition of “operating cost” for the purposes of TDA farebox recovery and STA efficiency the costs of operating ADA paratransit service; the costs to operate demand-response and microtransit services that expand access to transit service beyond fixed route corridors; the costs of funding or improving payment and ticketing systems and services; and the costs of planning for improvements in transit operations, integration with other operators and agencies, zero emission transition, and for compliance with state and federal mandates; and,
- Suspend until July 1, 2026, TDA farebox recovery requirements and STA efficiency criteria for transit agencies that can demonstrate that they maintained their existing commitments of local funds for transit operations at an amount not less than the expenditures from local funds for transit operations during fiscal year 2018-19.

These measures build on the statutory relief secured last year and makes progress toward addressing the various ongoing concerns raised with the Administration throughout the winter on behalf of transit agencies.

Vaccine Distribution

On December 15, the California Transit Association (Association) submitted a letter to Governor Newsom, the California State Transportation Agency, the California Health and Human Services Agency and California Department of Public Health (CDPH) requesting that that the state include frontline transit workers in Phase 1 of the state’s vaccine distribution plan, following healthcare workers. Subsequently, CDPH’s COVID-19 Vaccine Drafting Guidelines Workgroup took formal action to include transit frontline workers into Phase 1B – Tier 2 of the state’s vaccination distribution plan. Unfortunately, on January 25, Governor Gavin Newsom announced a major update to the state’s vaccine distribution plan.

The new plan transitions from a sector-based to age-based distribution of the vaccine and prioritizes vaccinations for people age 65 and over, health care, education and child care, emergency services and food and agricultural workers. All future groups will become eligible based on age – this statewide standard will move in unison across all 58 counties. The Newsom Administration argues this approach will “allow the state to scale capacity up while also ensuring the vaccine goes to disproportionately impacted communities.” Importantly, the new plan eliminates any priority for sectors identified in Phase 1B – Tier 2, which included transit frontline workers under the “Transportation and Logistics” sector.

In response to this significant change in policy, the Association submitted a letter to Governor Newsom raising concerns with the new plan and urging him to reconsider the decision to deprioritize transit frontline workers in the state’s new plan. The letter received significant press coverage, including by major news outlets, like the Los Angeles Times, Politico and the Sacramento Bee. A favorable resolution is still being pursued by transit agencies.

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 2/12/2020

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	Supported February 2021
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
AB 361 (Rivas, Robert D) Open meetings: local agencies: teleconferences.	Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings	Assembly Local Government	Watch

	<p>of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency’s jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote. The bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, as provided, to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 2/1/2021</p>		
<p>AB 455 (Bonta D) Bay Bridge Fast Forward Program.</p>	<p>Existing law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Existing law creates the Bay Area Toll Authority as a separate entity governed by the same governing board as the commission and makes the authority responsible for the administration of toll revenues from the state-owned toll bridges in the San Francisco Bay area. Existing law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relative to providing public transit services. This bill would require the Bay Area Toll Authority, in consultation with the commission, Department of Transportation, and certain transit entities, to identify, plan, and deliver a comprehensive set of operational, transit, and infrastructure investments for the San Francisco-Oakland Bay Bridge corridor, which would be known collectively as the Bay Bridge Fast Forward Program. The bill would require the authority, in consultation with the commission, department, and certain transit operators, on or before January 1, 2023, to prepare and submit to the Legislature a comprehensive plan to improve bus and very high occupancy vehicle speed and travel time reliability along the San Francisco-Oakland Bay Bridge corridor in a manner that maximizes the number of people that can cross the bridge during congested periods. The bill would authorize the authority, in consultation with the department, on and after January 1, 2025, if a specified travel speed reliability performance target for the San Francisco-Oakland Bay Bridge corridor has not been met for a consecutive 6-month period, to, as a pilot program, designate a lane on the San Francisco-Oakland Bay Bridge exclusively for use by buses and very high occupancy vehicles during congested periods, and would require the authority, in consultation with the department and certain transit operators, to submit to the Legislature a report evaluating the pilot program’s impact. The bill would require the department to pursue federal approval or waivers, as necessary, to implement these provisions. This bill contains other related provisions and other existing</p>	<p>Assembly Print</p>	<p>Watch</p>

	laws. Introduced: 2/8/2021		
AB 464 (Mullin D) Enhanced Infrastructure Financing Districts: allowable facilities, projects, and costs.	Existing law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance that provide significant benefits to the district or the surrounding community, including, but not limited to, the acquisition, construction, or repair of industrial structures for private use. Existing law authorizes a district to finance the ongoing or capitalized costs to maintain facilities financed in whole or in part by the district, but prohibits the use of proceeds of bonds issued to finance maintenance of any kind. This bill would remove the prohibition on the use of proceeds of bonds issued to finance maintenance of any kind. The bill would remove, from the list of facilities and projects the district may fund, the acquisition, construction, or repair of industrial structures for private use. The bill would include in that list the acquisition, construction, or repair of commercial structures by the small business, as defined, occupant of such structures, if certain conditions are met, and facilities in which nonprofit community organizations provide health, youth, homeless, and social services. Introduced: 2/8/2021	Assembly Print	Watch
AB 476 (Mullin D) San Francisco Bay area county transportation authorities: contracting.	The Bay Area County Traffic and Transportation Funding Act authorizes each of the 9 counties in the San Francisco Bay area to impose a 1/2 of 1% or 1% sales tax for transportation purposes, subject to voter approval. Existing law provides for the establishment of a county transportation authority in each county imposing a sales tax under these provisions, requires the development of a county transportation expenditure plan, and specifies the powers and duties of a county board of supervisors and the county transportation authority in this regard. Existing law requires each county transportation authority to award contracts for the purchase of supplies, equipment, and materials in excess of \$75,000 to the lowest responsible bidder after competitive bidding, except in an emergency declared by the vote of 2/3 of the voting membership of the county transportation authority. This bill would require each county transportation authority to award contracts for the purchase of supplies, equipment, and materials in excess of \$150,000, rather than \$75,000, either to the lowest responsible bidder or to the responsible bidder whose proposal provides the best value, as defined, on the basis of the factors identified in the solicitation, except in a declared emergency, as specified. The bill would specify that the requirement does not apply to construction contracts. Introduced: 2/8/2021	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 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	Senate Rules	Watch

	<p>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>	<p>Senate Rules</p>	<p>Watch</p>
<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>Senate Rules</p>	<p>Supported February 2021</p>

	Introduced: 12/7/2020		
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Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202-955-3000 | F 202-955-5564
Holland & Knight LLP | www.hklaw.com

Caltrain As of February 17, 2021 Transportation Report

COVID-19 Reconciliation Update

The White House and congressional Democrats are eager to move quickly on another round of COVID-19 economic stimulus relief aid. Congressional Democrats are using the budget reconciliation process to pass the \$1.9 trillion relief package proposed by President Biden, known as the "American Rescue Plan."

Budget reconciliation is a mechanism by which Congress can use expedited procedures to consider spending revenue and allows the Senate to enact legislation with a simple majority vote, rather than the normally required 60 votes. The proposal does not have support from Republicans amid pushback from members of Republican leadership and influential moderates, leaving it unable to get the 60 votes needed without reconciliation or eliminating the legislative filibuster. The Democratic majority's slim 221 to 211 margins in the House and 50-50 split in the Senate will require the caucus to maintain unity to pass a final bill through its chambers.

During the past two weeks, House committees drafted and passed legislation. Next, the House Budget Committee will meet to package the committees' bills into one bill. House leadership plans to consider the bill on the floor for a vote by the week of February 22. The Senate will then take up the House-passed bill rather than repeating the committee drafting and markup process. House and Senate leadership are aiming to pass the bill before March 14, when unemployment benefits lapse.

Summary of the provisions of importance to NFTA:

- \$195.3 billion for states and the District of Columbia
 - \$25.5 billion equally divided (every state receives at least \$500 million)
- \$130.2 billion divided evenly between cities and counties
 - \$65.1 billion to cities using a modified Community Development Block Grant (CDBG) formula
 - \$65.1 billion to counties based on population
- \$30 billion in COVID relief funding for transit--the New York urbanized area will receive \$8.4 billion
 - \$26,086,600,000 in Section 5307 Urbanized Area Grants
 - \$50 million in Section 5310 Enhanced Mobility of Seniors & Individuals with Disabilities grants
 - \$280.9 million for Section 5311 Rural Area Formula grants
 - \$1.25 billion for Capital Investment Grants
 - \$100 million for Intercity Bus grants

- \$25 million for Planning grants
- \$2.207 billion for FTA to allocate based on demonstrated need
- \$1.5 billion for Amtrak to recall and pay furloughed employees through FY 2021
- \$8 billion to airports, including \$800 million for airport concessionaires
- \$450 million to communities whose economies depend on travel, tourism, and outdoor recreation

Pete Buttigieg Confirmed as Transportation Secretary

On February 2, the Senate confirmed Pete Buttigieg as Transportation Secretary with a final vote on 86-13. Buttigieg easily advanced through the Senate Commerce, Space, and Transportation by a vote of 21 to 3 on January 27 and had mostly positive feedback in a bipartisan fashion.

Department of Transportation Announces Biden Appointees

On January 21, the Biden Administration announced key members of its Department of Transportation leadership which can be found below:

Office of the Secretary

- Pete Buttigieg, Secretary (Senate confirmed on February 2)
- Polly Trottenberg, Deputy Secretary

Modal Administrators:

- Stephanie Pollack, FHWA Deputy Administrator — current secretary of Massachusetts DOT
- Meera Joshi, FMCSA Deputy Administrator — former commissioner of the New York City Taxi and Limousine Commission
- Amit Bose, FRA Deputy Administrator,— who held several senior roles at DOT and FRA during former President Barack Obama's administration
- Nuria Fernandez, FTA Deputy Administrator — outgoing CEO and general manager of the Santa Clara Valley Transportation Authority
- A. Bradley Mims will be named of FAA but will keep that position, as Steve Dickson still has several years left as administrator and is not expected to leave early. Mims is currently president and CEO of the Conference of Minority Transportation Officials.

Intergovernmental:

- Charles Small, Deputy Assistant Secretary for Intergovernmental Affairs
- Edward McGlone, Deputy Assistant Secretary for Congressional Affairs (House)
- Mohsin Syed, Principal Deputy Assistant Secretary for Congressional Affairs (Senate)

President Biden Signs Executive Order Strengthening Buy American Provisions

On January 25, President Biden issued an [Executive Order](#) to boost federal agencies' purchases of U.S. products, fulfilling a campaign pledge to lay out a “buy American” plan. The order directs agencies to strengthen requirements so that they acquire more goods and services from U.S. companies and workers, according to administration officials.

Biden Climate Executive Orders Include Focus on Transportation and Infrastructure

On January 27, President Joe Biden put forward a sweeping executive order on climate, including a shift to clean vehicles and an end to oil and gas subsidies.

The order included:

- A shift to zero-emission vehicles for federal, state, local, and tribal government fleets, including vehicles of the United States Postal Service;
- A “pause” on new oil and natural gas leases on public lands or in offshore waters pending a comprehensive review;
- The elimination of federal subsidies for fossil fuels;
- A sustainable infrastructure initiative with the White House Council on Environmental Quality(CEQ) and Office of Management and Budget (OMB) working to ensure that federal infrastructure investment reduces climate pollution;
- A reversal of Trump-era permitting rules that stopped federal agencies from considering the effects of greenhouse gas emissions and climate change in their environmental reviews;
- The establishment of a Civilian Climate Corps;
- An environmental justice initiative working to ensure that 40 percent of the benefits of federal investments in energy, transit and other programs flow to disadvantaged communities; and
- Inclusion of the DOT Secretary on task forces, working groups and interagency councils focused on climate, environmental justice and the economic revitalization of coal and power plant communities.

House Transportation & Infrastructure Leadership

The House Committee on Transportation and Infrastructure Chairman Peter DeFazio (D-OR-4) and Ranking Member Sam Graves (R-MO-6) have announced the committee’s membership and subcommittee chairs and ranking members for the 117th Congress. In total, there will be 37 Democrats serving on the Committee, 36 of whom are named below. One spot remains open, pending selection by the House Democratic Steering and Policy Committee.

Subcommittees Leadership:

- Subcommittee on Aviation: Chair Rick Larsen (D-WA-2); Ranking Member Garret Graves (R-LA-6)
- Subcommittee on Coast Guard and Maritime Transportation: Chair Salud Carbajal (D-CA-24); Ranking Member Bob Gibbs (R-OH-7)
- Subcommittee on Economic Development, Public Buildings, and Emergency Management: Chair Dina Titus (D-NV-1); Ranking Member Dan Webster (R-FL-11)

- Subcommittee on Highways and Transit: Chair Eleanor Holmes Norton (D-DC); Ranking Member Rodney Davis (R-IL-13)
- Subcommittee on Railroads, Pipelines, and Hazardous Materials: Chair Donald M. Payne, Jr. (D-NJ-10); Ranking Member Rick Crawford (R-AR-1)
- Subcommittee on Water Resources and Environment: Chair Grace F. Napolitano (D-CA-32); Ranking Member David Rouzer (R-NC-7)

Grant Opportunities & Award Announcements

- **2021 High Priority Program – Innovative Technology Deployment (HP-ITD)**: \$20 million available. Applications due by March 15, 2021.
- **FY20 FAA Aviation Workforce Development Grant Program - Aircraft Pilots**: \$5 million available. Applications due by March 22, 2021.
- **Aviation Workforce Development Grant Program**: \$5 million available. Applications due by March 22, 2021.

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: JPB Work Program-Legislative- Planning Committee

THROUGH: Jim Hartnett
Executive Director

FROM: April Chan
Chief Officer, Planning, Grants, and Transportation Authority

SUBJECT: **PROPOSED REVISIONS TO THE PROPERTY CONVEYANCE POLICY AND FEE SCHEDULE**

ACTION

Staff proposes the WPLP Committee review proposed revisions to the Policy Regarding Conveyance of Property Interests Involving Property Owned by the Peninsula Corridor Joint Powers Board (Policy) and recommend the Board call a public hearing on April 8, 2021 to consider revisions to the related Fee Schedule.

SIGNIFICANCE

The proposed revisions to the Policy and Fee Schedule would promote administrative efficiencies and higher fee collections, which will serve to offset staff costs associated with processing agreements for access to Peninsula Corridor Joint Powers Board (JPB) property. Additional revenues realized will be reflected in future JPB budgets.

The JPB receives numerous requests from utilities to cross, or otherwise traverse, the Caltrain Corridor, as well as various other third party requests to use JPB property for uses unrelated to railroad operations. In addition, properties that are not currently required to support Caltrain operations are often leased to generate revenue to offset the cost of operating Caltrain.

The Board of Directors (Board) adopted the Caltrain Rail Corridor Use Policy (RCUP) on February 6, 2020 via Resolution 2020-05. The RCUP is intended to provide a process to facilitate agency review of potential uses of JPB property to ensure they are compatible with the railroad's current and future needs. The Policy, with proposed updates, would describe the agency's process and terms for issuing Property Access Agreements to third parties to access and/or use JPB property. Proposed Policy modifications include a role of the RCUP and update terms and procedures for other aspects of the process for reviewing proposed third-party uses of JPB property.

The updated Policy includes several policy changes. The changes are intended to help staff facilitate the generation of more revenue from property not currently being used for rail operations. For example, the Policy updates would:

- Require that property be leased for market value;
- Encourage longer lease terms to maximize revenue;
- Require advertisement of all potential leases where the lease terms are over five years and the properties are not landlocked; and
- Set forth which agreements can be approved by the Executive Director and which must be approved by the Board.

The Fee Schedule sets forth charges to third parties to enter JPB property. These fees cover administrative expenses associated with the review and approval of property entry requests and oversight of projects on JPB property. The current Fee Schedule is outdated by more than 10 years. The proposed updated Fee Schedule reflects actual expenses associated with processing such requests and current property values. Key proposed changes to the Fee Schedule would:

- Increase the property access agreement processing fee from \$1,500 to \$3,600 (or \$1,000 for limited Encroachment Permits);
- Increase annual fees for Licenses and Right of Entry Permits from \$1,500 to \$3,000 and \$5,000, respectively;
- Require prospective users of agency property to pay fees before requests to use agency property are processed; and
- Incorporate fees associated with implementing the RCUP process.

BUDGET IMPACT

The proposed updates to the Fee Schedule would generate additional revenues to offset staff costs associated with processing agreements for access to JPB property.

BACKGROUND

The Board originally adopted a fee schedule in April 1992 and originally issued a policy for access to JPB property in April 1994. Both were subsequently updated October 7, 2010.

Prepared by: Brian W. Fitzpatrick, Director,
Real Estate and Property Development

650.508.7781

PENINSULA CORRIDOR JOINT POWERS BOARD

POLICY REGARDING THIRD PARTY REQUESTS TO USE PROPERTY OWNED BY THE PENINSULA CORRIDOR JOINT POWERS BOARD

Overview, Background, and Purpose

A railroad right-of-way running from San Francisco down through San Jose, the Caltrain Rail Corridor ("Corridor") is owned by the Peninsula Corridor Joint Powers Board ("PCJPB") for the purposes of operating the Caltrain passenger rail service. Within San Mateo County, Corridor ownership is shared with the San Mateo County Transit District. Additionally, PCJPB separately owns property near 26 Caltrain stations, as well as other property purchased in support of various capital projects. It is intended that, as additional property is purchased by PCJPB, third party use of that property shall be governed by this Policy. As of 2021, altogether the PCJPB's property holdings ("PCJPB property") total approximately 690 acres, a substantial portion of which is dedicated to transportation uses.

Due to the Corridor's location along the Peninsula, and the historic economic development that it triggered, the Corridor runs through the middle of many communities between San Francisco and San Jose. As a result, the PCJPB receives numerous requests from utilities to cross, or otherwise occupy, portions of the Corridor, as well as various other third party requests to use PCJPB property for uses unrelated to railroad operations. In addition, properties that are not currently required to support Caltrain operations may be leased to generate revenue to offset the cost of operating Caltrain.

PCJPB, and its predecessor Southern Pacific, have had a long history of allowing third-party utilities to operate within its property and has entered into numerous revenue-generating leases of PCJPB Property. The process for reviewing and approving both types of requests is currently governed by the "Policy Regarding Processing of Requests For Conveyance of Property Interests Involving Property Owned by the PCJPB" which was adopted in 2010 via Resolution 2010-45. Following Board adoption, this updated policy will supersede that previous policy.

PCJPB recognized a need to update its property use process in response to the PCJPB Board of Directors' adoption of an ambitious Long-Range Service Vision for the railroad on October 3, 2019. As such, to guide the use of the agency's property and support delivery of Caltrain's Long-Term Service Vision, the PCJPB Board of Directors adopted the Caltrain Rail Corridor Use Policy on February 6, 2020 via Resolution 2020-05 ("RCUP").

The RCUP is intended to provide a process to facilitate agency review of requested uses of PCJPB property to ensure they are compatible with the railroad's current and future needs. Following approval through the RCUP compatibility review process, a proposed use is required to undergo additional review for engineering, operational, and regulatory compliance before the agency will issue an agreement to allow a third party the right to use PCJPB property. The types of agreement issued by PCJPB are listed below and are hereafter referred to as "Property Access Agreements."

This updated policy describes the agency's process and terms for granting Property Access Agreements to third parties to access and/or use PCJPB property. It has been updated to include and clarify the role of the RCUP in the process, as well as update terms and procedures for other aspects of the review process for proposed uses.

The contents of this updated policy are as follows:

- Summary of Property Access Agreements
- Staff review process and terms for non-lease agreements
- Staff review process and terms for lease agreements
- Final approval process for all agreements

Summary of Property Access Agreements

Below is a list of the types of agreements most frequently issued by the PCJPB and a brief description of each, including required conditions.

Service Agreement

Purpose: Sets forth the terms and conditions under which the applicant will reimburse the PCJPB for all actual costs incurred in providing the services and materials required to review the applicant's proposed use (including applicable general and administrative overhead costs), for costs associated with processing the Property Access Agreement, and for costs required to support the implementation of the use of agency property, as appropriate. A Service Agreement does not convey any rights to use property.

Right of Entry Permit Agreement

Purpose: Allows third party access to PCJPB Property for a specified period to accomplish a specific activity, which generally involves construction work on an existing facility. No facilities may be constructed on PCJPB Property.

Other Conditions: Permittee (or agency contracting with Permittee) shall sign a Service Agreement to reimburse PCJPB for its costs and expenses, as necessary.

License Agreement

Purpose: Allows third party access to PCJPB Property for a specified period to accomplish a specific activity, which generally involves construction work and allows an applicant's semi-permanent facility to remain on PCJPB Property.

Other Conditions: Licensee shall sign a Service Agreement to reimburse PCJPB for its costs and expenses, as necessary.

Encroachment Permit

Purpose: Allows third parties access to PCJPB Property for a specific purpose and a limited duration when a Right of Entry Permit, License Agreement or Lease is not appropriate, when no construction is to occur on the property and when the property is outside of the Operating Use Zone as defined in RCUP.

Lease Agreement

Purpose: Allows a third party to use PCJPB Property not currently required for rail operations for a defined period. This agreement is typically used when the third party is a commercial business leasing PCJPB property for Fair Market Rent.

Easement Agreement

Purpose: Provides permanent property rights to the grantee for a specific purpose.

Other Conditions: Licensee shall sign a Service Agreement to reimburse PCJPB for its costs and expenses, as necessary. Requires Board approval.

Staff Review Process and Terms for Non-Lease Agreements

This section describes the review process and terms for all agreement that are not leases. Non-lease agreements are typically issued for utility crossings, but may be used in other circumstances when a lease agreement is not appropriate.

After receipt of an application form, staff will analyze each request in accordance with this Policy and, if the request warrants further review, will present the applicant with an estimate of PCJPB's processing and oversight costs ("Processing Costs"), as applicable. Only after the applicant has paid a non-refundable processing fee (the "Real Estate Processing Fee") and, if required, signed a Service Agreement to reimburse PCJPB for its actual additional Processing Costs, will staff analyze the request to ensure the following, which shall be hereafter referred to as "Baseline Conditions":

- The request is determined to be compatible with current and anticipated future operational requirements and potential railroad uses of the property, as confirmed through consistency with RCUP; and
- The applicant's improvements are designed to be compatible with the broadest range of possible transportation alternatives for the entire width of the right-of-way, to minimize disruption of current service and the necessity for later relocation; and
- All facilities constructed on PCJPB Property are constructed in a manner consistent with all applicable general engineering standards, Caltrain standards and California Public Utilities Commission regulations; and
- The request is in full compliance with the requirements of applicable federal and state laws including any conditions embodied in grants and conditions of financing for the property acquisition by the PCJPB or its predecessors in interest.

Once the review is completed, staff will process the appropriate Property Access Agreement, typically based upon PCJPB's standard forms, and will forward the agreement and a staff recommendation to the Executive Director of the PCJPB (or his/her designee) for consideration. The Property Access Agreement will require the applicant to agree, at the minimum, to the following conditions ("Required Conditions"):

- The Applicant must agree to relocate applicant's facilities (at applicant's expense) if necessary to accommodate the use of the Property for public transportation purposes or real estate development, as determined by PCJPB, its successors or assigns; and
- The applicant must maintain and repair its improvements at its sole expense; and

- The applicant must indemnify the PCJPB against liability (including for the release of hazardous materials) arising out of permittee’s use of the property; and
- The agreement will include a reservation of a right in favor of PCJPB to terminate for breach; and
- The agreement will require that the applicant (and/or its contractor) provide adequate insurance for the benefit of PCJPB, its successors and assigns, including, when necessary Railroad Protective Liability Insurance (RPLI).
 - PCJPB shall obtain RPLI in its own name, at the sole cost and expense of the applicant. An applicant may provide its own RPLI by demonstrating that it can provide coverage that is equivalent to, or better than, the RPLI available to PCJPB.

Staff Review Process and Terms for Lease Agreements

This section describes the review process and terms for all lease agreements, for which there are two general types of sites:

- **Independently Usable Sites:** In certain locations, especially along commercial corridors, commercial demand exists for use of PCJPB Property that is not currently required to support Caltrain operations. Such properties are typically accessible from the public street system and can be used independently, without reliance upon use of property owned by entities than other the PCJPB (“Independently Usable Sites”).
- **Landlocked Sites:** In other instances, property not currently required to support Caltrain operations is landlocked, meaning it has no means of access other than from the Caltrain corridor or though the contiguous site, but may have commercial value to the contiguous property owners (“Landlocked Sites”).

In both such cases, PCJPB may seek to lease property to generate revenue, and all potential leases must be analyzed and approved in accordance with the terms and process described below.

Requirement for Fair Market Rent: All property shall be leased at market value unless otherwise approved by the Board in its sole and complete discretion. Market value will be evaluated in consideration of current market conditions, the proposed use, the site’s physical characteristics (including location, size, access and shape of the property), and taking into account all rights and limitations created by the lease agreement, and shall be referred to throughout as “Fair Market Rent.”

RCUP Compatibility and Determination of the Lease Term: Before any site is made available for lease, staff shall ensure that use of the site by a third party is compatible with the railroad’s current and future needs for its property through compliance with the RCUP. Real Estate staff shall also review the site with other departments, including Planning and Engineering, to determine if and when the site will be needed to support future rail activities or capital projects. For revenue-generating commercial leases, staff shall seek to make the site available for the longest possible duration that does not conflict with potential PCJPB uses of the

property, it being understood that longer lease terms generally lead to more lucrative financial return.

The review and approval process and terms for leases are different for independently usable sites and landlocked sites, as described below.

Independently Usable Sites: When property with independent commercial potential is identified as available for lease, and the proposed use will be for more than five years, staff shall seek to competitively market the site, either through a commercial broker or directly by staff, to attract a pool of qualified potential tenants. Leases of less than five years are not required to be marketed but may be if staff feels it would be appropriate to do so.

Proposals will be evaluated using criteria, developed by staff to reflect the specific site, and will typically include the maximization of rent paid, compliance with the Baseline Conditions, and other conditions specific to the property itself. In no case shall rent be for less than Fair Market Rent, unless approved by the Board.

Once the review is completed and a potential tenant has been selected, staff will process the lease agreement, which will be based upon PCJPB's standard form, and will forward the agreement and a staff recommendation to the Executive Director of the PCJPB (or his/her designee) for consideration. The lease will require the applicant to agree, at a minimum, to the Required Conditions.

Landlocked Sites: Staff may negotiate directly with the contiguous property owner, unless other potential lessees have expressed interest in the site or staff otherwise believes that marketing the site will attract a larger pool of qualified tenants, in which case staff shall follow the procedures for marketing a non-landlocked site. When leases for landlocked property come due, staff may choose to negotiate directly with the existing tenant if the tenant has been a tenant of good standing throughout previous lease term. The lessee must comply with the Baseline Conditions and the rent must be no less than Fair Market Rent unless otherwise approved by the Board.

Once the review is completed and a potential tenant has been selected, staff will process the lease agreement, typically based upon PCJPB's standard form, and will forward the agreement and a staff recommendation to the Executive Director of the PCJPB (or his/her designee) for consideration. The lease will require the applicant to agree, at a minimum, to the Required Conditions.

Final Approval of Property Access Agreements

This section describes the final approvals that are needed to issue a Property Access Agreement to a third party after staff has reviewed and recommended the request for approval.

If the Property Access Agreement is within the authority of the Executive Director, as described below, the Executive Director or his/her designee may execute the agreement. If the request falls

within the Board's authority, as described below, the Executive Director may sign the agreement only being delegated authority by the Board.

AUTHORITY OF EXECUTIVE DIRECTOR

The Executive Director (or his/her designee) may approve Property Access Agreements without the prior approval of the Board, provided that the request will not have an adverse impact on the use or potential future development of PCJPB-owned Property for PCJPB purposes and that the following conditions are met:

- The Property Access Agreement is for a term not more than five years
 - Exception: if the lease is an extension of a lease to an existing tenant and is for an Independently Usable Site, the new term will extend the occupancy of the same tenant for more than 5 consecutive years, the lease will require board approval; and
- The applicant has paid the appropriate amount of compensation as described in the PCJPB's Fee Schedule, or for leases, the rent is set at Fair Market Rent; and
- The Property Access Agreement includes all of the Required Conditions and staff has determined that such use is consistent with the Baseline Conditions.

PCJPB BOARD REVIEW

The Board of Directors shall review and approve all conveyances of permanent property rights as well as any other requests that do not fall into the authority of the Executive Director, as outlined above. The Property Access Agreements may be issued only after the applicant pays appropriate compensation as set forth in the PCJPB's Fee Schedule or, for leases has paid the first month's rent and any security deposit.

PENINSULA CORRIDOR JOINT POWERS BOARD

FEE SCHEDULE

FEES BY REAL ESTATE AGREEMENT TYPE

Note: The below agreement types are defined in the Peninsula Corridor Joint Powers Board's (PCJPB) "Policy Regarding Third Party Requests to Use Property Owned by the Peninsula Corridor Joint Powers Board"

Right of Entry Permit Agreement

Real Estate Processing Fee: \$3,600

Annual Permit Payment: \$3,600, if the total square feet less than 2,000 sq. ft.

Annual Permit Payment: for Permits greater than 2,000 square feet, fair market value (as determined by staff, but not less than \$3,600)

License Agreement

For a Transverse Encroachment (perpendicular to right-of-way):

Real Estate Processing Fee: \$3,600

Annual License Payment: \$5,000

For a Longitudinal Encroachment (parallel to right-of-way), or for fiberoptics facilities:

Processing Fee of \$3,600

Annual Rent: fair market value (as determined by staff, but not less than \$5,000);

Encroachment Permit

Real Estate Processing Fee: \$1,000

Lease Agreement

Real Estate Processing Fee: None

Monthly Rent: fair market value (as determined by staff, not less than \$800/mo.)

Easement Agreement

Real Estate Processing Fee: \$3,600.

Payment of lump sum fair market value of the easement as determined by staff

SERVICE AGREEMENTS AND ASSOCIATED FEES

Purpose

If staff determines that a request to access property will require more than 8 hours of staff time and/or more than 3 hours of the Attorney's time, which costs are covered by the various Real Estate Processing Fees above, the applicant shall enter into a Service Agreement with PCJPB. The Service Agreement sets forth the terms and conditions under which the applicant will reimburse PCJPB for all actual costs of providing the services and materials required to support the applicant's proposed project (including applicable general and administrative overhead costs) and for costs associated with processing the Property Access Agreement. A Service Agreement conveys neither property rights nor right to use property.

Payment Policy

Service Agreements Valued under \$50,000:

Service Agreements with an estimated cost of less than \$50,000 or Service Agreements that will be completed in 120 days or less require full prepayment.

Service Agreements Valued over \$50,000:

If the Service Agreement has an estimated total project cost of more than \$50,000 or will last more than 120 days, a payment option may be pre-arranged on a case-by-case basis. A minimum 10% deposit with monthly progress billings or a deposit based on a cash flow analysis with monthly progress billings (whichever is greater) may be arranged and approved at the discretion of staff. Payments under a progress billing are due 30 days following the date of invoice. All overdue balances due to PCJPB not contested in writing, by the due date shall bear interest at the rate of 1.5% per month, compounded monthly, from the due date. Additionally, PCJPB may require that all work cease until all payments are received in full.

RAIL CORRIDOR USE POLICY – USE VARIANCE FEE

All proposed non-railroad uses of JPB property must be determined to be compatible with the railroad's current and future uses, as demonstrated through compliance with the Board-adopted Rail Corridor Use Policy, or the "RCUP" (adopted February 6, 2020 as Resolution 2020-05).

The RCUP review process does not charge a fee for the initial compatibility review(s) of proposed uses.

For uses that are determined to be not compatible with the railroad's current and future needs after the initial compatibility review, third parties may opt to request an RCUP Use Variance. A Base Fee of \$5,000 is charged for all proposed uses of PCJPB property that enter into the RCUP Use Variance process. This nonrefundable Base Fee must be fully paid by the applicant at the time of submitting the RCUP Use Variance application. The Base Fee is charged to cover PCJPB costs for reviewing and processing the RCUP Use Variance application, inclusive of up to 12 hours of staff time and up to 3 hours of the Attorney's time.

The RCUP Use Variance Review Base Fee is likely to cover PCJPB costs for reviewing *most* Use Variance applications; however, there may be some instances in which the complex nature of the proposed use or its location on the corridor requires a more extensive review of the Use Variance application. In these instances, the Base Fee may not be adequate for covering PCJPB costs for processing and reviewing, and additional staff and/or Attorney time may be required. Therefore, on a case-by-case basis, the PCJPB may charge an Additional Fee (on top of the Base Fee) to seek reimbursement for PCJPB costs for Use Variance applications requiring extensive review. Staff will determine if an Additional Fee is required to cover PCJPB costs for processing a complex Use Variance application after receipt of the application, and as soon as a determination is made, staff will notify the applicant of any Additional Fee as soon as possible. The Additional Fee to process complex Use Variance applications is to be issued and paid using a Service Agreement, under the terms and conditions described for Service Agreements above. The Additional Fee is nonrefundable and must be fully prepaid by the applicant before staff may process a complex Use Variance application.

Notes:

- Payment of the RCUP Use Variance Fee neither conveys PCJPB's approval of the compatibility of the proposed use, nor provides authorization to use property.
- Additional information about the RCUP review process, including the Use Variance process, can be found in the adopted Rail Corridor Use Policy, available on Caltrain's website.

REASON FOR FEES

The Purpose of the Real Estate Processing Fee and the RCUP Use Variance Fee is to recoup costs associated with staff time to negotiate and draft the real estate document or review the Use Variance, legal time for review of documents and staff time to set up and monitor the project, as necessary. The Annual License Payment and Annual Permit Payment represent the value of the encumbrance to the property created by the agreement.

REGULAR REVIEW OF FEES

All fees shall be reviewed regularly by staff and updated as PCJPB's cost of processing permits increases. Annual License Payments and Annual Permit Payments shall be reviewed regularly by staff and updated to reflect current property values.



POLICY REGARDING THIRD PARTY REQUESTS TO USE PROPERTY OWNED BY THE PENINSULA CORRIDOR JOINT POWERS BOARD

JPB WPLP Committee
February 24, 2021

PURPOSE OF POLICY

- Policy was last updated in 2010
- Updates fees to reflect current values and actual cost to process agreements
- Ties approval process to RCUP
- Updates delegations
- Updates definition of property types and agreements

POLICY CONTEXT

- Rail Corridor Use Policy (RCUP)
 - Guides the agency’s decision-making regarding non-railroad uses of JPB property (commercial uses, community uses, etc.), to ensure compatibility with railroad’s current and future needs.
 - Identifies areas of the Caltrain corridor that are currently needed, or may be needed in the future, to support the railroad, as well as areas that may be available for short- or long-term non-railroad uses.

POLICY CONTEXT

- Transit-Oriented Development (TOD) Policy
 - Guides the agency’s development of property that is determined to be available for long-term non-railroad uses according to the RCUP.
 - RCUP preliminarily identified two “high” potential opportunity sites for independent development, and
 - Seven “other” potential opportunity sites that could be candidates for development (such as in conjunction with neighboring sites owned by other entities).
 - Development of both types of sites will be guided by the TOD Policy.

POLICY CONTEXT

- Policy of Property Conveyance
 - Sets framework for temporary and compatible uses of agency property. For example:
 - Utility crossings of ROW
 - Revenue generating leases
 - Other short term uses
- Fee Schedule
 - Sets fees for various types of plan review and agreements
 - Documents RCUP fees

TYPES OF USES COVERED BY POLICY

Utility Crossings

- The Caltrain Corridor runs through the middle of the Peninsula to serve both sides of the corridor
 - Approximately 500 utilities currently cross the right of way
 - Gas, electric, telecom, water, sewer lines, cable TV, storm drains
- Utility crossings are typically permitted through a License Agreement
 - Provides right to cross the ROW but does not confer a property right
 - Typically allows agency to move facility at utility owner's cost

TYPES OF USES COVERED BY POLICY

Other Short- Term Uses

- Girl Scout Cookie Sales
- Events on Caltrain Property:
 - Bike to work, Library Awareness Events. ect
- Typically permitted through a revocable Encroachment Permit

TYPES OF USES COVERED BY POLICY

Leases

- The agency has 160 leases that generate over \$1.1M annually
 - Lease sites are located along commercial corridors, like ECR
- Some lease sites are **landlocked** only accessible through the contiguous properties
 - Approximately 24 leases are landlocked, about 15 percent of inventory

EXAMPLE OF NON-LANDLOCKED SITE



EXAMPLE OF LANDLOCKED SITE



HOW ARE USES APPROVED?

- All proposed uses have been analyzed to confirm:
 - The proposed use is compatible with current and future rail needs
 - Historically, such reviews have been conducted by staff on a case by case basis
 - Now compatibility is determined by the Board- approved RCUP use zones
 - The proposed use is consistent with all relevant engineering standards

FEE SCHEDULE

- Updated to reflect current property values and agency costs
- Example Fees
 - Processing Fee
 - Fee associated with preparing the property use document
 - Designed to recoup staff costs
 - Review Costs
 - Cost for staff review of proposed use
 - Agency recollects cost of review through a Service Agreement
 - Annual Fee
 - Cost associated with a facility being on the right of way
 - Based on current property values

FEE SCHEDULE

Leases

- Agency leases property to generate revenue
 - Rent is Fair Market Rent (FMR), typically calculated by a local broker
 - Lease term should be long enough to maximize rent yet short enough to accommodate anticipated future rail uses
- Uses and areas available to lease set forth in RCUP

MAJOR CHANGES FROM CURRENT FEE SCHEDULE

- Agency must obtain FMR for all leases
- Increases processing fee and annual fee
- Adds RCUP fees
- Requires that fees be paid before a permit is processed

MAJOR CHANGES FROM CURRENT POLICY

- Encourages longer leases, if compatible with rail needs
- Differentiates between Landlocked and Non-Landlocked leases
- Non-Landlocked Sites
 - Board approval required if the same tenant leases property for more than five consecutive years
 - Must advertised for lease if lease is to be longer than 5 years
- Landlocked Sites
 - Same tenant may extend past five years without Board Approval
 - Do not need to be advertised for lease

NEXT STEPS

- Staff requests Board adopt Policy

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: **BACKGROUND ON GRADE SEPARATION PROJECTS AND PROCESS**

ACTION

This report is for information only. No Board action is required at this time.

SIGNIFICANCE

The attached informational presentation was initially provided in December to the Joint Powers Board Finance Committee and is now being brought to the Work Program Legislative Planning (WPLP) committee and the Board based on broader Board member questions and interest in the topic of grade separations. The presentation covers a variety of pertinent background information related to grade separation projects in the Caltrain corridor. The presentation describes the history and funding of recent grade separation projects, discusses regulatory and prioritization considerations related to grade separations, and provides an overview of current and upcoming planning activities related to grade separations.

BUDGET IMPACT

There is no budget impact associated with receiving this report.

BACKGROUND

At-grade crossings are regulated by the Federal Railroad Administration and the California Public Utilities Commission. There are currently 41 at grade crossings along the JPB-owned corridor between San Francisco and San Jose and an additional 28 at-grade crossings located along the Union Pacific Railroad owned corridor running south from San Jose and Gilroy.

While 71 crossings along what is now the Caltrain-owned corridor have been separated at some point in the railroad's history, only 13 separations have been completed since the formation of the JPB in 1992. These more recent separations have occurred as part of eight distinct projects. All are located in San Mateo County and have relied heavily on the use of dedicated funding set aside by the County for the purpose of grade

separation as part of the County's 1988 and 2004 Measure A sales tax expenditure plans. The costs and funding sources for these projects are shown in Table 1 below.

Table 1: Completed Grade Separation Projects and Funding Sources

Crossing (City)	Date Completed	San Mateo County TA	Federal	State	Local	Total	TA's Share
Oyster Point (South San Francisco)	1994	\$11.0		\$6.9	\$6.3	\$24.2	45.5%
Millbrae Ave. (Millbrae)	1996	\$13.3		\$9.8	\$0.9	\$24.0	55.4%
Ralston/Harbor/Holly (Belmont and San Carlos)	2000	\$60.7		\$35.3	\$3.6	\$99.6	60.9%
Brittan/ Howard (San Carlos)	1995	\$11.3		\$8.7	\$3.0	\$23.0	49.1%
Jefferson Ave. (Redwood City)	1999	\$8.1		\$5.5	\$0.6	\$14.2	57.0%
Fifth Ave. (North Fair Oaks)	1995	\$10.1		\$5.0	\$1.9	\$17.0	59.4%
San Bruno/ San Mateo / Angus (San Bruno)	2014	\$101.8	\$6.6	\$56.0	\$0.75	\$165.1	61.7%
25th Ave (San Mateo)	2021	\$74.0		\$94.0	\$12.0	\$180.0	41.1%
TOTAL		\$290.3		\$221.2	\$28.3	\$547.1	39.5%

There are currently 26 at-grade crossings in some stage of study or planning for potential separation or closure along the Caltrain corridor. An additional three crossings located along the UP-owned corridor are also under study in San Jose. These efforts span all three JPB member counties and are in various stages of development, ranging from conceptual planning to advanced design.

The Caltrain Business Plan accounted for these and other grade separation projects in its consideration of the total future investment needed in the corridor – yielding an estimated cost of between \$9 and \$11 billion in 2018 dollars. The scale of this need is significantly out of pace with the limited funding sources that are currently available to support grade separation projects. Consequently, Caltrain has committed to undertake a significant corridor wide grade separation study that will address a range of policy and technical issues related to funding, prioritization and coordination, and construction and delivery. This study was funded as part of the FY20 capital budget and is expected to commence in early calendar year 2021.

Prepared by: Sebastian Petty, Deputy Chief, Caltrain Planning

650.622.7831

Background on Caltrain Corridor Grade Crossings and Separations

WPLP Committee

February 24, 2021



Purpose

- Provide background on at-grade crossings and grade separations along the Caltrain corridor
- Describe funding sources for prior grade separation efforts
- Discuss ongoing city-led grade separation plans and projects
- Discuss planned corridor wide grade separation policy work



Background

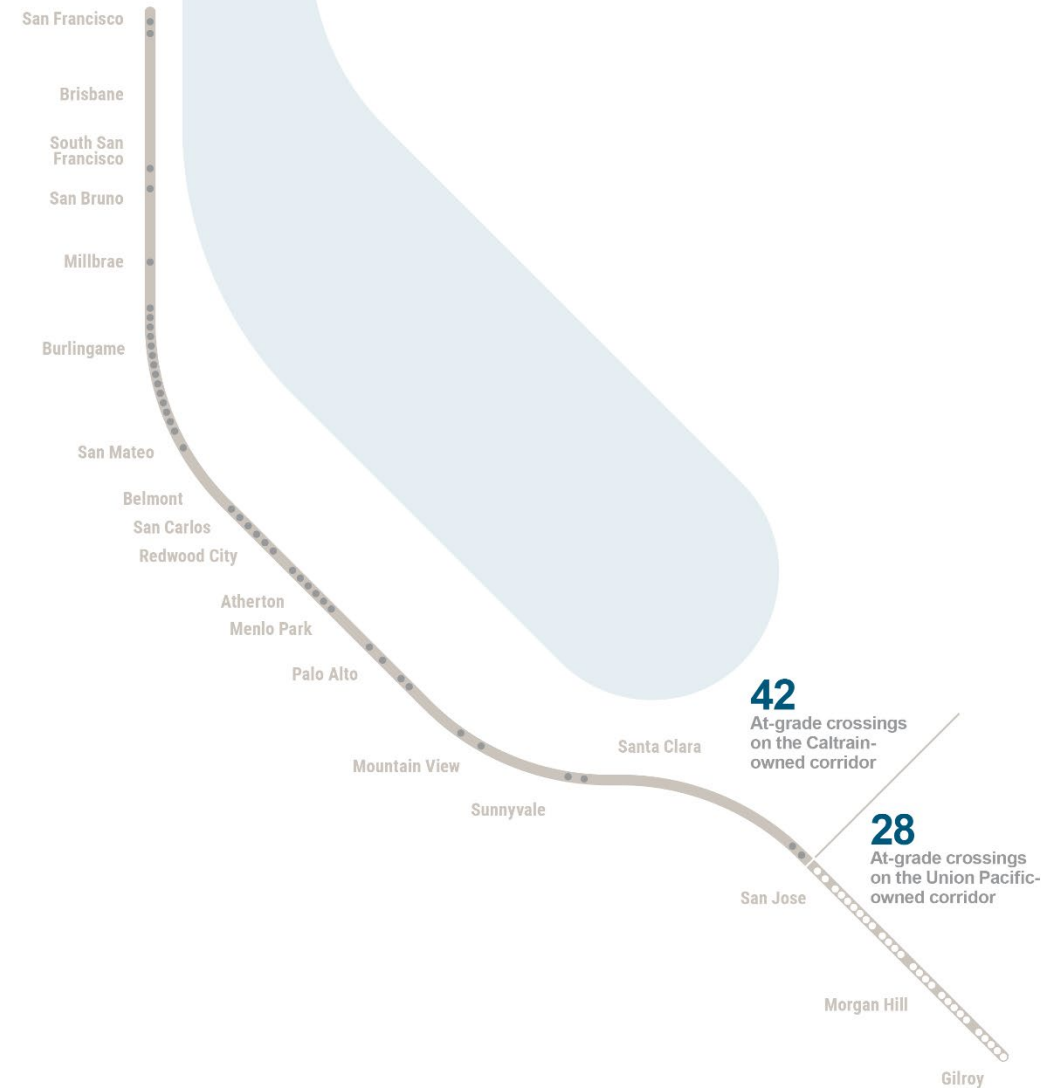
Context

- 41 at-grade crossings on the corridor Caltrain owns between San Francisco and San Jose
- 28 additional at-grade crossings on the UP-owned corridor south of Tamien

At-Grade Crossing by County in Caltrain Territory

- San Francisco: 2 at-grade crossings
- San Mateo: 29 at-grade crossings
- Santa Clara: 10 at grade crossings (with 28 additional crossings on the UP-owned corridor)

Most of the data shown in this presentation pertains to the Caltrain-owned corridor north of Tamien Station



Background

Regulation

Caltrain understands that there is a gap between the regulatory requirement for grade separation and the desires and ongoing plans of many communities along the corridor

When is Grade Separation or Closure of a Crossing Required?

Grade crossings are regulated by the Federal Railroad Administration (FRA) and, in California, by the California Public Utilities Commission

Under current regulations, the separation or closure of an at-grade crossing is required in the following circumstances:

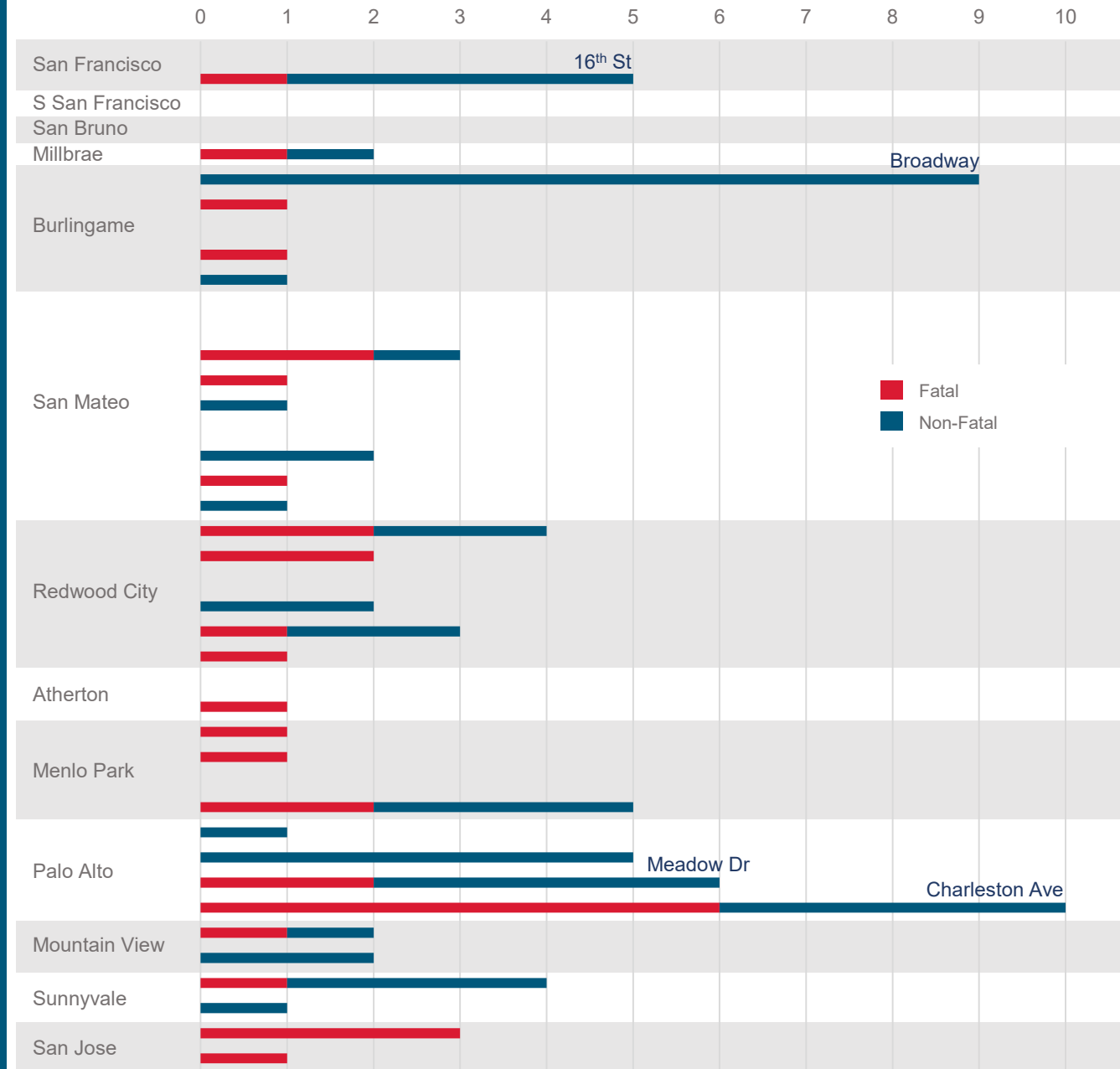
- When maximum train speeds exceed 125 mph (FRA regulation)
- When the crossing spans 4 or more tracks (CPUC guidance interpreted into Caltrain Standards)

Background Safety

Over 80 collisions occurred at Caltrain's grade crossings in the 10 years from 2009-2018. More than 30 of these collisions involved a fatality

- 11 crossings had 0 collisions
- 8 crossings had 4 or more collisions
- 21 crossings had 1 or more fatalities

Collisions at Caltrain Grade Crossings: 2009-2018



Data presented for Caltrain-owned corridor Only. Collision data from FRA reports

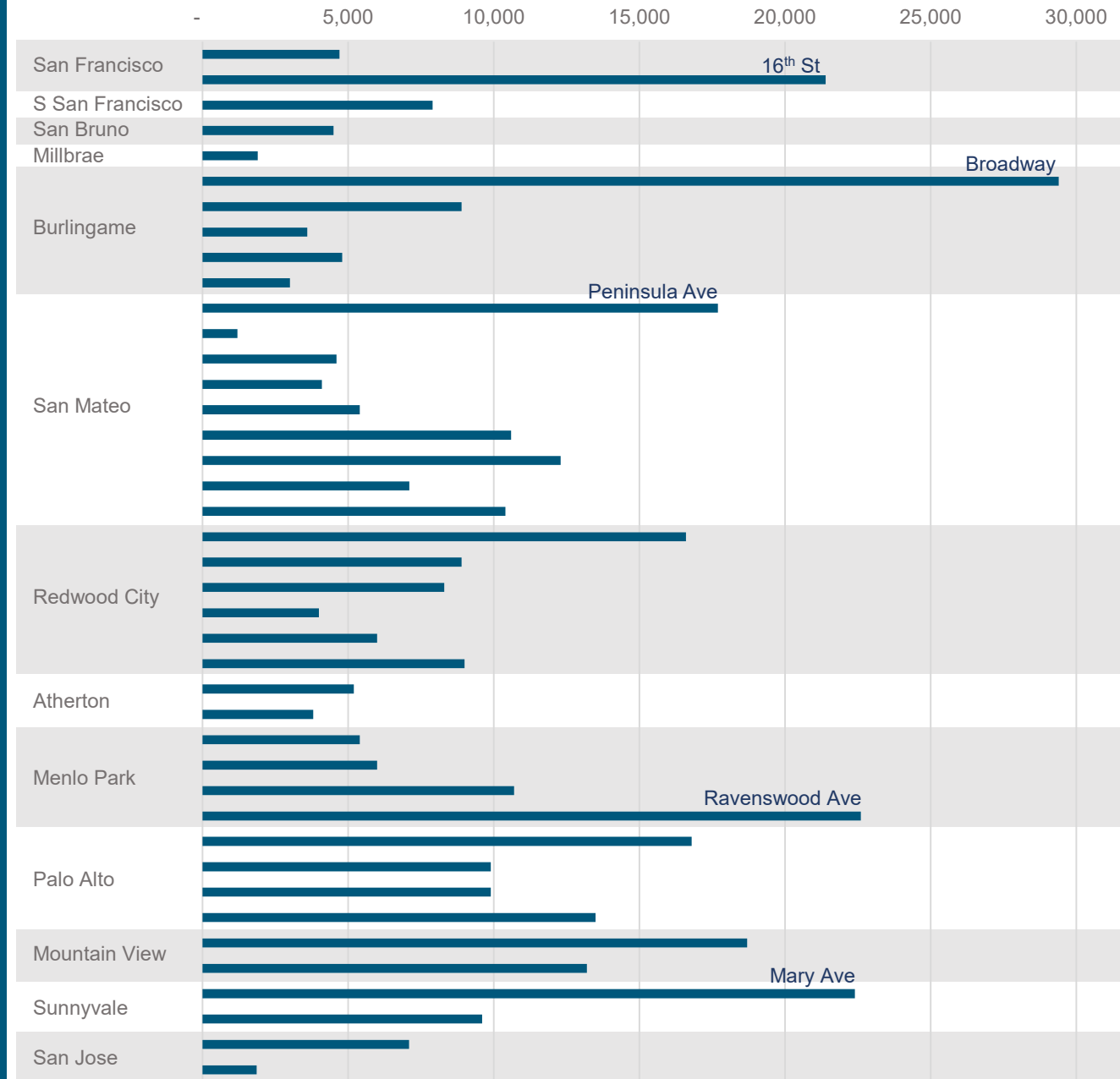
Background

Usage

During a typical 2018 weekday, Caltrain's at-grade crossings were traversed by approximately 400,000 cars. This is equivalent to the combined traffic volumes on the Bay Bridge and San Mateo Bridge

The 10 busiest at-grade crossings account for half of all traffic volumes

Daily Traffic Crossing Caltrain Grade Crossings (2018)



Data presented for Caltrain-owned corridor only. Data reflects 2016 ADT

Background

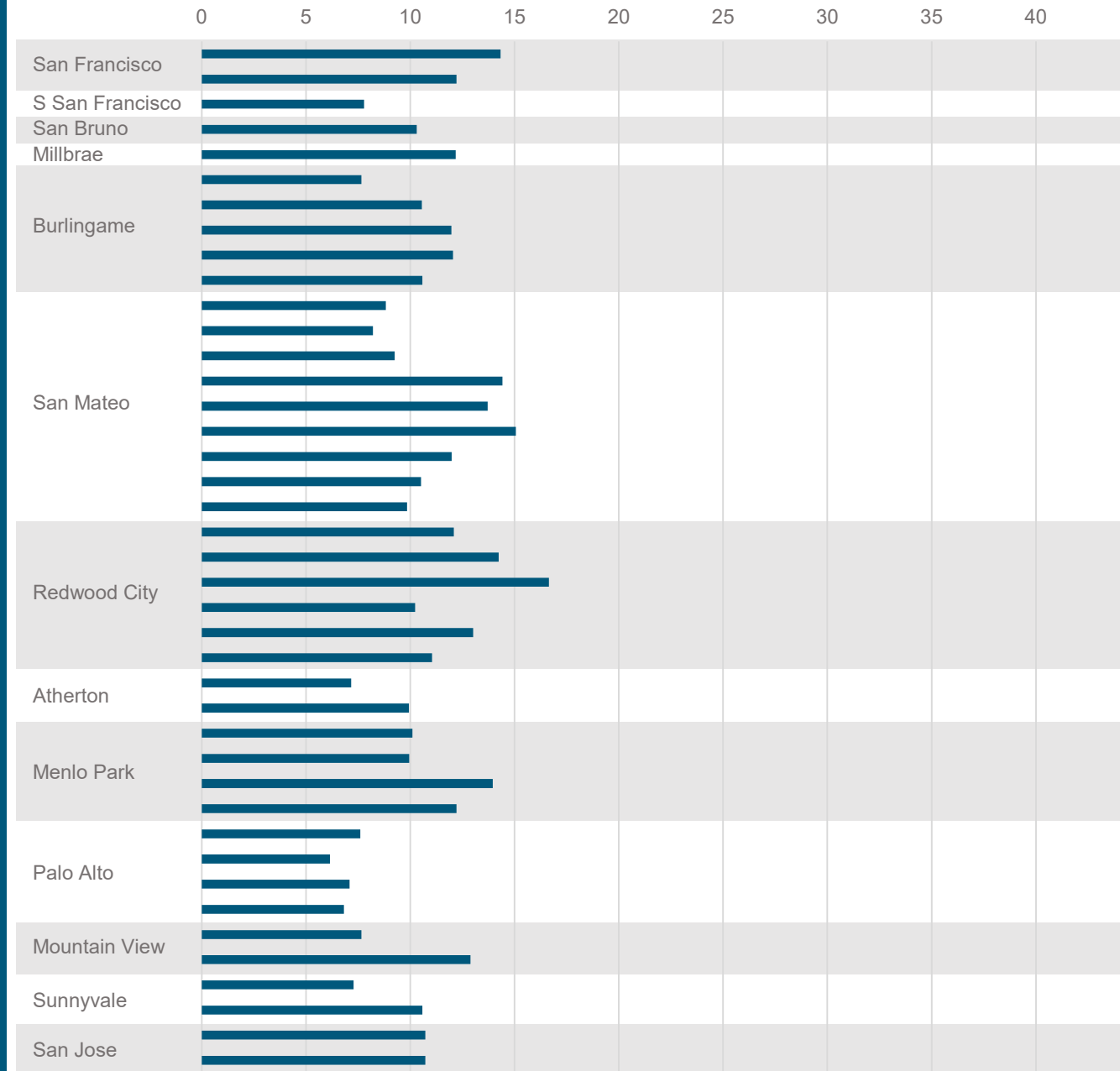
Existing Gate Downtimes

In 2018 Caltrain's crossing gates were down for an average of about 11 minutes during the peak weekday commute hour. Gate down times range from 6 minutes up to nearly 17 minutes.

Note: Gate downtimes shown reflect the average time crossing gates are down only. Depending on individual crossing and roadway configuration traffic signals may stay red for longer and auto users may experience longer delays

Data presented for Caltrain-owned corridor only.

Gate Down Time: Existing (Minutes per Peak Hour)



Background

History

Today, 71 of 113 crossings along the Caltrain corridor have already been separated (63%) and 12 of 30 crossings along the UP corridor utilized by Caltrain have been separated (29%)

The grade separations have been constructed (and reconstructed) at various points during the corridor's 150-year history

Planning for, funding, and constructing grade separations has been a decades-long challenge for the Caltrain corridor



Bayshore Tunnels under construction, 1907

Background - History

Grade Separations Have Been an Enduring Challenge

“In 1929, Palo Alto City Mayor, C.H. Christen, and Stanford University Engineering Professor Emeritus, W.F. Durand, organized political leaders from San Francisco, San Mateo, and Santa Clara counties to form the Peninsula Grade Crossing Conference, also referred to as the Peninsula Grade Crossing Association. Professor Durand and the association, with help from the San Francisco City Engineer, Southern Pacific Railroad, and the California Railroad Commission, studied the grade crossing situation on the San Francisco Peninsula throughout 1930 and sought ways to eliminate grade crossings.

In 1931, the association’s engineering subcommittee released a detailed, \$9 million two-phase proposal to eliminate grade crossings on the peninsula. The “Primary Program” of the plan called for construction of grade separations at the 15 most traveled and hazardous grade crossings and closure of the 17 least important grade crossings. The “Secondary Program” would have completed the elimination of all major grade crossings in San Francisco, San Mateo, and Santa Clara counties. The conference’s aim was to permit travelers to cross railroad tracks only via grade separations. At an average cost of \$270,000 per grade separation, the Peninsula Grade Crossing Conference proposed legislation to fund these projects through a portion of the state’s gasoline tax.”

- *Historic Context Statement. Roadway Bridges of California 1936-1959.*
Published by Caltrans in 2003

Background - Funding

Over the last 30 years, grade separation projects have occurred exclusively in San Mateo County because San Mateo County has set aside a dedicated source of funding for grade separation projects through its Measure A Sales Tax (1988 and 2004). This funding has directly paid for the majority of grade separation costs and has been instrumental in leveraging state and local funding sources to make up the balance of project needs. Caltrain is now actively working with cities in Santa Clara County on grade separation projects following the establishment of dedicated grade separation funding through Santa Clara County's 2016 Measure B.

Crossings (City)	Date Completed	San Mateo County TA	Federal	State	Local	Total
Oyster Point (South San Francisco)	1994	\$11.0		\$6.9	\$6.3	\$24.2
Millbrae Ave. (Millbrae)	1996	\$13.3		\$9.8	\$0.9	\$24.0
Ralston/Harbor/Holly (Belmont and San Carlos)	2000	\$60.7		\$35.3	\$3.6	\$99.6
Brittan/ Howard (San Carlos)	1995	\$11.3		\$8.7	\$3.0	\$23.0
Jefferson Ave. (Redwood City)	1999	\$8.1		\$5.5	\$0.6	\$14.2
Fifth Ave. (North Fair Oaks)	1995	\$10.1		\$5.0	\$1.9	\$17.0
San Bruno/ San Mateo / Angus (San Bruno)	2014	\$101.8	\$6.6	\$56.0	\$0.75	\$165.1
25th Ave (San Mateo) (Under Construction)	2021	\$74.0		\$94.0	\$12.0	\$180.0
TOTAL		\$290.3		\$221.2	\$28.3	\$547.1

Funding

Section 190 Program

The California Public Utilities Commission Section 190 Program provides \$15 million a year in state funding for the grade separation and/or elimination of at-grade crossings. As part of this program, the CPUC is required by law to establish a priority list of railroad grade separation projects that have the highest need. Projects must be submitted by a local entity for evaluation. The criteria used to evaluate and prioritize the submitted projects include accident history, average train and vehicular volume and project site characteristics.

Caltrain Corridor Projects on the 2020-2021 CPUC List

- Broadway Ave (Burlingame) – Ranked 1st in State
- Whipple Ave (Redwood City) – Ranked 5th in State
- Ravenswood Ave, Oak Grove Ave, Glenwood Ave (Menlo Park) – Ranked 7th in State
- Rengstorff Ave (Mountain View) – Ranked 9th in State
- Auzerais Ave and West Virginia St (San Jose) – Ranked 12th in State
- Castro St (Mountain View) – Ranked 14th in State
- Skyway Dr, Branham Ln, Chynoweth Ave – Ranked 19th in State

Funding

Section 130 Program

The California Public Utilities Commission Section 130 Program provides funding for the elimination of hazards at existing at-grade railroad crossings. The goal of the program is to reduce the number and severity of accidents between trains and motorists, bicyclists, and pedestrians at crossings. Projects can be nominated by railroads or local jurisdictions and eligible projects are placed on a priority list based on accident history and the ability to improve safety. Annual funding allocations are determined and provided by Caltrans.

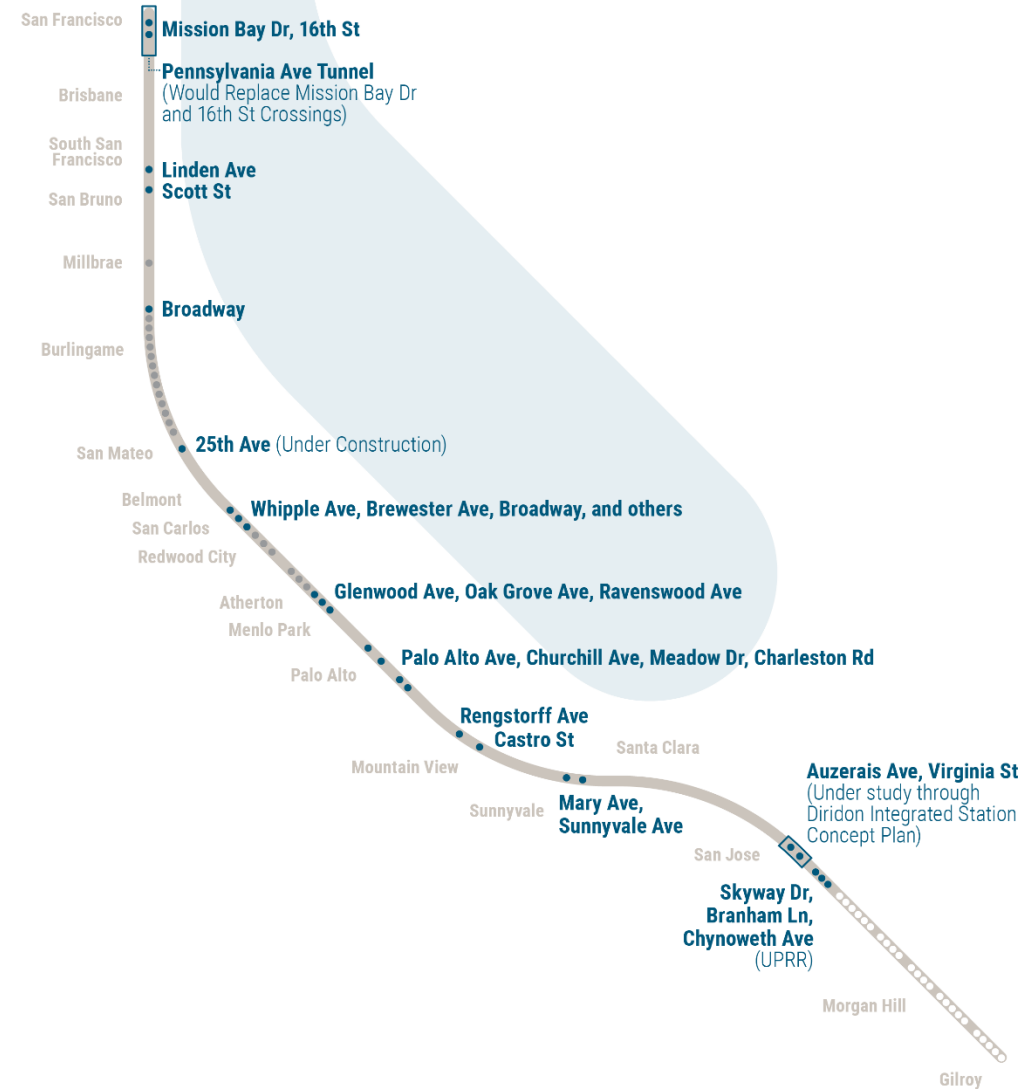
Caltrain Corridor Crossings Receiving Section 130 Funding over last 10 years

County	Crossing	Year	Funding
Santa Clara	Castro and Rengstorff	2011	\$3,146,000
San Mateo	Brewster and 3rd Ave	2013	\$602,000
San Mateo	Broadway, Main and Whipple	2015	\$1,660,000
Santa Clara	Mary Avenue	2017	\$3,125,000
Santa Clara	Churchill Avenue	2019	\$2,250,000
San Mateo	4th and 5th Avenues	2020	\$2,000,000



Ongoing City Studies, Plans and Projects

- Many cities along the corridor are actively planning or considering grade separations
- Each of these represents a major community effort to plan a significant and impactful project
- These projects, including their estimated and potential costs (as available), have been incorporated into the Business Plan



City-led Grade Separation and Closure Plans

Caltrain staff is involved to differing degrees in all of the projects listed below. Staff has incorporated or accounted for grade separation concepts, plans and cost estimates from the following city-led studies into the Business Plan

City	Crossings Under Study	Status of Plan or Study
San Francisco	Pennsylvania Ave Tunnel (includes both Mission Bay Dr and 16 th St Crossings)	Pre Environmental
South San Francisco	Linden Ave	PSR
San Bruno	Scott St	PSR
Burlingame	Broadway	EIR
San Mateo	25th Ave	Construction
Redwood City	Whipple Ave, Brewster Ave, Broadway (Maple, Main and Chestnut under potential consideration)	Conceptual Planning

City-led Grade Separation and Closure Plans

Caltrain staff is involved to differing degrees in all of the projects listed below. Staff has incorporated or accounted for grade separation concepts, plans and cost estimates from the following city-led studies into the Business Plan

City	Crossings Under Study	Status of Plan or Study
Menlo Park	Glenwood Ave Oak Grove Ave Ravenswood Ave	Conceptual Planning
Palo Alto	Palo Alto Ave	Under Study through Coordinated Area Plan
Palo Alto	Churchill Ave	Alternatives Analysis
Palo Alto	East Meadow Dr Charleston Rd	Alternatives Analysis
Mountain View	Rengstorff Ave	PE/EIR
Mountain View	Castro St	PE/EIR

City-led Grade Separation and Closure Plans

Caltrain staff is involved to differing degrees in all of the projects listed below. Staff has incorporated or accounted for grade separation concepts, plans and cost estimates from the following city-led studies into the Business Plan

City	Crossings Under Study	Status of Plan or Study
Sunnyvale	Mary Ave	Feasibility Study with 15% Design
Sunnyvale	Sunnyvale Ave	Feasibility Study with 15% Design
San Jose	Azurais Ave Virginia Ave	Under study through Diridon Integrated Station Concept Plan
San Jose	Skyway Dr Branham Ln Chynoweth Ave	Feasibility Study

Crossings are part of UP-Owned Corridor

Estimated corridor wide costs of planned and potential future grade separations were developed as part of the Caltrain Business Plan

	Type	Service Vision - Moderate Growth	Service Vision - High Growth
Total Corridor Wide Cost Estimate for Crossings	Auto	\$8.9B	\$10.1B
	Bike / Ped	\$140M	\$140M
	Total	\$9.0B	\$10.2B
Investments on JPB-owned Corridor	Quad Gates & Safety Improvements	11	6
	Mitigated Closure	5	8
	Grade Separation	25	27
Investments on UP-owned Corridor	Quad Gates & Safety Improvements	20	20
	Mitigated Closure	3	3
	Grade Separation	5	5

Ongoing Work

There is a significant body of work remaining to address the issue of at grade crossings in the Caltrain corridor

Caltrain plans to continue advancing a corridor wide conversation regarding the construction, funding and design of grade separations while continuing to support the advancement of individual city-led projects

Within the Business Plan

- Incorporated grade crossing investment estimates into overall corridor costing and business case analysis
- Continued peer review of corridor wide grade separation case studies and examples

Beyond the Business Plan

- Submitted grade separation projects as part of PBA2050 submittals
 - Initially as part of overall Caltrain submittal
 - Subsequently through work with county CMAs
 - Final PBA2050 included additional regional discretionary capacity for grade separations
- Continued work with cities and counties to advance individual projects
- Secured \$5 million in funding for corridor wide grade separation strategy

Corridor wide Grade Separation Strategy

The corridor wide grade separation strategy will be a significant undertaking – with a scale and level of effort comparable to the Caltrain Business Plan

Example Areas of Focus

- Developing a shared dataset and body of information and educational materials for entire corridor (including UP owned section)
- Review of large-scale national and international corridor projects
- Review of railroad standards, construction and delivery approaches for grade separation projects
- Significant work with communities to focus on place making, cross-track connectivity, land use opportunities and equity
- Development of benefits case / “Business Case” framework for grade separations
- Identification of funding needs and potential new funding approaches and strategies
- Development of corridor wide options / strategies for project sequencing and delivery
- Development of organizational and governance options and strategies

Corridor wide Grade Separation Strategy

The corridor wide grade separation strategy will be a significant undertaking – with a scale and level of effort comparable to the Caltrain Business Plan

Approach

- Project will start in 2021. Envisioned as a multi-year, phased effort.
- Dedicated PM
- Multi agency effort with Caltrain as “convener” rather than sole owner. Robust involvement anticipated from
 - Corridor cities
 - County TAs and CMAs
 - HSR and other rail operators
 - Regional and state agencies
 - Community groups and private sector
- Initial phase of work (+/- 6 mos) would be extensive information gathering and stakeholder outreach effort focused on gathering the input needed to;
 - Define a technical scope of work for the remainder of the project
 - Develop an organizational structure and governance model for the project
 - Develop and execute contracting strategy
 - Solicit additional funding if needed (based on technical scope input)
 - Brief relevant boards and key elected officials

FOR MORE INFORMATION

WWW.CALTRAIN.COM

