

**Peninsula Corridor Joint Powers Board
Board of Directors Meeting
1250 San Carlos Avenue, San Carlos CA**

MINUTES OF APRIL 1, 2021

MEMBERS PRESENT: C. Chavez , D. Davis (Chair), J. Gee, G. Hendricks, S. Heminger (Vice Chair), D. Pine, C. Stone, S. Walton, M. Zmuda

MEMBERS ABSENT: None

STAFF PRESENT: C. Mau, J. Cassman, S. Van Hoften, M. Bouchard, B. Fitzpatrick, J. Funghi, , R. Johansen, D. Hansel, J. Harrison, L. Leung, L. Low, R. McCauley, R. Rios, S. Petty, M. Reggiardo, B. Shaw, B. Tietjen, P. Skinner, K. Yin, D. Seamans, T. Willis, S. Wong

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Dev Davis called the meeting to order at 9:05 am and led the pledge of allegiance.

2. ROLL CALL

District Secretary Dora Seamans called the roll and a quorum was confirmed.

3. PUBLIC HEARING FOR UPDATED FEE SCHEDULE

Brian Fitzpatrick, Real Estate and Property Development Director, provided a presentation. He spoke on the purpose of the fee schedule, types of uses, use approval, and major changes in the current fee schedule.

Public Comment

Adina Levin, Friends of Caltrain, commented non-profit pricing (e.g. bike to work day and Girl Scouts)

Roland Lebrun, San Jose, commented on losing money in the process and inquired about permanent easements on the Caltrain right of way are covered in this process.

Jeff Carter, Millbrae, expressed support for the fee schedule and commented on the fiber optic line owned by Union Pacific.

The Board members had a discussion and staff provided further clarification in response to the Board comments and questions regarding the following:

- A separate fee schedule for non-profits (esp. Girl Scouts & bike to work)
- Having an accurate record for utility right-of-ways in the policy statement
- Short term uses, municipal easement fee waivers
- PG&E fee schedule based on the number of times crossed
- Union Pacific fiber optic line

Motion/Second: Gee/Stone moved to approve both the policy and fee schedule with the following amendments:

- a)** Include a section on accurately recording physical right of way for utilities approved through the process & Caltrain maintain record of this for future capital projects,
- b)** The ability of staff to waive encroachment fees for qualified nonprofits and
- c)** Bring back to the WPLP Committee a guiding principal statement for staff to utilize to measure against nonprofit applications

Ayes: Chavez, Gee, Hendricks, Pine, Stone, Walton, Zmuda, Heminger, Davis

Noes: None

Absent: None

4. GENERAL COUNSEL REPORT – CLOSED SESSION:

a. Closed Session: Conference with Legal Counsel – Anticipated Litigation Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):

One potential case

The Board convened in closed session at 9:40am

The Board reconvened in regular session at 10:50am

5. GENERAL COUNSEL REPORT – REPORT OUT FROM CURRENT CLOSED SESSIONS

General Counsel Joan Cassman stated that the board just met and there was no reportable action to place on the record at this time.

6. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Roland Lebrun, San Jose, expressed concern regarding the downtown extension due to lack of East Bay connection, no boarding for the southern half of the train, urban tunnel diameters, international standards on fire & safety, and the cost of the tunnels.

Aleta Dupree, Oakland, commented on removing paper tickets, working with Clipper START, making the best-electrified car possible and making stations fully Americans with Disabilities Act (ADA) accessible.

7. CONSENT CALENDAR

- a. Approved Regular Meeting Minutes of March 4, 2021**
- b. Received Key Caltrain Performance Statistics – February 2021**
- c. Authorize the Quitclaim and Release of Rights to Certain Unused Easements in the City and County of San Francisco and the City of Brisbane in Exchange for Rights to Access the Caltrain Rail Corridor through Property Owned by Universal Paragon Corporation**
- d. Approved 2021 Finance Committee Calendar**
- e. Accepted Statement of Revenues and Expenses for the Period Ended February 28, 2021**
- f. Authorized an Amendment to the Agreement with Rail Surveyors & Engineers, Inc. for Engineering Consultant Design Services to Increase the Maximum Aggregate Not-To-Exceed Amount by \$2,650,000 and Extend the Contract Term through March 31, 2022**
- g. On-Call Transportation Planning and Consultant Support Services Update**

h. Approved State and Federal Legislative Update and Legislative Proposal: Support SB 339 (Wiener)

i. Received South San Francisco Caltrain Station Improvement Project Update

Motion/Second: Stone/Stone moved to approve all items except *Item 7i*

Ayes: Chavez, Gee, Hendricks, Pine, Stone, Walton, Zmuda, Heminger, Davis

Noes: None

Absent: None

Motion/Second: Pine/Walton moved to approve Item 7i (SSF improvement update)

Ayes: Chavez, Hendricks, Pine, Stone, Walton, Zmuda, Heminger, Davis

Noes: None

Recused: Gee

Public Comment

Roland Lebrun, San Jose, commented on the new Transbay crossing station, adding an underpass to the South San Francisco platform blocking level boarding, and needing to demolish the new station to accommodate future electrified cars.

8. REPORTS

a. Report of the Citizens Advisory Committee (CAC)

Brian Shaw, CAC Chair, noted public comments on Caltrain discounts, zone system fares, grade crossing safety, and sitting inside the train while awaiting departure for safety. He said they heard updates on the bike program (Project 529) and grade crossing improvements.

b. Report of the Chair

i. Resolution of Appreciation for former Jim Hartnett

Chair Davis expressed appreciation for departing Executive Director Jim Hartnett's Board guidance through many changes and a tumultuous year.

Board members expressed their appreciation for his leadership, ability to secure an unprecedented dedicated source of revenue for Caltrain, and setting high standards for public service.

Mr. Hartnett thanked everyone for their words and work.

Public Comment

Jeff Carter, Millbrae, thanked Mr. Hartnett for ensuring incidents in the past (passengers kicking out windows to get air from disabled trains) improved, bringing video streaming to JPB, hiring Joe Navarro, and passing Measure RR.

Adina Levin, Friends of Caltrain, thanked Mr. Hartnett for electrification funding, getting Measure RR on the ballot, and the Caltrain Business Plan.

Roland Lebrun, San Jose, commented on having public comment for each section of the report. He commented on Mr. Hartnett's ability to hire good staff.

Andy Chow, Redwood City, commended the decision to onboard Mr. Hartnett as a general manager.

Aleta Dupree, Oakland, commented on Mr. Hartnett's work with the Clipper Card.

Paul Wendt, Belmont, commented on Mr. Hartnett's leadership.

Motion/Second: Stone/Gee

Ayes: Chavez, Gee, Hendricks, Pine, Stone, Walton, Zmuda, Heminger, Davis

Noes: None

Absent: None

ii. Report of the Local Policy Maker Group (LPMG)

Director Jeff Gee reported on the March 25 meeting. They spoke about the American Rescue Plan, electrification project, corridor grade separation study, and scenario planning work. Director Gee reported public comments on federal funds, engineering standards with grade separations, and service to South Santa Clara.

iii. Report on Governance

1. Summary of Special Meeting #1 March 19, 2021

Chair Davis reported that the Board:

- Took action to accept 2021 Roadmap with the understanding to update as needed
- Accepted proposed objectives and added two additional objectives
- Came to the agreement that they are making a recommendation on governance at end of this year
- Range of governance paths may be phased over time
- Had a Strong desire to better understand & honor past agreements of JPA
- Recommended JPA member agencies be included in governance meetings going forward
- Will hold a second Special Board meeting May 14th (additionally in June, August, and October)

2. Reprise of the Special Counsel Report – Olson Remcho

Olson Remcho LLP provided a brief overview of last year's report on member agencies' rights and obligations under JPB governing documents.

Robin Johansen stated the overview of key agreements.

James Harrison provided an update regarding the agreement amendments, purchase agreements, real property ownership agreements, and four kinds of Caltrain property.

Tom Willis spoke about repayments, managing agency changes, allocation of capital costs for the main line, and amending or terminating the JPA.

The Board members had a discussion regarding which agencies signed the agreement (esp. the signatory for San Francisco) and San Mateo County's contribution in today's dollars.

c. Report of the Executive Director

Michelle Bouchard, Acting Executive Director, thanked Mr. Hartnett for his inclusiveness, consistency and decisiveness. She provided an update on free rides to vaccination sites, reduced monthly pass, improved regional connections, Director Cindy Chavez named Women's Transportation Seminar's Woman of the Year, and Jim Hartnett received the Ray LaHood Award. Ms. Bouchard reported that the Marin Napoleon Bridge replacement would occur in April, \$52 million was received for electrification funding, and \$39 million for the last tranche of federal funds. She also noted that Caltrain expresses zero tolerance for hate crimes.

Chair Davis thanked members of the public at the Diridon Station who took swift action to help the person being attacked.

**i. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report
– February**

John Funghi, CalMod Chief Officer, provided an update on electrification infrastructure and electric multiple-unit (EMU) fabrication which stated that:

- 71 percent of foundations and 58 percent of poles were complete
- Balfour Beatty produced 75 of 810 foundations with year end foundation completion
- Installation of overhead cantilever and wires continues in segment three and four
- PG&E work advancing in segment four
- Arrival of first train set anticipated early 2022
- They are finalizing construction improvements at Centralized Maintenance and Operations Facility (CEMOF)
- They have successfully completed a signal system cutover at control point Franklin St and Stockton St in the South Bay
- He will present the anticipated forecast in cost and scheduled projections once the Federal Transit Administration (FTA) has made available their draft risk report (estimated presentation in May)
- They are on point with contingency funds (\$158 million) at this point

The Board members had a robust discussion and staff provided further clarification in response to the Board comments and questions, which included the following: target date for the first run of passenger trains, information needed for the March presentation, keeping pace with the original budget, real world data about crossing delays, and whether this past weekend was enough of a sample to draw conclusions about testing performance.

Public Comment

Roland Lebrun, San Jose, commented on Union Pacific operating freight under the wire affecting electrification, Olson Remcho report, and expressed disagreement with public commenting timing.

Jeff Carter, Millbrae, commented on public comment on each item, electrification catenary wires in San Jose and Santa Clara, and seeing video testing.

Aleta Dupree, Oakland, commented on foundation production, low foundation production impacting electric railroad and COVID vaccinations.

Doug DeLong, Mountain View, commented on Stadler suppliers' COVID bankruptcy, information on those components, electrification infrastructure suppliers, the power supply station in San Jose, and copper thieves and foundations at Tamien.

9. CORRESPONDENCE

Correspondence was available online.

10. BOARD MEMBER REQUESTS

None.

11. GENERAL COUNSEL REPORT

There was none. Ms. Cassman thanked Mr. Hartnett and wished him well.

12. DATE/TIME OF NEXT REGULAR MEETING:

Thursday, May 6, 2021 at 9:00 am via Zoom

13. ADJOURN

The meeting adjourned at 12:29 pm.

An audio/video recording of this meeting is available online at www.Caltrain.com. Questions may be referred to the Board Secretary's office by phone at 650.508.6242 or by email to Board@Caltrain.com.