



BOARD OF DIRECTORS 2022

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MICHELLE BOUCHARD  
ACTING EXECUTIVE DIRECTOR

# AGENDA

## PENINSULA CORRIDOR JOINT POWERS BOARD

### Work Program – Legislative – Planning (WPLP) Committee Meeting

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

**Due to COVID-19, this meeting will be conducted via teleconference only (no physical location) pursuant to [Assembly Bill 361](#) (Gov. Code section 54953).**

Directors, staff, and the public may participate remotely via Zoom at <https://zoom.us/j/99768901849?pwd=VmVSSEJFZHhyNzhIR212RURzODNndz09> or by entering Webinar ID: **997 6890 1849**, Passcode: **609602**, in the Zoom app for audio/visual capability or by calling 1-669-900-6833 (enter webinar ID and press # when prompted for participant ID) for audio only. The video live stream will be available after the meeting at <http://www.caltrain.com/about/bod/video.html>

**Public Comments: Members of the public are encouraged to participate remotely.** Public comments may be submitted to [publiccomment@caltrain.com](mailto: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 in the Board's weekly correspondence and posted online at [http://www.caltrain.com/about/bod/Board\\_of\\_Directors\\_Meeting\\_Calendar.html](http://www.caltrain.com/about/bod/Board_of_Directors_Meeting_Calendar.html).

Oral public comments will also be accepted during the meeting through \*Zoom or via the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM. Use the Raise Hand feature to request to speak. For public participants calling in, dial \*67 if you do not want your telephone number to appear on the live broadcast. Callers may dial \*9 to use the Raise the Hand feature for public comment and press \*6 to accept being unmuted when recognized to speak for three minutes or less. Each commenter will be automatically notified when they are unmuted to speak for three 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.

**April 27, 2022 - Wednesday**

**3:00 pm**

1. Call to Order / Pledge of Allegiance

2. Roll Call
3. Public Comment on Items not on the Agenda  
Comments by each individual speaker shall be limited to three (3) minutes. Items raised that require a response will be deferred for staff to reply.
4. Approve Meeting Minutes of March 30, 2022 Motion
5. State and Federal Legislative Update and Approval of Legislative Proposal: Support Assembly Bill (AB) 1944 (Lee) Motion
6. Diridon Development Update Informational
7. Downtown Rail Extension Project Update Informational
8. Committee Member Requests
9. Date/Time of Next Regular WPLP Committee Meeting: Wednesday, May 25, 2022 at 3:00 pm via Zoom (additional location, if any, to be determined)
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](http://www.caltrain.com). Communications to the Board of Directors can be e-mailed to [board@caltrain.com](mailto: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 WPLP Committee: Two Wednesdays before the Board meeting, 3:00 pm. The 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](http://www.caltrain.com/about/bod/Board_of_Directors_Meeting_Calendar.html) for any updates or further instruction.

### Public Comment\*

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### Accessible Public Meetings/Translation

Upon request, the JPB will provide 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 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](mailto: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 is 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 March 30, 2022**

**MEMBERS PRESENT:** C. Chavez, S. Heminger (Acting Chair)

**MEMBERS ABSENT:** C. Stone

**STAFF PRESENT:** M. Bouchard, D. Hansel, J. Harrison, S. Petty, C. Fromson, D. Santoro,  
W. Lau, C. David, J. Wasilco, R. Barnard, D. Seamans, S. Wong

**1. Call to Order/Pledge of Allegiance**

Acting Chair Heminger called the meeting to order at 3:02 p.m. and led the Pledge of Allegiance.

**2. Roll Call**

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

**3. Public Comment For Items Not On The Agenda**

Aleta Dupree, Oakland, commented on Clipper START.

Jeff Carter, Millbrae, commented on the two electric trains currently out, Clipper prices and revenues, and price differentials.

Adrian Brandt, San Mateo County, commented on Board member reactions to service cuts, electrification funding with the expectation of transit improvements, Caltrain demographics, price sensitivities, adjusting for a different ridership demographic, equitable distance based fares, and a high fixed cost structure.

**4. Approve Meeting Minutes of February 23, 2022**

Motion/Second: Chavez/Heminger

Ayes: Chavez, Heminger

Noes: None

Absent: Stone

**5. Approve Code of Conduct For Public Meetings**

Anna Myles-Primakoff, Legal Counsel, provided the presentation on the following:

- Conduct at Public Meetings – the purpose is to ensure all members are able to participate productively and in an orderly manner, including permitting public criticism, may decline

taking public comment on subject matter items outside of its jurisdiction, and may remove disruptive individuals from meetings

- Proposed Code of Conduct - to establish expectations for conduct at meetings, provide guidance for public comment, authorize Chair to sanction speakers if certain conditions apply, and remain consistent with Brown Act (California open meeting law) requirements
- Revised group public comments to for a group spokesperson and or allowing for group members to stand up while one member is speaking to express solidarity and any ceding of time

Motion/Second: Chavez/Heminger

Ayes: Chavez, Heminger

Noes: None

Absent: Stone

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

- Whether the code was consistent with in person and remote meetings
- Presenting this to the Citizen’s Advisory Committee (CAC) first
- Policy on time limits for Board versus committee meetings and at the discretion of the chair
- Talking to other jurisdictions to ensure fairness in how we treat public comment
- How items are placed on the agenda for members and the public
- Putting in a cross reference to the Measure RR report which indicates how items are placed on the agenda

#### Public Comment

Aleta Dupree, San Mateo County, commented on meetings being a safe space whether in person or virtually, and getting things done the right way.

Drew commented on posting this presentation on the website, presenting this to the CAC first, and being able to stand versus sitting in meetings.

Jeff Carter, Millbrae, commented on public comment time open at the discretion of the chair and having civil and constructive comments.

Adrian Brandt, San Mateo County, commented on allowing the advisory committee to weigh in on it, seeing flexibility on time limits in both directions, and allowing non-audible displays to signal agreement or disagreement.

#### **6. State and Federal Legislative Update and Approval of Legislative Proposal: Support SB 922 (Wiener) and SB 942 (Newman)**

Jadie Wasilco, Government Community Affairs Manager, provided an update that included the following:

- Upcoming bills and working closely with the federal delegation

- Funding earmarked for electrification and additional funding from capital program grants
- Request for the Board to support Senate Bill (SB) 922 that would provide a California Environmental Quality Act (CEQA) exemption, and SB 942 to provide additional flexibility for low carbon programs.

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

- SB 942, free transit, and having more information on both bills
- Reducing barriers to entry for low-income riders
- Consequences of treating fares as a free product
- The important Board policy issue for the use of funds for a free service

#### Public Comment

Jeff Carter, Millbrae, commented on subsidizing fare-paying riders to provide an even keel for those already subsidized.

Motion/Second: Chavez/Heminger

Ayes: Chavez, Heminger

Noes: None

Absent: Stone

#### **7. Accept 2021 Caltrain Sustainability Report**

Amelia Timbers, Principal Planner, provided the presentation, which included the following:

- Report on greenhouse gas, air pollutants, energy use, water consumption, waste and diversion, and greenhouse gas performance
- Caltrain improving with electric cars
- Facility energy use and fleet energy use with closures due to electrification schedule modifications, 2020 COVID related reduction, and incremental ongoing improvements
- Gap Analysis for Environmental Management System and more information on the website report

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

- Location of the biannual report and why the report was done biannually
- What staff recommended for areas of concern/observations in the staff report
- Issue of what the stations look like around the buildings and having a minimum standard around water/electricity etc.
- Concern regarding the use of the term “drought” with changing climate
- Whether SamTrans has a sustainability procurement policy
- Recommendations coming from these performance indicators for the Board to adopt goals and a timetable to reach those goals

- How Caltrain is tracking reduction and whether train electricity used to run the trains is tracked
- Where power is purchased and what 100% renewable means
- Caltrain preparation for the amount of renewable energy that will be used
- There is a lot of interest in this topic with planning for when we turn the trains on and to bring this information back to the Committee in a timely manner

#### Public Comment

Aleta Dupree, Oakland, commented community preserves water, kilowatts used, diesel revenue, surplus renewable energy, and superintendent of electricity.

Adrian Brandt, San Mateo County, commented on green power, High-Speed Rail, CAC member feedback, and Fourth and King idling diesel locomotive pollution.

Motion/Second: Heminger/Chavez

Ayes: Heminger, Stone

Noes: None

Absent: Stone

#### **8. New Caltrain Website Launch Preview**

Jeremy Lipps, Manager Digital Communications, provided the presentation, which included the following:

- Current website overview and new website with FivePaths and the launch is April 19<sup>th</sup>
- New website improvements include trip planning, improved customer experience, mobile optimized, modern content system, and increased security
- Additional rider facing improvements and route finding

Casey Fromson, Chief Communications Officer, thanked staff for their work toward the launch.

The Board members had a discussion and staff provided further clarification regarding the following:

- The purpose of the Trip Planner if Google has one as well
- Show more people on the webpages
- Freezing issues

#### Public comment

Jeff Carter, Millbrae, commented on this item going before the CAC, optimizing for mobile devices, having archives of past meeting agendas, wanting more years of past agendas, and videos, without Granicus.

Aleta Dupree, Oakland, commented on Granicus, BART doing their livestreaming on YouTube, streaming capabilities, and web trip planners.

Jeff Carter, Millbrae, commented on having an alternate member option for this committee in case of member absence.

### **9. Committee Member Requests**

Director Heminger requested the Code of Conduct for Public Meetings be presented to the Citizens Advisory Committee (CAC) prior to Board and Committee presentation

Director Chavez requested a cross reference from the Measure RR report on how to put items on the agenda be placed in the staff report for approving the Code of Conduct for public meetings

Director Heminger requested keeping committee meetings remote.

Director Heminger requested having more information for both bills SB 922 (Wiener) and SB 942 (Newman).

### **10. Date/Time of Next Regular WPLP Committee Meeting: Wednesday, April 27, 2022 at 3:00 pm via Zoom**

### **11. Adjourn**

The meeting adjourned at 4:42 p.m.



**PENINSULA CORRIDOR JOINT POWERS BOARD  
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michelle Bouchard  
Acting Executive Director

FROM: Casey Fromson  
Chief Communications Officer

SUBJECT: **State and Federal Legislative Update and Approval of Legislative Proposal: Support AB 1944 (Lee)**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**ACTION**

Staff proposes the Committee recommend the Board:

1. Receive the attached Federal and State Legislative Updates
2. Approve the recommended Peninsula Corridor Joint Powers Board (Caltrain) position on legislation designated for action on the attached State Legislative Matrix.

**SIGNIFICANCE**

The 2022 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: Jadie Wasilco  
Government & Community Affairs Manager

650.465.6301

# Caltrain State Legislative Matrix

Item #5.  
4/27/2022

April 8, 2022

PRIORITY BILLS			
Bill Number (Author)	Summary	Location	Position
<a href="#">AB 2197</a> (Mullin D)  Caltrain Electrification: Funding	Existing law provides for the creation of the Peninsula Corridor Joint Powers Board, which operates Caltrain as the commuter rail service along the San Francisco Peninsula commute corridor. This bill would appropriate \$260,000,000 from the General Fund to the Transportation Agency for allocation to the Peninsula Corridor Joint Powers Board for the purpose of completing the Caltrain Electrification Project.  Introduced: 2/15/2022	Assembly Transportation	Supported 3/3/2022
<a href="#">SB 922</a> (Wiener D)  California Environmental Quality Act: Exemptions for Transportation- Related Projects	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 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, until January 1, 2030, exempts from its requirements bicycle transportation plans for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles under certain conditions. This bill would specify that the requirement that the bicycle transportation plan is for an urbanized area or urban cluster, as designated by the United States Census Bureau. The bill would extend the exemption to an active transportation plan or pedestrian plan in an urbanized area or urban cluster. The bill would define “active transportation plan” and “pedestrian plan.” The bill would specify that individual projects that are a part of an active transportation plan or pedestrian plan remain subject to the requirements of CEQA unless those projects are exempt by another provision of law. This bill contains other related provisions and other existing laws.  Amended: 4/4/2022	Senate Appropriations  4/18/2022 at 9 a.m. 1021 O Street, Rm 1200 PORTANTINO, Chair	Supported 4/7/2022
<a href="#">SB 942</a> (Newman D)  Low Carbon Transit	Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board as part of a market-based compliance mechanism to be deposited into the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law	Senate Appropriations  4/18/2022 at 9 a.m.	Supported 4/7/2022

<p>Operations Program: Free or Reduced Fare Transit Program</p>	<p>continuously appropriates specified portions of the annual proceeds in the fund to various programs, including 5% for the Low Carbon Transit Operations Program, which is administered by the Department of Transportation and provides operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility. Existing law requires each of those transit agencies to demonstrate that each expenditure of program moneys allocated to the transit agency reduces the emissions of greenhouse gases and does not supplant another source of funds, to use those moneys to provide transit operating or capital assistance, to use at least 50% of those moneys to benefit disadvantaged communities, and to submit specified information to the department before seeking a disbursement of those program moneys, as specified. This bill would authorize a transit agency that uses program moneys to fund a free or reduced fare transit program and that demonstrates compliance with the above-described requirements in its initial program application to continue to use those moneys to maintain that program on an ongoing basis without demonstrating continued compliance with those requirements. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 2/8/2022</p>	<p>1021 O Street, Rm. 1200 PORTANTINO, Chair</p>	<p>Item #5. 4/27/2022</p>
<p><a href="#">AB 1944 (Lee D)</a>  Local Government: Open &amp; Public Meetings</p>	<p>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 observe and provide comment. 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. Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing.</p> <p>Introduced: 2/10/2022</p>	<p>Assembly Local Government</p>	<p>Recommend Support</p>

<p><a href="#">SB 917 (Becker D)</a></p> <p>Seamless Transit Transformation Act</p>	<p>Existing law creates the Metropolitan Transportation Commission, as a local area planning agency and not as a part of the executive branch of the state government, to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma. This bill would require the commission to develop and adopt a Connected Network Plan, adopt an integrated transit fare structure, develop a comprehensive, standardized regional transit mapping and wayfinding system, develop an implementation and maintenance strategy and funding plan, and establish open data standards, as specified. The bill would require the region's transit agencies, as defined, to comply with those established integrated fare structure, regional transit mapping and wayfinding system, implementation and maintenance strategy and funding plan, and open data standards, as provided. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 2/3/2022</p>	<p>Senate Transportation</p> <p>4/26/2022 at 9 a.m.</p> <p>Senate Chamber</p> <p>GONZALEZ, Chair</p>	<p>Item #5. 4/27/2022</p>
<p><a href="#">AB 1919 (Holden D)</a></p> <p>Free Youth Transit Pass Pilot Program: Eligibility for State Funding</p>	<p>Existing law declares that the fostering, continuance, and development of public transportation systems are a matter of state concern. Existing law authorizes the Department of Transportation to administer various programs and allocates moneys for various public transportation purposes. Under the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, revenues from a 1/4% sales tax in each county are available, among other things, for allocation by the transportation planning agency to transit operators, as specified. Existing law establishes the State Transit Assistance Program for the purpose of providing a source of state funding to eligible public transportation operators and other transportation agencies in order to support their local and regional transit operating and capital needs. Existing law establishes the Low Carbon Transit Operations Program to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility. Existing law conditions transit funding from certain programs on achieving specified ratios of fare revenues to operating costs. This bill would require local authorities, school districts, and colleges to maintain their funding for free or reduced fare youth transit as provided in the 2018-19 fiscal year. By imposing new transit funding requirements on local entities, the bill would impose a state-mandated local program. The bill would require transit agencies to offer free youth transit passes to all persons 25 years of age and under with California residency, regardless of immigration status, in order to be eligible for state funding under the Mills-Deddeh Transit Development Act, the State Transit Assistance Program, or the Low Carbon Transit Operations Program, subject to a determination by the Controller that a legislative appropriation and the funding from local authorities, school districts, and colleges is sufficient to cover the lost farebox revenue as a result of offering free youth transit passes, as provided. These free youth transit passes would count as full-price fares for purposes of</p>	<p>Assembly Appropriations</p>	<p>Watch</p>

	calculating the ratio of fare revenues to operating costs. This bill contains other related provisions and other existing laws.  Amended: 4/6/2022		Item #5. 4/27/2022
<b>OTHER LEGISLATION</b>			
<a href="#">AB 1938 (Friedman D)</a>  Transit and Intercity Rail Recovery Task Force	Existing law establishes the Transportation Agency, which consists of various departments and state entities, including the California Transportation Commission and the Department of Transportation. Under existing law, the agency is under the supervision of an executive officer known as the Secretary of Transportation, who is required to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, and coordinated planning and policy formulation in the matters of public interest related to the agency. Existing law provides for the funding of public transit and intercity rail, including under the Transportation Development Act. This bill would require the secretary, on or before July 1, 2023, to establish and convene the Transit and Intercity Rail Recovery Task Force to include representatives from the department and various local agencies, academic institutions, and nongovernmental organizations. The bill would require the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit and intercity rail ridership and improve transit and intercity rail operations for users of those services. The bill would require the secretary to prepare and submit a report of findings based on the task force's efforts to the appropriate policy and fiscal committees of the Legislature on or before January 1, 2025. The bill would require the report to include a detailed analysis of specified issues and recommendations on specified topics. The provisions of the bill would be repealed on January 1, 2028. This bill contains other existing laws.  Amended: 3/7/2022	Assembly Appropriations	Watch
<a href="#">AB 2061 (Ting D)</a>  Transportation Electric Vehicle Charging Infrastructure	Existing law creates the Clean Transportation Program, administered by the State Energy Resources Conservation and Development Commission (Energy Commission), to provide, among other things, competitive grants and revolving loans to specified entities for those entities to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. Existing law requires the Energy Commission to develop and adopt an investment plan to determine priorities and opportunities for the program. Existing law requires the Energy Commission, in consultation with the State Air Resources Board (state board), as part of the development of the investment plan, to assess whether charging station infrastructure is disproportionately deployed, as specified, and, upon finding disproportionate deployment, to use moneys from the Alternative and Renewable Fuel and Vehicle Technology Fund, as well as other mechanisms, including incentives, to more proportionately deploy new charging station	Assembly Appropriations	Watch

	<p>infrastructure, except as specified. Beginning July 1, 2023, this bill would require an entity that receives an incentive funded by a state agency or through a charge on ratepayers to install, own, or operate a charging station, in whole or in part, to report charging station uptime, as defined. The bill would require the Energy Commission, in consultation with the PUC, to develop a formula to calculate uptime to provide consistent, standardized reporting of information. This bill contains other existing laws.</p> <p>Amended: 3/21/2022</p>		Item #5. 4/27/2022
<p><b><a href="#">AB 2237</a></b> <b>(<a href="#">Friedman D</a>)</b></p> <p>Transportation Planning - Regional Transportation Improvement Plan: Sustainable Communities Strategies – Climate Goals</p>	<p>Existing law establishes the Strategic Growth Council in state government. Existing law requires the council to develop and administer the Affordable Housing and Sustainable Communities Program to reduce the emissions of greenhouse gases through projects that implement land use, housing, transportation, and agricultural land preservation practices to support infill and compact development and that support related and coordinated public policy objectives, as specified. Existing law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning organization. Existing law requires the council, by January 31, 2022, to submit a report to the relevant policy and fiscal committees of the Legislature that includes, among other things, an overview of those sustainable communities strategies, an assessment of how implementation of those sustainable communities strategies will influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified funding programs, including the Affordable Housing and Sustainable Communities Program. This bill would require the council, in consultation with the State Air Resources Board, the Department of Housing and Community Development, and the Transportation Agency, to convene a task force to review the roles and responsibilities of metropolitan planning organizations and to define “sustainable community. This bill contains other existing laws.</p> <p>Amended: 3/22/2022</p>	<p>Assembly Natural Resources</p> <p>4/25/2022 at 2:30 p.m. State Capitol, Rm. 447 RIVAS, Chair</p>	Watch
<p><b><a href="#">AB 2357</a></b> (<b><a href="#">Ting D</a></b>)</p> <p>Surplus Land</p>	<p>Existing law prescribes requirements for the disposal of surplus land by a local agency, as defined, and requires, except as provided, a local agency disposing of surplus land to comply with certain notice requirements before disposing of the land or participating in negotiations to dispose of the land with a prospective transferee, particularly that the local agency send a notice of availability to specified entities that have notified the Department of Housing and Community Development of their interest in surplus land, as specified. Under existing law, if the local agency receives a notice of interest, the local agency is required to engage in good faith negotiations with the entity desiring to purchase or lease</p>	<p>Assembly Local Government</p> <p>4/20/2022 at 9:30 a.m. State Capitol, Rm. 127 AGUIAR-CURRY, Chair</p>	Watch

	<p>the surplus land. Existing law defines “exempt surplus land,” for which a local agency is not required to follow the requirements for disposal of surplus land, except as provided, as, among other things, surplus land that is subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited, as specified. This bill would also require the department to maintain on its internet website a listing of all entities, including housing sponsors, that have notified the department of their interest in surplus land for the purpose of developing low- and moderate-income housing. This bill contains other related provisions and other existing laws.</p> <p>Amended: 4/5/2022</p>		<p>Item #5. 4/27/2022</p>
<p><b><a href="#">AB 2438</a></b> <b>(<a href="#">Friedman D</a>)</b></p> <p>Transportation Funding: Alignment with State Plans &amp; GHG Emissions Reduction Standards</p>	<p>Existing law provides for the funding of projects on the state highway system and other transportation improvements, including under the state transportation improvement program, the state highway operation and protection program, the Solutions for Congested Corridors Program, the Trade Corridor Enhancement Program, and the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Partnership Program. This bill would require the agencies that administer those programs to revise the guidelines or plans applicable to those programs to ensure that projects included in the applicable program align with the California Transportation Plan, the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency, and specified greenhouse gas emissions reduction standards. This bill contains other related provisions and other existing laws.</p> <p>Amended: 3/21/2022</p>	<p>Assembly Appropriations</p>	<p>Watch</p>
<p><b><a href="#">AB 2441</a></b> (<b><a href="#">Kalra D</a></b>)</p> <p>Public Employment – Local Public Transit Agencies: New Technologies</p>	<p>Existing law creates various transit districts and prescribes requirements applicable to their labor relations, including those that address the recognition and certification of exclusive employee representatives, unit determinations, and procedures for meeting and conferring on matter subject to collective bargaining. This bill would prescribe requirements for public transit employers in connection with the introduction of new technologies for public transit services that introduce new products, services, or type of operation, as specified, or that eliminate jobs or job functions of the workforce to which they apply. The bill would require a public transit employer to provide notice, as specified, to the applicable exclusive employee representative of its intention to begin any procurement process or a plan to acquire or deploy to new technologies for public transit services, as described above, not less than 12 months before commencing the process, plan, or deployment. The bill would also prescribe subjects in this regard that would be mandatory subjects of collective bargaining, including creating plans to train and prepare the affected workforce to fill new positions created by a new service or product.</p>	<p>Assembly Third Reading</p>	<p>Watch</p>

	Introduced: 2/17/2022		Item #5.
<p><a href="#">AB 2449 (Rubio D)</a></p> <p>Open Meetings – Local Agencies: Teleconferences</p>	<p>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 observe and provide comment. 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 those specified teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency’s jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 2/17/2022</p>	Assembly Local Government	4/27/2022 Watch
<p><a href="#">ACA 1 (Aguiar-Curry D)</a></p> <p>Local Government Financing Affordable Housing &amp; Public Infrastructure: Voter Approval</p>	<p>(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.</p>	Assembly Local Government	Supported 2021



	Introduced: 12/7/2020		Item #5. 4/27/2022
<a href="#"><u>SB 1121 (Gonzalez D)</u></a>  State & Local Transportation System: Needs Assessment	Existing law requires the California Transportation Commission to adopt and submit to the Legislature an annual report summarizing its prior-year decisions in allocating transportation capital outlay appropriations, and identifying timely and relevant transportation issues facing the state. Existing law authorizes the report to also include a discussion of any significant upcoming transportation issues anticipated to be of concern to the public and the Legislature and requires the report to include specific, action-oriented, and pragmatic recommendations for legislation to improve the transportation system. This bill would require the commission to prepare a needs assessment of the cost to operate, maintain, and provide for the necessary future growth of the state and local transportation system for the next 10 years, as provided. As part of the needs assessment, the bill would require the commission to forecast the expected revenue, including federal, state, and local revenues, to pay for the cost identified in the needs assessment, any shortfall in revenue to cover the cost, and recommendations on how any shortfall should be addressed. The bill would require the commission to submit the needs assessment to the Legislature on or before January 1, 2024, and biennially thereafter.  Amended: 4/6/2022	Senate Transportation  4/19/2022 at 9 a.m. Senate Chamber GONZALEZ, LENA, Chair	Watch
<a href="#"><u>SB 1161 (Min D)</u></a>  Transit Operators: Street Harassment Plans	Existing law creates various transit districts throughout the state, with specified powers and duties relative to providing public transit service. Existing law provides various provisions applicable to all public transit and transit districts. This bill would require the University of California Institute of Transportation Studies to, on or before June 30, 2023, develop and make available to transit operators, as defined, a survey for the purpose of promoting consistency in the collection of specified survey data. The bill would require transit operators to, on or before June 30, 2025, develop and implement a plan to reduce the street harassment experienced by its riders, as specified, and to consider the safety concerns and needs of riders impacted by street harassment when planning, designing, and operating their systems. The bill would require transit operators to, on or before June 30, 2024, collect survey data for the purpose of informing the plan. The bill would require the plan to be developed in consultation with certain riders, and would require those transit operators to conduct outreach in multiple languages in order to reach limited English proficient persons impacted by street harassment, as specified. The bill would authorize these plans to include changes to policies, design, operations, or other aspects of transit systems, as specified. The bill would require the Transportation Agency to, on or before January 1, 2027, produce and submit a report containing certain information related to the implementation of these provisions to the Legislature and the Governor. To the extent the bill imposes additional duties on a local agency, the bill would impose a state-mandated	Senate Transportation  4/19/2022 at 9 a.m. Senate Chamber GONZALEZ, Chair	Watch

	<p>local program. This bill contains other related provisions and other existing laws.</p> <p>Amended: 4/6/2022</p>		<p>Item #5. 4/27/2022</p>
<p><a href="#">SB 1410</a> <a href="#">(Caballero D)</a></p> <p>California Environmental Quality Act: Transportation Impacts</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 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 establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. CEQA requires the Office of Planning and Research to prepare and develop proposed guidelines for the implementation of CEQA by public agencies and requires the Secretary of the Natural Resources Agency to certify and adopt those guidelines. CEQA requires the office to prepare, develop, and transmit to the secretary for certification and adoption proposed revisions to the guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas, as defined, that promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Existing law requires the office to recommend potential metrics to measure transportation impacts, as specified. CEQA authorizes the office to adopt guidelines establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. This bill instead would require the criteria for determining the significance of transportation impacts of projects within transit priority areas to only promote the reduction of greenhouse gas emissions. The bill would require the potential metrics described above to only apply to projects within transit priority areas. This bill contains other existing laws.</p> <p>Amended: 3/31/2022</p>	<p>Senate Environmental Quality</p> <p>4/25/2022 at 9 a.m. 1021 O Street, Rm. 2100 ALLEN, Chair</p>	<p>Watch</p>



April 8, 2022

TO: Caltrain Board of Directors

FM: Joshua W. Shaw, Matt Robinson & Michael Pimentel, Shaw Yoder Antwih Schmelzer & Lange  
Mike Robson & Bridget McGowan, Edelstein Gilbert Robson & Smith LLC

RE: **STATE LEGISLATIVE UPDATE – May 2022**

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### **General Update**

As the Legislature goes into April, policy committee hearings are in full swing. Policy Committees will continue for fiscal bills (bills that have a cost to the state) until April 29. Bills keyed non-fiscal have until May 6 to be heard in policy committee. Following the policy committee deadline, fiscal legislation faces its next hurdle, the fiscal committee deadline on May 20.

Now that COVID case rates are declining, activity in the Legislature has been shifting increasingly towards in-person rather than virtual meetings. Virtual meetings are still occurring, but more legislative staff are working from the “Swing Space” rather than from home, increasing opportunities for in-person lobbying.

### **Bills with Recommended Action**

**AB 1944 (Lee) Public Meetings** – This bill would make changes to the Brown Act to clarify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public. This bill would also require all public meetings of a legislative body using teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option. **We recommend Caltrain SUPPORT this measure.**

### **Bills with Action Taken**

**AB 2197 (Mullin) – PCEP Funding.** This bill would appropriate \$260 million from the state’s General Fund to the California State Transportation Agency for the purpose of closing the funding gap for the Caltrain Electrification Project. *Support.*

This bill has not yet been set for hearing.

**SB 922 (Wiener) – CEQA Exemptions for Transit.** This bill would permanently extend statutory exemptions from the CEQA requirement for clean transportation projects, including charging and

facilities for zero-emission rail, station-area improvements, and first/last mile connections for bike and ped. This bill is a follow up to SB 288 (Wiener, 2020) which Caltrain supported. *Support.*

The bill is set for hearing in the Senate Appropriations Committee on 4/18.

**SB 942 (Newman) Low Carbon Transit Operations Program: Free or Reduced Fare Transit Program.**

This bill would provide California public transit agencies with the flexibility to use Low Carbon Transit Operations Program funds for free or reduced-fare transit programs on an ongoing basis. This flexibility will ensure the long-term sustainability and benefits of free youth ridership programs that expand access to public transit and create lifelong riders. *Support.*

The bill is set for hearing in the Senate Appropriations Committee on 4/18.

**Bills of Interest**

**AB 1919 (Holden) – Free Student Transit Passes.** The bill would require transit agencies to offer free youth transit passes to all California residents, regardless of immigration status, under age 25 in order to be eligible for state funding under state various programs. For the purposes of calculating the ratio of fare revenue to operating costs, the free youth transit passes would count as full price fares. Upon appropriation by the Legislature, the bill would also create the Youth Transit Pass Pilot Program that would offset the costs to transit agencies offering free youth transit passes and would require the department to submit a report to the Legislature on the outcome of the program, the funding conditions associated with the program, the status of these programs statewide and whether the provisions of the bill led to reductions in GHG emissions and VMT. The bill would sunset on January 1, 2028.

Recent amendments add provisions clarifying that the provisions do not apply if the Controller determines that the funding provided by the Legislature (upon appropriation) to the Youth Transit Pass Pilot Program is not sufficient to cover the lost farebox revenue from offering free transit passes. The amendments also require that local authorities, school districts and colleges maintain their funding for free or reduce fare youth transit as provided in 2018-19.

The bill passed out of the Assembly Transportation Committee 14-0 and will be heard next in the Assembly Appropriations Committee.

**AB 2441 (Kalra) – Local Public Transit Agencies: New Technologies.** This bill would requirements for public transit employers relating to the introduction of new technologies the create new products, services, type of operation or eliminate jobs or job functions of the workforce. The bill would require a public transit employer to provide notice to the exclusive employee representative of its intention to begin procuring, acquiring or deploying such technologies no less than 12 months in advance. The bill would also require these subjects be mandatory subjects of collective bargaining, including creating plans to train and prepare the affected workforce to fill new positions created by the technology.

The bill passed out of the Assembly Public Employment and retirement Committee 4-1 on March 30 and will go to a vote on the Assembly Floor.

**SB 917 (Becker) – Seamless.** This bill would require the Metropolitan Transportation Commission (MTC) to develop and adopt a Connected Network Plan, adopt an integrated transit fare structure, develop a comprehensive, standardized regional transit mapping and wayfinding system, develop an implementation and maintenance strategy and funding plan, and establish open data standards to support a more integrated public transportation network in the nine-county San Francisco Bay Area. This

bill would also require the region's transit agencies to comply with the established integrated fare structure, regional transit mapping and wayfinding system, implementation and maintenance strategy and funding plan, and open data standards.

The bill is set to be heard in the Senate Transportation Committee on April 26.

## **Grants**

***Transit and Intercity Rail Capital Program (\$500 million - \$600 million in Cycle 5)*** – The Transit and Intercity Rail Capital Program (TIRCP) provides grants from the Greenhouse Gas Reduction Fund to fund transformative capital improvements that will modernize California's intercity, commuter, and urban rail systems, and bus and ferry transit systems, to significantly reduce emissions of greenhouse gases, vehicle miles traveled, and congestion. Eligible projects include zero-emission vehicles and associate fueling or charging infrastructure of facility modifications.

**Current Guidelines:** Found [here](#)

**Status:** [Funding cycle open; project applications due March 3, 2022](#)

The CTC is [currently hosting workshops](#) (through April 2022) for the three SB 1 programs it oversees – the Solutions for Congested Corridors Program (SCCP), Local Partnership Program (LPP), and the Trade Corridor Enhancement Program (TCEP). The CTC will solicit applications for the next round of funding in Summer 2022 and announce project awards in Summer 2023. As a reminder, in late-2020, the California Transportation Commission [awarded grants](#) for three SB 1 programs – the [Solutions for Congested Corridors Program](#), [Local Partnership Program](#), and the [Trade Corridor Enhancement 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 – As discussed above, 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 five 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 Federal Report As of April 14, 2022

### President Biden Releases FY 2023 Budget Request

- On March 28, President Biden [released](#) his FY 2023 budget request, outlining his vision for the next year of government spending. The budget calls for significant investments into transportation programs.
- The Department of Transportation (DOT) FY 2023 budget request is \$105.5 billion in mandatory and discretionary funding, a \$1.7 billion, or approximately a 1.6 percent, increase from the FY 2022 enacted level. However, this request is in addition to \$36.8 billion in advanced appropriations under the Infrastructure Investment and Jobs Act (IIJA), bringing the total request to \$142.3 billion in funding for DOT next year.
  - \$1.5 billion for **Rebuilding American Infrastructure with Sustainability and Equity (RAISE)** discretionary grants and the newly authorized **National Infrastructure Project Assistance (Mega) Grant** program in addition to the \$2.5 billion provided for these programs under IIJA.
  - \$59.5 billion for the **Federal Highway Administration (FHWA)** in addition to \$9.5 billion in advance appropriations under the IIJA for a \$68.9 billion total commitment for the agency.
  - \$16.9 billion for the **Federal Transit Administration (FTA)** in addition to \$4.3 billion in advance appropriations under the IIJA for a \$21.1 billion total commitment for transit.
  - \$2.85 billion for **Capital Investment Grants** in addition to \$1.6 in advanced appropriations under the IIJA for a \$4.45 billion total investment in major capital projects and expanded transit service.
  - \$200 million for **Transit Infrastructure** grants in addition to \$2.05 billion in advanced appropriations from the IIJA for a \$2.25 billion total investment to support the following new programs:
    - \$50 million for a new program, **Zero Emission System Transformation Planning Program**: Grants for planning related to the conversion of transit bus fleet to zero-emission buses.
    - \$100 million for a new program, **Climate Resilience and Adaptation Grants**: Grants for capital projects that improve the resilience of transit assets related to climate hazards by protecting transit infrastructure from flooding, extreme temperatures, and other climate-related hazards.
  - \$4.7 billion for **passenger and freight rail** in addition to \$13.2 billion in advance appropriations under the IIJA for a \$17.9 billion total investment in rail, including:
    - \$500 million for the **Consolidated Rail Infrastructure and Safety Improvements (CRISI)** Program in addition to \$1 billion in advanced appropriations under the BIL for a total of \$1.5 billion for CRISI;

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- \$555 million for the **Federal-State Partnership for State of Good Repair Grant Program**, in addition to \$7.2 billion in advanced appropriations under IIJA for a total of \$7.755 billion for the Fed-State Partnership

## DOT Announces Infrastructure Programs of Regional or National Significance

- On March 22, DOT posted a notice of funding opportunity (NOFO) for the INFRA, Mega-projects (new program created in IIJA), and RURAL infrastructure grant programs. The submission deadlines for all three programs are May 23.
  - [Mega Project Grants](#) are focused on large multimodal transportation projects, with 50 percent of the funding being awarded to projects greater than \$500 million in total project cost. The remaining 50 percent of the funding is awarded to projects between \$100 million and \$500 million in total project costs. The Mega program will help large multimodal projects with gaps in their financial plans.
  - [INFRA Grants \(existing program\)](#) will fund freight projects that have regional or national significance. At least 15 percent of the funds are reserved for small projects (<\$100 million) and at least 25 percent for rural projects. The program also sets aside \$150 million for projects with greater non-Federal share.

## Round-Up of Open Grant Opportunities

- [FY 2022 RAISE Grants](#): \$2.275 billion available. All applications due by April 14, 2022.
- [Commuter Authority Rail Safety Improvement \(CARSI\) Grants Round 2](#): \$59 million available. All applications due by April 14, 2022.
- [INFRA Grants](#): \$1.5 billion available. All applications due by May 23, 2022.
- [Rural Grants](#): \$300 million available. All applications due by May 23, 2022.
- [Mega Grants](#): \$1 billion available. All applications due by May 23, 2022.
- [FY 2022 Low or No Emission Grant Program](#): \$1.1 billion available. All applications due by May 31, 2022.
- [FY 2022 Buses and Bus Facilities Competitive Program](#): \$372 million available. All applications due by May 31, 2022.

**Peninsula Corridor Joint Powers Board  
Staff Report**

TO: Joint Powers Board

THROUGH: Michelle Bouchard  
Acting Executive Director

FROM: Brian W. Fitzpatrick, Director of Real Estate & Property Development  
Nadine Fogarty, Deputy Director of TOD & Real Estate Planning

SUBJECT: **Diridon Development Update**

Finance Committee Recommendation     Work Program-Legislative-Planning Committee Recommendation     Staff Coordinating Council Reviewed     Staff Coordinating Council Recommendation

**ACTION**

This report is for information only and is intended as an update to the staff report presented at the September 2021 Joint Powers Board (JPB) meeting. No Board of Directors (Board) action is required.

**SIGNIFICANCE**

The JPB owns approximately 17 acres of property in the area surrounding Diridon Station. Three acres of JPB’s land have been identified as developable (the “Development Parcels”). These parcels are within the City of San Jose’s Downtown Station Area Plan (DSAP), which was amended in 2021 after years of extensive community engagement. The amended plan increased overall development capacity throughout the Station Area and includes a mix of market-rate housing, affordable housing, hotel rooms and commercial space. The City’s General Plan (2011) and amended DSAP designate the Development Parcels for commercial uses as an integral part of the mixed-use plan for the over 200-acre DSAP area. The original DSAP (2014) also designated Caltrain’s parcel for commercial uses. In addition to helping to realize the City’s DSAP vision, development of the Development Parcels is expected to result in the creation of over 1 million square feet of commercial space, which will provide JPB a substantial, long-term revenue stream, generate ridership for Caltrain and contribute over \$12 million towards the creation of much-needed affordable housing in the Station Area.

While the amended DSAP allows for increased development capacity, and specifically identifies the Development Parcels for commercial use, it also places square footage limits on commercial space. As noted in the previous staff report, staff have been working over the past several months to advance planning entitlements for the Development Parcels to ensure that appropriate development capacity is allocated to the Development Parcels before the DSAP development limits are reached. This report and accompanying presentation provide an update on the status of these efforts.



**BUDGET IMPACT**

There is no budget impact associated with receiving this informational update. If the Development Parcels are developed as anticipated, they could yield a long-term revenue stream through the negotiation of a ground lease.

**BACKGROUND**

**Site Description and Project Overview**

The Development Parcels are located immediately east of the Diridon Station and are bordered by S. Montgomery, Cahill, Crandall, and W. San Fernando Streets. They are currently used for Caltrain parking and VTA’s light rail system passes underneath the Development Parcels, essentially bisecting them. In addition to the Development Parcels, Caltrain-owned property includes the railroad right-of-way, Diridon station, additional parking lots, a station drop-off and turnaround area, a bus staging area and landscaping. A map of JPB-owned property is attached to this report as Exhibit A.

The proposed development includes two office buildings with ground floor retail and other active uses, as well as a with a public plaza that connects the historic Diridon Station to Google’s planned Downtown West development to the east. The project will also include two separate underground parking garages. The location of VTA’s underground facilities precludes building a more efficient, integrated parking garage under the sites. The garages will most likely be shared for public use during certain hours per DSAP policy. The tables below provide details about the overall development and individual buildings, and graphics depicting the conceptual design are provided in the accompanying presentation.

*Overall Project Summary*

Office Sq. Ft.	Retail Sq. Ft.	Auto Parking	Bike Parking	Plaza Sq. Ft.
1,082,135	46,000	792	330	29,000

*North and South Tower Details*

	Retail Sq Ft.	Office Sq. Ft.	Auto Parking	Stories	Height
South Building	18,500	546,809	352	15	250'
North Building	27,500	532,325	440	16	265'

**Policy and Planning Context**

**Caltrain Rail Corridor Use Policy (RCUP)**

In February 2020, the JPB adopted the RCUP to guide the use of its property and support delivery of Caltrain’s Long-Term Service Vision. This document categorized all JPB-owned property into “property use zones,” which serve as the base land use districts for property along the Caltrain corridor. The four categories are Property Use Zone 1 (Operating Right-of-Way), Property Use Zone 2 (Station-Right-of-Way), Property Use Zone 3 (Non-Operating Right of Way), and Property Use Zone 4 (Special Study Area).

All Caltrain property at Diridon Station falls within Property Use Zone 4 (Special Study Area). Property Use Zone 4 includes JPB properties involved (at the time of RCUP adoption) in a defined planning process that formally includes multiple stakeholders. The RCUP further states that the planning process in each area will determine the future use of the property. When the Board adopted the RCUP, two ongoing planning initiatives impacted this property, the City of San Jose-led Amended DSAP process, and the Diridon Station Integrated Concept Plan (DISC), both described below. The City of San Jose has completed the Amended DSAP process, and the DISC partners continue to work together on plan concepts.

#### Caltrain TOD Policy

Adopted along with the RCUP in February 2020, the TOD Policy expresses JPB's goals and strategic objectives for TOD projects. The Policy applies to properties that are owned by the JPB in fee simple and are available for development independent from a capital project as defined by RCUP. JPB's overarching goals for TOD include: 1) sustainable transportation, 2) value creation, 3) equity, and 4) complete communities.

The proposed development furthers the TOD Policy goals in a variety of ways. It will include transit-supportive uses that will contribute to Caltrain ridership and generate a long-term revenue stream. It will help to implement the DSAP by delivering a commercial use that is consistent with the plan vision and community input. It will incorporate high-quality design standards that facilitate station access and support environmental sustainability. While the development will not directly include affordable housing, it will provide over \$12 million of commercial linkage fees that will help fund affordable housing within the plan area (explained in further detail below). Finally, the development will encourage high labor standards by requiring that construction workers be paid prevailing wages.

#### Amended Diridon Station Area Plan (DSAP)

The City of San José initially adopted the DSAP in 2014. The Plan, which covers approximately 200 acres of property surrounding the Diridon Station, designated specific locations for housing, commercial space (office), hotels, retail uses, and a new baseball stadium. In 2019, the City initiated a process to amend the DSAP to align it with current market conditions, tie it to other planning efforts and to reflect that a stadium was no longer planned for the area. Furthermore, the amended DSAP includes Google's Downtown West Mixed-Use Plan, incorporates the Diridon Affordable Housing Implementation Plan, and integrates additional equity considerations. After an extensive community input and engagement process, the amended DSAP, and Google's Downtown West Mixed-Use Plan, were approved by the San Jose City Council in May 2021.

The DSAP implements the City's General Plan (2011), which designates all JPB-owned parcels as "Commercial-Downtown." According to the General Plan, "this designation includes office, hotel, retail, service, and entertainment uses in the City's Downtown, consistent with those supported by the Downtown designation, but denotes areas in which residential uses are not appropriate and therefore are excluded." Consistent with the General Plan, the Amended DSAP designates the Development Parcels "Employment/Commercial" uses. The allowed land uses of the Development Parcels did not change because of the recent amendment. However, the amended plan allows increased building heights and floor area.

In addition to the site-specific standards, the Amended DSAP and associated environmental impact report (EIR) also include area-wide “caps” on specific categories of development. Overall, the Amended DSAP allows up to 14.44 million square feet of office space and 13,519 new homes. Google’s Downtown West development accounts for approximately 7.3 million square feet, leaving about 7.1 million square feet of office space allocation. Given the proximity to transit, downtown amenities, nearby housing, and Google’s development, it is expected that additional commercial development in the DSAP area will be in high demand in the coming years. It is therefore imperative that Caltrain act swiftly to ensure that an appropriate amount of the development cap is allocated to the Development Parcels. Staff anticipates that the entitlement and environmental review process will become substantially more challenging when the development caps are reached.

#### Diridon Station Integrated Concept Plan (DISC)

The California High-Speed Rail Authority (CHSRA), Caltrain, Santa Clara Valley Transportation Authority (VTA), Metropolitan Transportation Commission (MTC), and the City of San José (Partner Agencies) are working together on a plan to expand and redesign Diridon Station. Generally, DISC planning involves the station itself, the approaches to the station, and station access (plazas, etc.). The DISC process is ongoing, and the Partner Agencies are now embarking upon a Business Case analysis that will help to advance the project toward implementation. A key early component of the Business Case will be an in-depth study to examine options for the future of the historic depot. Caltrain will work closely with the Partner Agencies to ensure that the architectural team designs the Development Parcels to incorporate DISC principles, with active ground floor uses and a public plaza. Additionally, over 14 acres of Caltrain property at Diridon Station will be reserved from development to accommodate DISC needs.

#### **Proposed Development Concept**

Utilizing the JPB’s “on-call” planning contracts, Caltrain staff have assembled a consultant team that includes 1) ARUP and 2) Perkins and Will. The team has been tasked with preparing a conceptual design for the development. As described below, these designs are planned to be submitted as part of a formal planning application in May 2022. Overall, JPB’s proposal calls for approximately 1.1M square feet of commercial space, which currently fits within the DSAP commercial square footage cap. It is expected that the architectural team will make changes to the conceptual plans based on additional feedback received based on the City’s formal review, as well as the community outreach process.

As noted above, a large portion of the DSAP plan will be implemented via Google’s Downtown West development. The Downtown West project includes development of several parcels adjacent to the Development Parcels. Caltrain staff and the consultant team have been working closely with Google during the design process to ensure compatibility between the development sites.

#### **Affordable Housing**

As noted above, the City of San Jose General Plan and DSAP do not allow housing on the Development Parcels. However, a substantial amount of land has been allocated for housing in designated locations within the DSAP area. The Amended DSAP plan also included an ambitious [Affordable Housing Implementation Plan](#). As noted above, the DSAP allows up to 13,519 new homes in the area. The City aims to have 25% of those units to be deed-restricted, affordable units (extremely low to moderate-income levels).

The City's implementation plan includes several strategies to produce and fund affordable units. For example, "Production Strategy #3" states that the City should "Prioritize the use of Commercial Linkage Fee revenues generated in the Diridon Station Area for affordable housing projects within the Plan area." In November 2020, the City adopted a [Commercial Linkage Fee](#) that applies to development on the site (\$12/sf). Based on the initial proposal, it is expected that commercial development of the Development Parcels would generate more than \$12 million towards the creation of affordable housing on lands designated for housing within the DSAP area.

### **City of San Jose Entitlement Process**

The Caltrain team submitted a preliminary review application to the City in October 2021 and received a response from the City in early December. In general, the comments are supportive of the project. Key issues that the team is currently working to address include 1) the location of auto access to the project; 2) providing appropriate space for loading facilities; and 3) modifying the building massing based on an improved understanding of Federal Aviation Administration (FAA) requirements.

Staff plan to submit a formal application to the City in May 2022. The formal application will include "schematic" design drawings that allow square footage to be allocated to the site, but will not include detailed architectural drawings. The formal review takes about a year and includes community outreach meetings as required by the City of San Jose, and an environmental assessment to ensure it complies with the DSAP EIR. In addition to community outreach meetings, the Caltrain team will also meet with key stakeholders on an as-needed and ongoing basis. The project would ultimately be reviewed and approved by the San Jose Planning Commission.

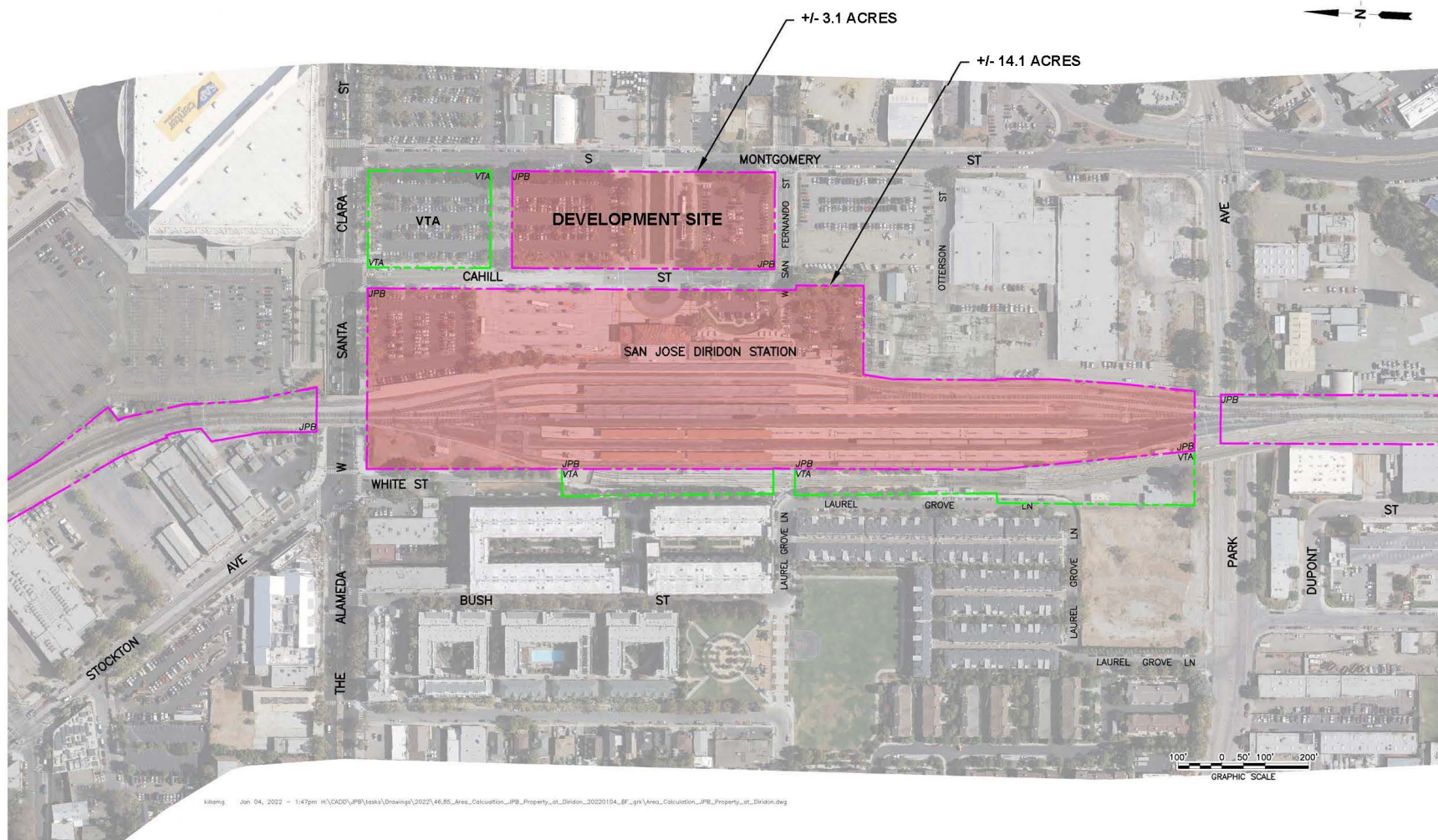
### **Future Real Estate Process**

After the Development Parcels are entitled, staff anticipates JPB will follow its typical practice to move forward with the real estate process, including reserving time at the outset to ensure compliance with the Surplus Land Act and any other legal or procedural requirements. While staff anticipate that the project will receive entitlements by mid-2023, the timing of the development solicitation may be adjusted based on market conditions. It is anticipated that JPB would enter a long-term ground lease with the development partner. Under the terms of the agreement, the developer would take on all "development risk" by financing, building, and owning all improvements while JPB would continue to own the Development Parcels and would collect rent based on the success of the development. Staff will seek Board direction at each stage of the real estate process, including direction about timing, final form of disposition agreement, and business terms.

### **Timeline, Next Steps, and Future Board Review**

As noted above, staff plan to submit a formal application to the City of San Jose in May 2022, and the process to receive entitlements is expected to take approximately one year. The real estate process described above would begin in mid-2023 at the earliest (depending on market conditions) and will be subject to Board approval. The Board will receive additional updates and opportunities to review this project during and after the formal City entitlement process.

### EXHIBIT A PCJPB PROPERTY AT SAN JOSE DIRIDON STATION



**Peninsula Corridor Joint Powers Board  
Staff Report**

TO: Joint Powers Board

THROUGH: Michelle Bouchard  
Acting Executive Director

FROM: Anthony Simmons  
Director, Systemwide, Stations, and Capital Planning

SUBJECT: **Downtown Rail Extension Project Update**

Finance Committee  
Recommendation

Work Program-  
Legislative-Planning

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

This report is for information only. No action by the Board of Directors (Board) is required.

**Significance**

The Peninsula Corridor Joint Powers Board (JPB) has been closely involved in the ongoing planning and development of the San Francisco Downtown Rail Extension project (DTX). The DTX will have major impacts on Caltrain and is a key component of Caltrain's 2040 Service Vision (Vision) and is projected to significantly increase Caltrain ridership throughout the corridor. This report provides an overview and update of DTX project progress and status, and most importantly, provides details to the Board regarding the JPB's current and future engagement in the project. The report includes a discussion of a Master Cooperative Agreement (MCA) which is currently being negotiated between the JPB and the Transbay Joint Powers Authority (TJPA) to formally define both parties' roles and responsibilities in advancing this project, as well as the JPB's future engagement as DTX continues toward construction and delivery. Approval of the MCA by the Board will be requested later this year.

**Budget Impact**

There is no current impact on the budget.

**Background**

The completion of the DTX will have a major positive impact on Caltrain service and ridership. It completes the final element of the Transbay Program, which includes the Salesforce Transit Center, completed in 2018, and the creation of a transit-oriented neighborhood around the multi-modal transit hub. A regional priority since 1988, the DTX project will deliver the vision of the program by bringing Caltrain and California High Speed Rail into downtown San Francisco. The environmentally-cleared DTX will extend Caltrain's rail line from the Fourth and King station by approximately 1.6 miles and will provide significantly improved access for

Peninsula riders to the North and East Bays, with a nearby connection to BART and San Francisco Municipal Transportation Agency rail services.

In April 2020, Caltrain entered into a Memorandum of Understanding (MOU) with the TJPA, Metropolitan Transportation Commission (MTC), California High Speed Rail Authority (CHSRA), City and County of San Francisco (CCSF), and the San Francisco County Transportation Authority (SFCTA). Pursuant to the MOU, these six agencies have agreed to take part in a multi-year effort to ready the DTX for procurement, including activities related to governance, oversight, management, funding, and project delivery. The MOU also established a new organizational structure to support the efforts of the TJPA. An Integrated Program Management Team (IPMT), and an Executive Steering Committee (ESC), both composed of representatives from each of the partnering agencies, meet regularly to advise the TJPA Board on technical and policy matters. Specifically, Acting Executive Director Michelle Bouchard currently serves as the Chair of the DTX ESC, and Caltrain staff are members of the IPMT.

In 2021, the project executed an accelerated master schedule to support a potential 2023 Full Funding Grant Agreement (FFGA) request through the Federal Transit Administration's (FTA's) Capital Improvement Grant (CIG) process. The project was accepted into the FTA's initial Project Development Phase in December 2021. In 2022, the DTX project will pursue major milestones related to project development, funding, and public outreach and engagement.

To support and formalize Caltrain's role in the project, Caltrain and TJPA have commenced negotiating an MCA that outlines and confirms each party's responsibility for planning, designing, procuring, constructing, operating, and maintaining DTX. This agreement is critical to progress the project in an efficient and expeditious manner. By winter 2022, Caltrain staff anticipates requesting Board consideration and approval for the MCA.

Prepared By: Anthony Simmons  
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