



BOARD OF DIRECTORS 2022
STEVE HEMINGER, CHAIR
CHARLES STONE, VICE CHAIR
CINDY CHAVEZ
DEVORA "DEV" DAVIS
JEFF GEE
GLENN HENDRICKS
DAVE PINE
SHAMANN WALTON
MONIQUE ZMUDA

MICHELLE BOUCHARD
ACTING EXECUTIVE DIRECTOR

AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

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/91412776292?pwd=cVdKa01PK2FKdm1CSUwwZXR3RmlkUT09> or by entering Webinar ID: **914 1277 6292**, Passcode: **909765** in the Zoom app for audio/visual capability or by calling 1-669-900-6833 (enter webinar ID and press # when prompted for participant ID) for audio only. The video live stream will be available after the meeting at <http://www.caltrain.com/about/bod/video.html>

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

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

March 3, 2022 – Thursday

PART I OF MEETING (REGULAR SESSION): 9:00 am

All items to which Government Code section 84308 applies have been marked with an asterisk.

1. Call to Order / Pledge of Allegiance
2. Roll Call
3. Public Comments for Items Not on the Agenda
Comments by each individual speaker shall be limited to two (2) minutes. Items raised that require a response will be deferred for staff to reply.
4. Consent Calendar
Members of the Board may request that an item under the Consent Calendar be considered separately
 - a. Approve Regular Meeting Minutes of February 3, 2022

MOTION

- | | |
|--|---------------------------------|
| b. Adopt Findings of a Proclaimed State Of Emergency, Recommendations for Social Distancing, and Imminent Risks to Health and Safety from In-Person Meeting and Approve Meeting Remotely for 30 Days | RESOLUTION |
| c. Receive Caltrain Key Performance Statistics – January 2022 | MOTION |
| d. Award of Contract to Provide Real Estate and Other Legal Services* (Gov. Code § 84308 applies) | RESOLUTION |
| e. Report of the Chief Financial Officer (CFO) | INFORMATIONAL |
| f. Accept Statement of Revenues and Expenses for the Period Ended January 31, 2022 | MOTION |
| g. Approve Title VI Analysis for Sunday Service Schedule (August 2021) | MOTION |
| h. State and Federal Legislative Update and Approval of Legislative Proposal: Support AB 2197 (Mullin) | INFORMATIONAL
/MOTION |
| i. Capital Projects Quarterly Status Report – 2 nd Quarter Fiscal Year 2022 | INFORMATIONAL |
| j. Metropolitan Transportation Commission (MTC) Network Management Business Case Update | INFORMATIONAL |
| k. Metropolitan Transportation Commission (MTC)/Regional Update | INFORMATIONAL |
| l. Approve National Women's History Month Resolution | RESOLUTION |
| 5. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report - January 2022 | INFORMATIONAL |
| 6. Draft Recommendation on Caltrain Governance | MOTION |
| 7. Reports | |
| a. Report of the Citizens Advisory Committee | INFORMATIONAL |
| b. Report of the Chair | INFORMATIONAL |
| c. Report of the Local Policy Maker Group (LPMG) | INFORMATIONAL |
| d. Report of the Transbay Joint Powers Authority (TJPA) | INFORMATIONAL |
| e. Report of the Executive Director | INFORMATIONAL |

PART II OF MEETING (CLOSED SESSION)

Please note that at the beginning of the closed session, as a courtesy the Board will announce an estimated time to return. If closed session ends earlier than estimated, the Board will resume open session immediately upon the conclusion of closed session.

8. General Counsel Report – Closed Sessions:
- a. Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation Pursuant to Government Code Section 54956.9(d)(2): One Case.
 - b. Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): Federal Insurance Company v. San Mateo County Transit

District, Peninsula Corridor Joint Powers Board, and Union Pacific Railroad Company,
Case No. 22-CIV-00512.

PART III OF MEETING (REGULAR SESSION)

9. General Counsel Report – Report Out from Above Closed Session INFORMATIONAL
10. Correspondence
11. Board Member Requests
12. Date/Time of Next Regular Meeting: Thursday, April 7, 2022, at 9:00
 am via Zoom (additional location, if any, to be determined)
13. Adjourn

INFORMATION FOR THE PUBLIC

All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board. If you have questions on the agenda, please contact the JPB Secretary at 650.508.6242. Agendas are available on the Caltrain website at www.caltrain.com. Communications to the Board of Directors can be e-mailed to board@caltrain.com.

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

Date and Time of Board and Committee Meetings

JPB Board: First Thursday of the month, 9:00 am; JPB Finance Committee: Fourth Monday of the month, 2:30 pm; JPB WPLP Committee: Fourth Wednesday of the month, 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

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

Public Comment*

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

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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; 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
Board of Directors Meeting
1250 San Carlos Avenue, San Carlos CA**

DRAFT MINUTES OF FEBRUARY 3, 2022

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

MEMBERS ABSENT: None

STAFF PRESENT: M. Bouchard, D. Hansel, S. Petty, J. Harrison, A. Myles-Primakoff, K. Yin, P. Shrestha, B. Shaw, D. Santoro, C. Fromson, T. Burgwyn, J. Wasilco, T. Bartholomew, D. Seamans, S. Wong

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Steve Heminger called the meeting to order at 9:03 am and led the pledge of allegiance.

2. ROLL CALL

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

3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Aleta Dupree, Oakland, commented on going to an all Clipper based system with fare integration and building a railroad for everyone.

Jeff Carter, Millbrae, commented on final foundation completion, cost of electric cars, and having train service before 2024.

Andy Chow, Redwood City, commented on governance, compromise, ridership, and COVID.

4. CONSENT CALENDAR

- a. Approve Regular Meeting Minutes of January 6, 2022**
- b. Renew Resolution Adopting Findings of a Proclaimed State of Emergency, Recommendations for Social Distancing, and Imminent Risks to Health and Safety from In-Person Meeting and Approve Meeting Remotely for 30 Days**
- c. Receive Caltrain Key Performance Statistics – December 2021**
- d. Amend Resolution Establishing the Citizens Advisory Committee (CAC)**
- e. Award of Contract for Clipper Next Generation Validator Site Preparation Project**

- f. Increase Staff's Authority to Execute Contracts for Information Technology Licenses, Maintenance Services, and Professional Services under Resolution 2021-28 by an Aggregate Not-To-Exceed Amount of \$1 Million for Fiscal Year 2022**
- g. Report of the Chief Financial Officer (CFO)**
- h. Accept Statement of Revenues and Expenses for the Period Ended December 31, 2021**
- i. State and Federal Legislative Update**
- j. Accept Informational Update on Service Plan Monitoring and Analysis**
- k. Metropolitan Transportation Commission (MTC)/Regional Update**
- l. Approve National African-American History Month Resolution**

Public Comment

Aleta Dupree, Oakland, commented on Clipper.

Jordan Randal Cunningham commented on Gilroy double tracks and replanting heritage trees.

Chair Heminger spoke in honor of National African-American History Month and spoke about equity, social justice, and Rosa Parks.

Motion/Second: Davis/Zmuda

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

Noes: None

Absent: None

5. APPROVE MEASURE RR BOND FINANCING TRANSACTIONS AND RELATED TRANSACTION DOCUMENTS

Derek Hansel, Chief Financial Officer, provided the presentation, which included the following:

- Final approval for the sale of \$140 million Measure RR bond and high debt coverage
- First issuance of green bonds, noise reduction and improved regional air quality
- Peninsula Corridor Electrification Project (PCEP) Project sources and uses
- Financing Objectives with proceeds from the bonds to finance electrification costs
- Preliminary sources, uses, liquidity, debt service, and finance schedule

Public Comment

Aleta Dupree, Oakland, commented on the user friendliness of the item, Measure RR, green bond certification, debt instruments for public finance, and powered engines.

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

- When the third party will certify the green bonds and when this will come back to the Board
- When to expect to receive or apply for fuel credits
- Whether this will come back before the Board when the credit is used as part of the debt service

Motion/Second: Hendricks/Gee

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

Noes: Stone

Absent: None

6. DRAFT RECOMMENDATION ON CALTRAIN GOVERNANCE

Chair Heminger provide a summary of the governance process and outlined the SamTrans proposal, hearing from staff regarding the six matrix issues, taking public comment, then potentially reaching agreement by the next meeting on March 3rd.

Carter Mau, SamTrans General Manager/CEO, provided a presentation on the following:

- City and County of San Francisco (CCSF) & Valley Transportation Authority (VTA) efforts to obtain "accountability" via Caltrain Executive Director (ED) and reimbursing SamTrans
- Summary of SamTrans' Pathway Forward Proposal regarding:
- Caltrain Executive Director - hiring/firing with simple majority of five members of the Board and provided that at least one member from each member agency is counted in the majority
- Rail staff reporting - delegates Caltrain Executive Director authority over rail staff
- Right of Way (ROW) repayment and reversion

The Board members had a robust discussion, which included the following:

- SamTrans recommendation to indemnify and hold SamTrans harmless for those positions that report to the JPB and Caltrain Executive Director
- Having no delegation of authority over non-Rail (non-direct) staff (e.g., finance, communications, and real estate)
- Hypothetically hiring staff to only work on Caltrain messaging and communications
- Timeline for repayment and penalties
- Explicitly defining managing agency functions
- SamTrans' current liability and removing its liability in terms of accountability
- Indirect cost allocation plan and shared services arrangements
- Including "date-certain" in the agreement
- Where the \$15 million repayment amount comes from
- Whether SamTrans would agree to a mutual indemnification due to possible mistakes from either party

Sebastian Petty, Deputy Chief of Planning, presented the following:

- Repayment of ROW principal to San Mateo County Transit District (SMCTD)
- Employment and termination process for the Caltrain Executive Director
- Dedicated staff support
- Clarification of the managing agency role, including indemnification languages

- Payment of interest and/or additional compensation to SMCTD
- Path to Implementation

Public Comment

Kenneth Russel, San Francisco, commented on reaching an agreement.

Evan Adams, Foster City, commented on reaching an agreement, growing a seamless system around the bay area, price increasing with time, and discounts.

Jonathan Kass, San Francisco Bay Area Planning and Urban Research Association (SPUR) Transportation Policy Manager, commented on SamTran's proposal, focusing on the work ahead, and having a customer oriented transit network.

Rob Nielsen, Palo Alto, commented a regional integration policy and reaching an agreement.

Ron Collins, San Carlos, commented on reaching an agreement, moving forward, and accommodating rider interests.

Aleta Dupree, Oakland, commented on the managing agency and repayment.

Raayan Mohtashemi, San Mateo County, commented on reaching an agreement and moving onto regional governance, electrification, service and financing.

Adina Levin, Friends of Caltrain, commented on supporting explicit shared services agreement, have solutions that involve non-cash prioritizing capital projects, and the Redwood City capital station.

Jeff Carter, Millbrae, commented on moving forward with electrification completion and moving ahead with Caltrain works.

Gerald Cauthen, Bay Area Transportation Working Group, commented on the popularity of Caltrain pre-COVID, needed changes in the SamTran's proposal, and retaining staff.

Vaughn commented on current efforts at governance, the current system, other public comments, climate change, and getting things done.

Zoe Kersteen-Tucker, San Mateo County, commented on the SamTran's Pathway Forward, owning the right of way, agency rights, and reimbursement.

Adrian Brandt, San Mateo County, commented on the repayment amount discussed and metro extensions in other counties.

Paul Wendt, Belmont, commented on responsibility.

Board Members took a break from 10:50 to 11:00am

Chair Heminger summed up Metropolitan Transportation Commission's (MTC) current position on repayment:

- MTC agreed to pay \$19.6 million principal owed to SMCTD
- They expressed concern regarding the six month timeline in light of unspecified projects
- MTC proposed completing repayment by the end of calendar year 2022

The Board members had a robust **discussion regarding issue 1 – repayment**, which included the following:

- Whether the 2008 agreement is concluded upon repayment
- Why SamTrans board should believe this repayment will occur in a reasonable timeline and consequences for not repaying in a timely manner
- Not being obligated to a timeline for repayment if contingent on a third party
- MTC's contractual obligation in repayment (not a party to the 2008 agreement)
- Working in good faith and having opportunities to build trust and success
- Whether a MTC repayment resolution or MTC programming action suffices
- A mechanism for following up
- SamTrans' proposal recognizing the memorandum of understanding (MOU) could be executed prior to payments being received
- Proceeding in parallel - if MTC program action occurs before the MOU is effectuated, then problem solves itself
- Expectation of repayment in a lump sum or annual payment
- Agreement that SMCTD needs to be paid back
- Discussion on a future deadline to prevent adverse consequences and de-coupling the two documents
- Is there a condition precedent for SamTrans to implement its equity conversion rights

The Board members had a robust **discussion regarding issue 2 – hire/fire Caltrain Executive Director (ED)** including the following:

- San Mateo personnel policy implications and direct report employees not being represented
- Benefits of shared services agreement
- Codify practices
- Authority of ED to determine needs of contracts

Chair Heminger spoke about Issue 3 and proposed adding "other functions determined mutually by the JPB board and SMCTD necessary to avoid a conflict of interest between SMCTD and Caltrain".

Chair Heminger spoke about Issue 4 – role of the managing agency and proposed the following: stating "the role of the managing agency would be to support the JPB through the employment of staff and the provision of shared services" and that the JPB would indemnify SMCTD.

The Board members had a robust **discussion regarding issue 3 – dedicated staff support & issue 4 – managing agency role** including the following:

- Ridership, revenue, and electrification needs
- Identifying who is under the shared services agreement

- Operations under the managing agency role
- As business grows ED needs to convert an existing position or contract
- Shared services position serving two roles

Chair Heminger spoke about Issue 5 – payment of interest and/or additional compensation to SMCTD - he proposed appointing an ad hoc committee to negotiate additional compensation. The committee would meet between now and the March Board Meeting, consisting of Directors Davis, Gee, and himself with consultant Grace Crunican, former BART general manager.

The Board members had a robust **discussion regarding issue 5 – payment of interest and/or additional compensation to SMCTD** including the following:

- Previously dissolved governance ad hocs
- Potential pathway forward
- Mission of the ad hoc committee – to discuss other items in governance, not just repayment of interest and have everything available on the table for discussion

Public comment

Aleta Dupree, Oakland, commented on having collaboration and previous Board actions.

Julia Mates, San Mateo County, commented on accepting the Path Forward compromise.

Adina Levin, Friends of Caltrain, commented on current negotiations.

Don Cecil, San Mateo County Economic Development Agency (SAMCEDA), commented governance closure.

7. REPORTS

- a. Report of the Citizens Advisory Committee (CAC)**
- b. Report of the Chair**
- c. Report of the Local Policy Maker Group (LPMG)**
- d. Report of the Transbay Joint Powers Authority (TJPA)**

The reports were deferred to the next Board meeting.

- e. Report of the Executive Director**
 - i. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report – December 2021**

Michelle Bouchard, Acting Executive Director, reported that there would be three weeks of special construction that would reduce peak period service to three trains per hour. This would allow staff to perform 17 concurrent cutovers at grade crossings – two additional occurrences would be needed in the future as well to ensure September 2024 service.

Public Comment

Jeff Carter, Millbrae, commented on the importance of the reports, putting out a new electrical cars brochure, and having an open house to inform and enthuse the public.

Aleta Dupree, Oakland, commented on railroad reports, foundation completion, media and website presentation, painting the last foundation gold, and focusing on wiring and electrical systems.

8. CORRESPONDENCE

Correspondence was available online.

9. BOARD MEMBER REQUESTS

Director Hendricks confirmed that the February 9th special meeting was cancelled.

Director Gee wished everyone a Happy Lunar New Year of the Tiger.

10. DATE/TIME OF NEXT REGULAR MEETING:

Thursday, March 3, 2022 at 9:00 am via Zoom (additional location, if any, to be determined).

11. ADJOURN

The meeting adjourned at 1:04 p.m.

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.

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michelle Bouchard
Acting Executive Director

FROM: James C. Harrison, General Counsel

SUBJECT: RENEW RESOLUTION ADOPTING FINDINGS OF A PROCLAIMED STATE OF EMERGENCY, RECOMMENDATIONS FOR SOCIAL DISTANCING, AND IMMEDIATE RISKS TO HEALTH AND SAFETY FROM IN-PERSON MEETING AND APPROVE MEETING REMOTELY FOR 30 DAYS

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

ACTION

Staff recommends that the Board:

1. Renew Resolution No. 2022-02, dated February 3, 2022, adopting findings that: 1) there is a proclaimed state of emergency in California; and 2) local public health officials have recommended measures for social distancing; and 3) meeting in person would pose imminent risk to the health and safety of attendees.
2. Approve meeting remotely via teleconference for the next 30 days, pursuant to AB 361 (Government Code section 54953).

SIGNIFICANCE

On March 4, 2020, Governor Gavin Newsom declared a state of emergency, and issued subsequent executive orders suspending certain provisions of the Ralph M. Brown Act (the Brown Act) to allow local government agencies to meet remotely during the COVID-19 pandemic. His most recent executive order suspending provisions of the Act expired at the end of September; before its expiration, Governor Newsom signed Assembly Bill 361 (AB 361) into law on September 16, 2021, amending the Brown Act to permit local agencies to continue to use teleconferencing under certain conditions during a state of emergency.

AB 361 allows local agencies to make an initial determination to hold open meetings via teleconferencing when there is a proclaimed state of emergency and one of the following criteria described in section 54953(e)(1) of the Brown Act, as amended, is met:

- A. State or local officials have imposed or recommended social distancing.
- B. The local agency holds a meeting for the purposes of determining by majority vote if meeting in person would pose imminent health and safety risks to attendees.
- C. The local agency holds a meeting after having determined by majority vote, as a result of the emergency, meeting in person would pose imminent risks to the health or safety of attendees.

Following the initial determination, a local agency must make the following findings by a majority vote every 30 days to renew the resolution and to continue to meet remotely: (1) the local agency has reconsidered the circumstances of the emergency; and (2) the state of emergency continues to directly impact the ability of the members to safely meet in person, or state or local officials continue to impose or recommend social distancing. Gov't Code § 54953(e)(3).

The Board of Directors previously adopted Resolution 2022-02 on February 3, 2022, finding that there was a proclaimed state of emergency in California, that local public health officials had recommended measures for social distancing, and that meeting in person would pose imminent risk to the health and safety of attendees.

The Governor's declared state of emergency is still in place and transmission in San Mateo County continues to be extremely high according to CDC metrics while the recent surge of the Omicron variant of COVID-19 has led to renewed efforts to prevent and reduce transmission of COVID-19, including recommendations by federal, state, and local health officials for social distancing particularly when members of multiple households are congregating and the vaccination status of the attendees is unknown.

Given these conditions, staff recommend that the Board renew the resolution for Advisory, Committee, Regular and Special meetings to be conducted via teleconference for the next 30 days following this March 3, 2022 meeting pursuant to Government Code section 54953(e)(3).

BUDGET IMPACT

There is no budget impact associated with receiving this report.

BACKGROUND

The California Department of Public Health continues to refer California residents to guidance from the Centers for Disease Control and Prevention (CDC) on how to prevent the spread of COVID-19 and its variants. The CDC continues to recommend social distancing as a measure for individuals to protect themselves and others from infection with COVID-19.

Similarly, the San Mateo County Health Officer has advised that San Mateo County residents should continue to follow the recommendations of the CDC. According to the City and County of San Francisco public health guidance, its guidelines will align with those of the CDC (except when local conditions require more restrictive measures). Following the amendments to the Brown Act described above, on September 21, 2021,

the County of Santa Clara Public Health Officer issued a Recommendation Regarding Continued Remote Public Meetings of Governmental Entities and advised that public bodies continue to meet remotely to the extent possible.

Prepared by James C. Harrison, General Counsel, Olson Remcho LLP

RESOLUTION NO. 2022-

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

* * *

RENEWING RESOLUTION ADOPTING FINDINGS THAT THERE IS A PROCLAIMED STATE OF EMERGENCY AND THAT MEETING IN PERSON POSES IMMINENT HEALTH AND SAFETY RISKS TO ATTENDEES AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE PENINSULA CORRIDOR JOINT POWERS BOARD AND COMMITTEES FOR THE PERIOD OF MARCH 3, 2022 TO APRIL 2, 2022

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency in the State of California; and

WHEREAS, the Brown Act, Government Code section 54953(e), was amended on September 16, 2021 to make provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, the Board of Directors previously adopted Resolution 2022-02 on February 3, 2022, finding that the requisite conditions were met for the Peninsula Corridor Joint Powers Board to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, it has now been less than 30 days since the Board's adoption of this resolution, and to continue to meet remotely, the Board must renew its resolution pursuant to section 54953(e)(3), and make the following findings by a majority vote: (1) the Board has reconsidered the circumstances of the emergency; and (2) the state of emergency continues to directly impact the ability of the members to safely meet in person, or state or local officials continue to impose or recommend social distancing; and

WHEREAS San Mateo County, Santa Clara County, and San Francisco County public health officials continue to recommend measures to promote social distancing, and the rates of transmission of COVID-19 and its variants in all three counties currently are high and continue to pose imminent risks for the health of attendees at indoor gatherings involving individuals from different households with unknown vaccination status; and

WHEREAS to help protect against the spread of COVID-19 and variants, and to protect the health and safety of the public, the Board of Directors wishes to take the actions necessary to comply with the Brown Act, as amended, to continue to hold its Board, Committee, and Advisory Committee meetings remotely via teleconference; and

WHEREAS the Board of Directors will continue to give notice of the meeting and post agendas as otherwise required by the Brown Act and allow members of the public to access the meeting and give ample opportunity for public comment; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors has reconsidered the circumstances of the emergency and finds that the state of emergency continues to directly impact the ability of the members to safely meet in person and state or local officials continue to impose or recommend social distancing; and

BE IT FURTHER RESOLVED that the Board renews Resolution No. 2022-02 and approves meeting via teleconference for all Regular and Special Board, Committee, and Advisory Committee Meetings of the JPB for the 30 days following this resolution, in accordance with Government Code section 54953 and other applicable provisions of the Brown Act.

Regularly passed and adopted this 3rd day of March 2022 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michelle Bouchard
Acting Executive Director

FROM: Joe Navarro
Deputy Chief, Rail Operations

SUBJECT: **CALTRAIN KEY PERFORMANCE STATISTICS – JANUARY 2022**



Finance Committee
Recommendation



Work Program-
Legislative-Planning



Staff Coordinating
Council Reviewed



Staff Coordinating Council
Recommendation

ACTION

Staff Coordinating Council recommends that the Board receive the Performance Statistics Report for January 2022.

SIGNIFICANCE

Staff will provide monthly updates to the Caltrain Key Performance Statistics, Caltrain Shuttle Ridership, Communications and Marketing Promotions, and Digital Communications. It should be noted that this report reflects impacts from the COVID-19 pandemic.

BUDGET IMPACT

There is no budget impact.

MONTHLY UPDATE

January 2022

	FY2020	FY2021	FY2022	FY21 to FY22 % Change
Total Ridership	1,539,666	75,485*	229,746	204.4%
Average Weekday Ridership	64,806	3,058*	9,044	195.7%
Total Farebox Revenue	\$ 8,812,250	\$ 2,808,208	\$ 2,337,305	-16.8%
On-time Performance	95.4%	86.9%	94.4%	8.6%
Average Weekday Caltrain Shuttle Ridership	7,970	116	234	101.7%

Fiscal Year to Date

	FY2020	FY2021	FY2022	FY21 to FY22 % Change
Total Ridership	11,127,997	625,675*	1,911,110	205.4%
Average Weekday Ridership	60,211	3,492*	10,270	194.1%
Total Farebox Revenue	\$ 62,006,799	\$ 20,746,673	\$ 17,917,282	-13.6%
On-time Performance	93.6%	95.1%	93.9%	-1.2%
Average Weekday Caltrain Shuttle Ridership	8,421	126	250	98.4%

* Adjusted after thorough review of data from past Fiscal Years

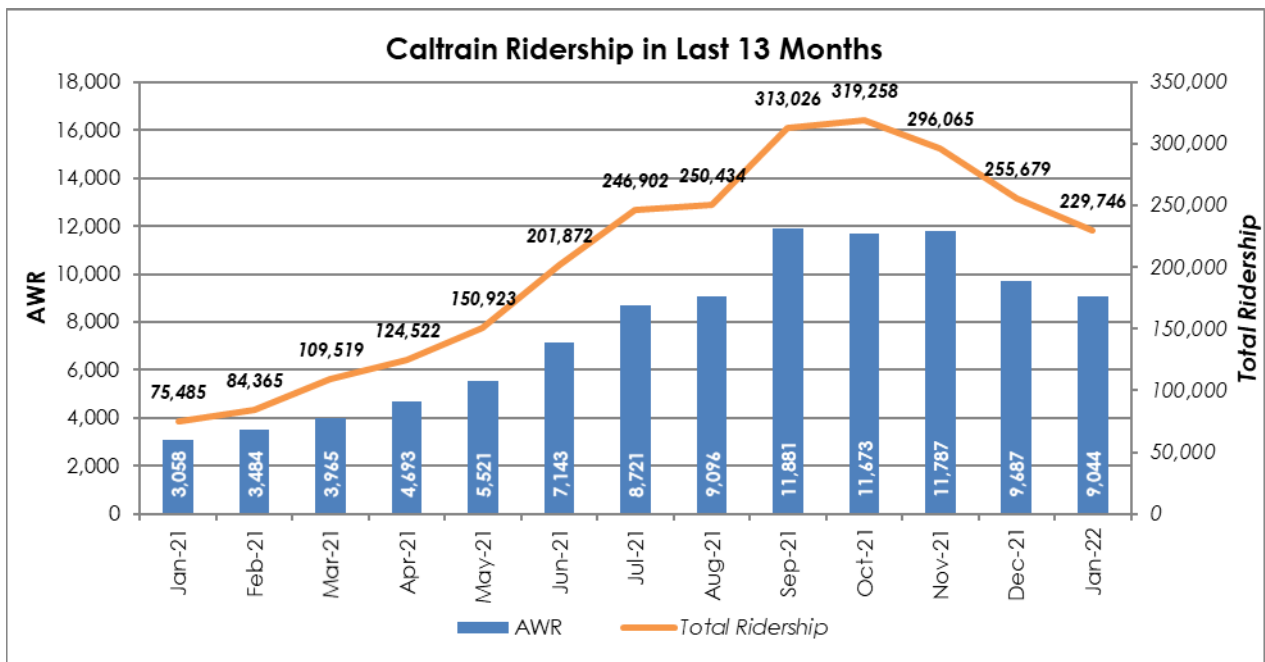
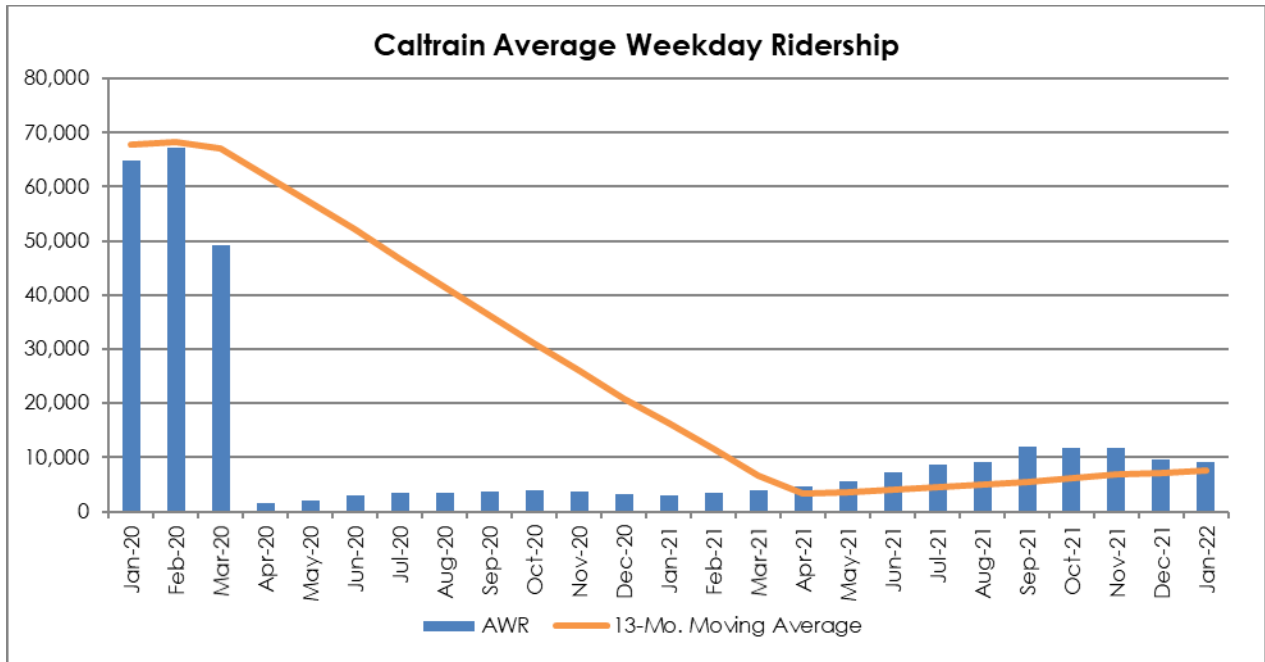
RIDERSHIP

Since April 2020, ridership estimates have been developed using daily conductor counts at 14 key stations and Clipper tags at all stations due to significant impacts to ticket sales and usage patterns from the COVID-19 pandemic.

Both total and average weekday ridership increased from the same month in the prior year despite the spread of new COVID-19 variants.

Ridership recovery continues to be stronger on weekends compared to weekdays, namely:

- Average Saturday ridership increased by 172.1 percent to 4,549 from 1,672 from January 2021.
- Average Sunday ridership increased by 248.6 percent compared to 4,264 from 1,223 from January 2021.



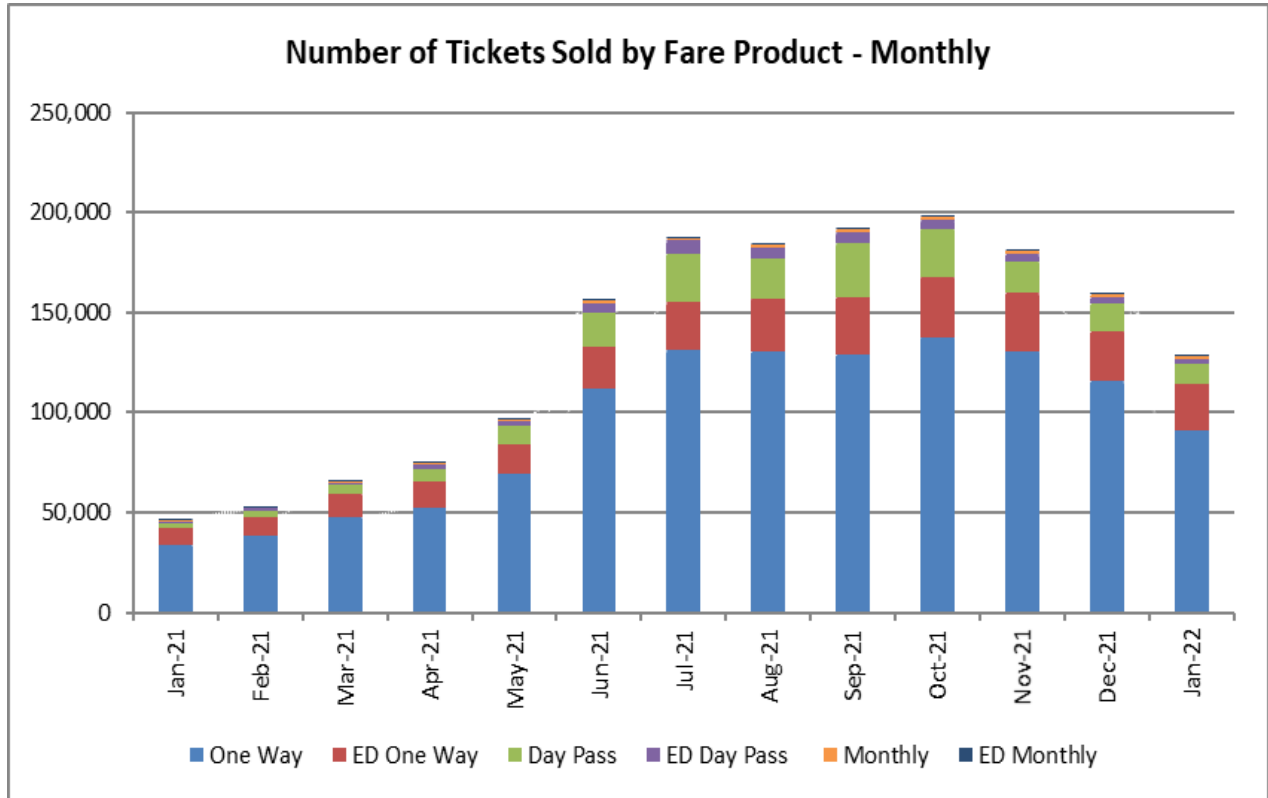
SHUTTLE AVERAGE RIDERSHIP

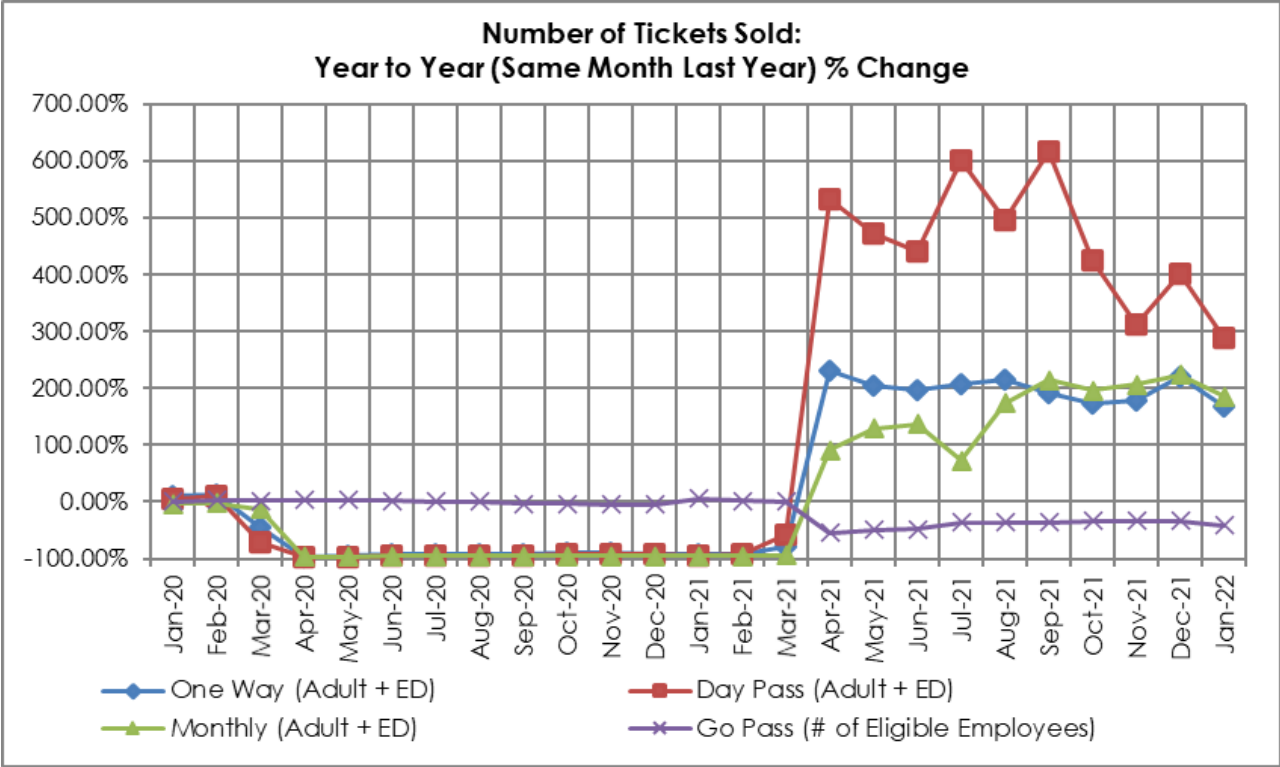
Shuttle AWR ridership for January 2022 was 234, a increase of 101.7 percent compared to January 2021 (116). As of January 2022, eleven shuttle routes are operating. Additionally, the employer suspends two routes and six services that have been removed from the shuttle program since January 2021 due to operational, partner, or granting changes/losses.

TICKET SALES

Other ticket sales and farebox revenue statistics trended as follows:

- Eligible Go Pass Employees decreased to 50,543 from January 2021 (87,116).
- The participating Go Pass Companies decreased to 37 from January 2021 (117).
- Total Farebox Revenue decreased by 16.8 percent to \$2,337,305 from January 2021 (\$2,808,208).



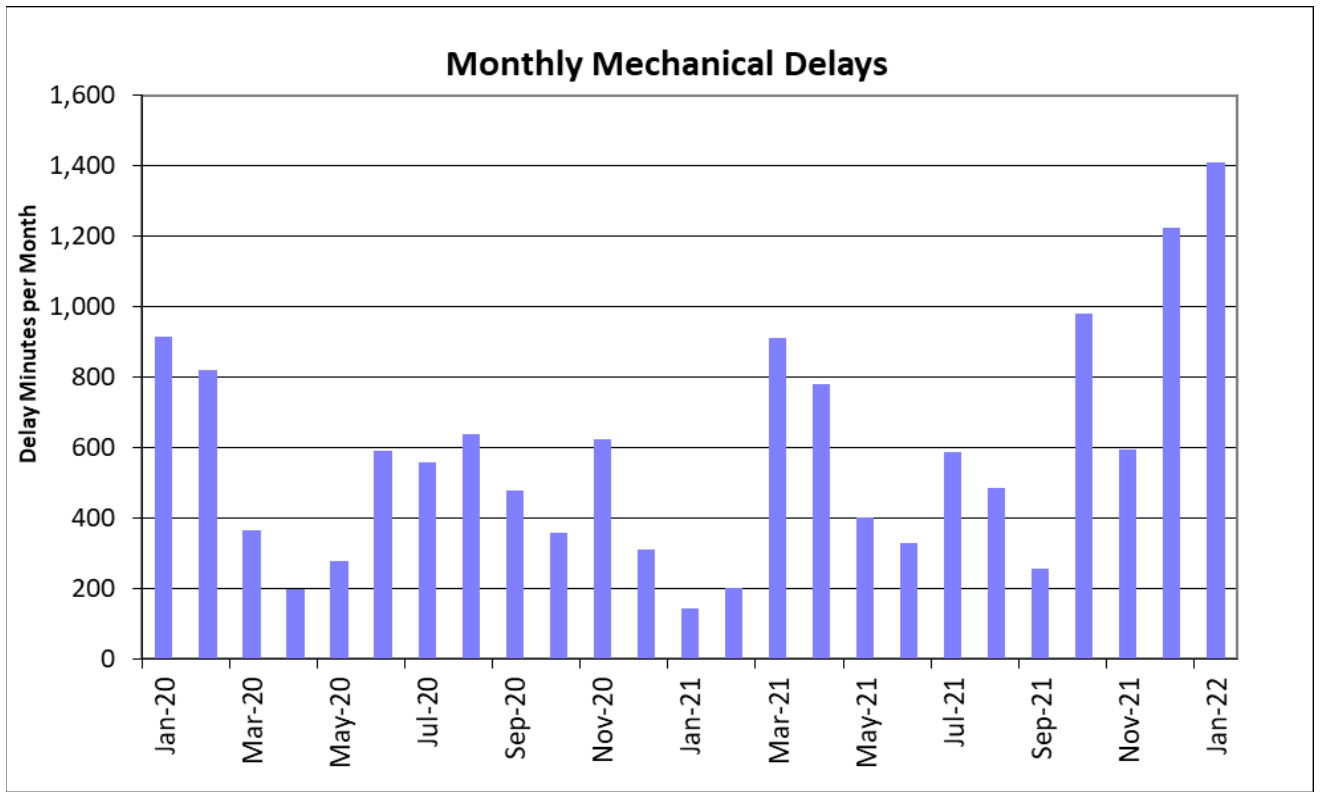
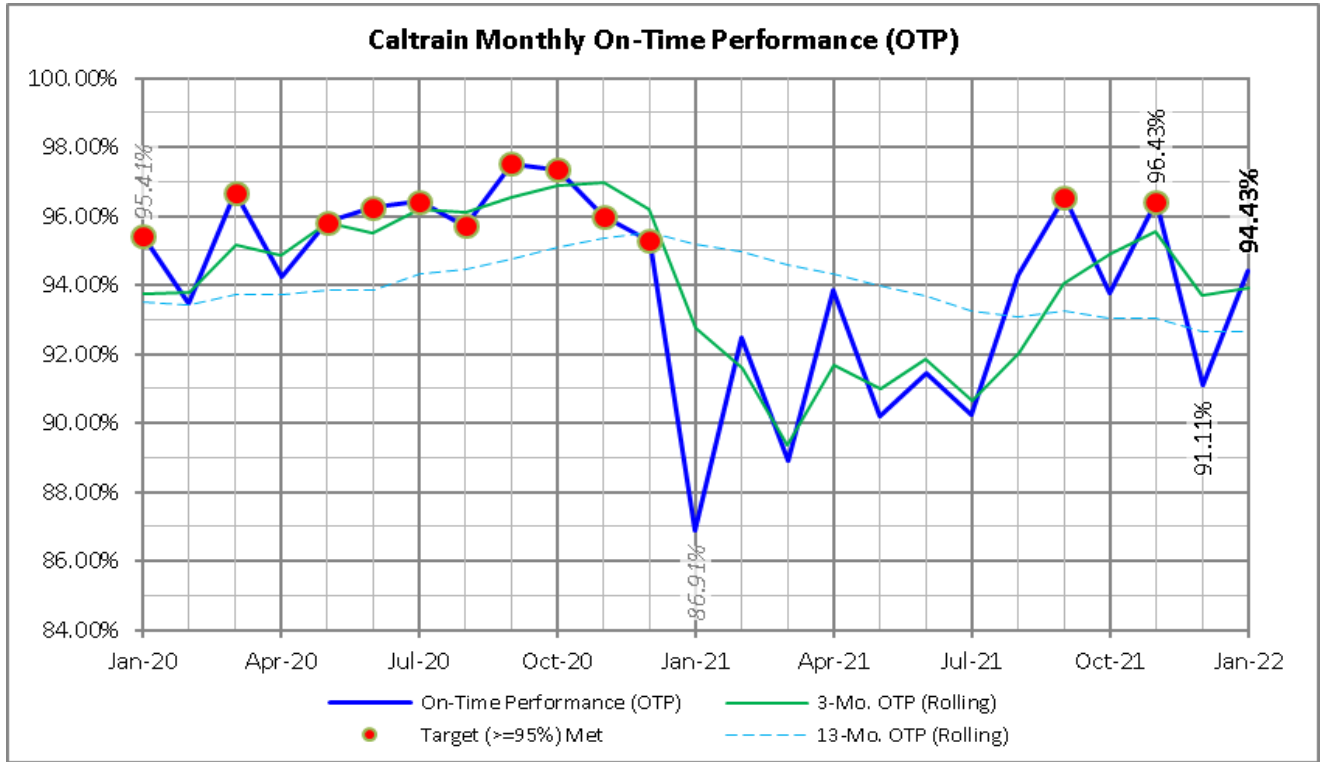


Note:

1. Go Passes tracked by Monthly Number of Eligible Employees (not by Sales)
2. Starting in September 2021, ticket sales are derived from the Business Intelligence (BI) system that corrected One-Way ticket sales. The correction reduced total tickets by about 10%-15% when compared to the former methodology.

ON-TIME PERFORMANCE (OTP)

In January 2022, OTP was 94.4 percent compared to 86.9 percent in January 2021.



Caltrain Communication and Marketing Campaigns for January 2022:

- Take Caltrain to the Game - 49ers Football, Sharks Hockey, Warriors Basketball (ongoing)
- Clipper Mobile (ongoing)
- 20% Off Caltrain Monthly Pass (ongoing)
- Clipper Start (ongoing)
- "Face Coverings Required" messaging to customers (ongoing)
- Press Release: "Caltrain Celebrates Installation of Final Foundation for Electrification Project"
- Press Release: "No Celebration Train for Dr. King Holiday Day, Caltrain and SamTrans Still Provide Service"

Digital Communications Report:

The largest focal points for the month of January were the social opening of the SSF station, Governor Newsom at the Santa Clara station, and the Electrification foundation event.

Notable Mention:

Instagram engagements, impressions, and reach grew more than any other of our social platforms last month.

January Highlights:

- Caltrain's "NFT"
- SSF Station Opening
- Governor Newsom at Santa Clara
- Electrification Event

Prepared by: Patrice Givens – Administrative Analyst II	650.508.6347
Robert Casumbal – Director, Marketing & Research	650.508.7924
Jeremy Lipps – Manager, Digital Communications	650.622.7845

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michelle Bouchard
Acting Executive Director

FROM: Derek Hansel
Chief Financial Officer

SUBJECT: AWARD OF CONTRACT TO PROVIDE REAL ESTATE AND OTHER LEGAL SERVICES

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

* Government Code section 84308 applies

ACTION

Staff recommends the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB):

1. Award contracts to Bergman Dacey Goldsmith (BDG) Law Group, Inc. of Los Angeles, CA; Nossaman, LLP of Irvine, CA; and Miller Starr Regalia of San Francisco, CA to provide real estate and other legal services (Services) to the JPB for a not-to-exceed amount of \$2 million for a five-year term, to be shared in the aggregate amongst the three firms.
2. Authorize the Acting Executive Director, or designee, to execute a contract with each firm in full conformity with the terms and conditions of the solicitation documents and negotiated agreements, and in a form approved by legal counsel.

SIGNIFICANCE

Approval of the above actions will provide the JPB a "bench" of qualified legal firms with the requisite depth of experience and qualifications to deliver successfully real estate and other legal services required by the JPB in collaboration with, and under oversight by, JPB's General Legal Counsel, Olson Remcho.

BUDGET IMPACT

Funds for the Services are available under the approved JPB's Fiscal Year 2022 Operating Budget and current and previous capital budgets, and will be included in future operating and capital budgets.

BACKGROUND

On November 11, 2021, staff issued Request for Proposals (RFP) 22-J-P-022 for provision of the Services. Staff advertised the RFP on the JPB e-procurement website and conducted outreach to local and regional law firms. The JPB received proposals from three firms:

- Bergman Dacey Goldsmith (BDG) Law Group, Inc. of Los Angeles, CA
- Nossaman, LLP of Irvine, CA
- Miller Starr Regalia (MSR), of San Francisco, CA

BDG Law Group is a Small Business Enterprise (SBE) certified by the Los Angeles Unified School District.

The Selection Committee comprised of qualified JPB staff (Selection Committee) evaluated and scored the proposals in accordance with the following weighted criteria:

- | | |
|---|---------------|
| • Approach to Providing Services | 0 - 25 points |
| • Company Qualifications and Qualifications and Experience of Key Personnel | 0 - 45 points |
| • Quality Control Plan | 0 - 15 points |
| • Reasonableness of Cost | 0 - 15 points |
| • SBE Preference | 0 - 5 points |

After review, evaluation, and ranking of proposals, the Selection Committee determined all three firms possess the requisite depth of experience and qualifications to successfully perform the Services as required and detailed in the RFP scope of services. Given the depth of experience, qualifications of the firms and key individuals, the Selection Committee determined interviews were not necessary and that each firm possesses strengths in different areas such that it is in the best interest of the JPB to award contracts to all three firms, with each firm providing the Services on an on-call basis in the areas where the JPB will benefit most from the firm's area of expertise.

Staff completed a value and price analysis of all the three firms' proposed fees, and determined the fees are within market rates for similar services and compare favorably with the fees charged to the JPB by incumbents for similar services. Therefore, staff deems the fees to be fair and reasonable, and recommends award of a contract to each of the firms, who will serve on a "bench" to provide the Services.

Upon request by the JPB, the firms will provide legal and strategic advice and support, and represent the JPB on real estate and other legal matters, including but not limited to: strategic support on property development and related agreements and documentation; condemnation-related matters; insurance law; and construction law.

MSR provided real estate legal services to the JPB under a multi-year contract that expired July 2021. Hanson Bridgett has provided real estate and other legal services to the JPB and will continue to provide these services, as required by the JPB under its existing contract in collaboration with, and under oversight by, JPB's General Legal Counsel, Olson Remcho.

Prepared By: Luis F. Velasquez, Procurement Administrator III 650.622.8099
Project Manager: Brian Fitzpatrick; Director, Real Estate & Property Dev 650.508.7781

RESOLUTION NO. 2022-
BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA

* * *

**AWARDING CONTRACTS TO BERGMAN DACEY GOLDSMITH LAW GROUP, NOSSAMAN, LLP,
AND MILLER STARR REGALIA FOR REAL ESTATE AND OTHER LEGAL SERVICES FOR
AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$2 MILLION FOR A FIVE-YEAR TERM**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) issued Request for Proposals (RFP) 22-J-P-022 for real estate and other legal services (Services); and

WHEREAS, the Services primarily consist of, but are not limited to, the following: strategic support of property development including agreements and documentation; condemnation; insurance, and construction-related matters; and

WHEREAS, in response to the RFP, the JPB received three proposals; and

WHEREAS, a Selection Committee comprised of qualified JPB staff (Selection Committee) evaluated and ranked the written proposals according to the evaluation criteria set forth in the RFP; and

WHEREAS, staff and legal counsel reviewed the proposals and determined all three proposals comply with the requirements of the solicitation documents; and

WHEREAS, one of the proposers is a certified Small Business Enterprise; and

WHEREAS, the Selection Committee completed its evaluation process and determined that all three firms possess the necessary qualifications and requisite experience to successfully perform the Services, and further determined it is to the JPB's benefit to award a contract to each of the three firms; and

WHEREAS, staff conducted successful negotiations with all three firms, and each firm has agreed to perform the Services at fair and reasonable prices in accordance with the terms and conditions as set forth in the negotiated agreements; and

WHEREAS, the firms will provide the Services in collaboration with, and under oversight by, the JPB's General Legal Counsel, Olson Remcho; and

WHEREAS, staff recommends that the Board of Directors award contracts for provision of real estate and other legal services for a five-year term to Bergman Dacey Goldsmith (BDG) Law Group, Inc. of Los Angeles, California; Nossaman, LLP of Irvine, California; and Miller Starr Regalia of San Francisco, California.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a contract for real estate and other legal services each to BDG Law Group; Nossaman, LLP; and Miller Starr Regalia for a five-year term for a not-to-exceed total of \$2 million, to be shared in aggregate; and

BE IT FURTHER RESOLVED that the Acting Executive Director or designee is authorized to execute contracts on behalf of the JPB with BDG Law Group; Nossaman, LLP; and Miller Starr Regalia in full conformity with the terms and conditions of the solicitation documents and negotiated agreements, and in a form approved by legal counsel.

Regularly passed and adopted this 3rd day of March, 2022 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

DATE: February 17, 2022

TO: Joint Powers Board

THROUGH: Michelle Bouchard
Acting Executive Director

FROM: Derek Hansel
Chief Financial Officer

SUBJECT: **FEBRUARY 21, 2022 REPORT OF THE CHIEF FINANCIAL OFFICER**

HIGHLIGHTS

- As discussed with JPB Board during the approval process for the Measure RR secured revenue bonds, the bond issue received bond ratings of AA+ from Standard & Poor's and AAA from Kroll Bond Rating Service. The credit ratings are reflective of the high degree of security provided by the sales tax, and also, in the case of Standard & Poor's, reflect some degree of risk provided by the operations of the railroad.
- On February 15, 2022, the Measure RR bonds were priced. Net proceeds for the project are approximately \$150.464 million. Interest is capitalized (bond proceeds are provided such that interest will be covered by these proceeds) for a period of three years. The "True Interest Cost" of the financing (that is, the cost of the financing if bonds are not retired or refunded early) is 3.32%, and the maximum annual debt service is approximately \$9.56 million. The bond issue will close and fund on March 2, 2022.
- The first forecast for the JPB's Fiscal 2023 Operating Results is provided in the monthly financial report. This forecast is based upon results through the first six months of the fiscal year.

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michelle Bouchard
Acting Executive Director

FROM: Derek Hansel
Chief Financial Officer

SUBJECT: **ACCEPT STATEMENT OF REVENUES AND EXPENSES FOR THE PERIOD ENDING
JANUARY 31, 2022**



Finance Committee
Recommendation



Work Program-
Legislative-Planning



Staff Coordinating
Council Reviewed



Staff Coordinating Council
Recommendation

ACTION

Staff proposes that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) accept and enter into the record the Statement of Revenues and Expenses for the month of January 2022.

This staff report provides a brief discussion of significant items and trends on the attached Statement of Revenues and Expenses through January 31, 2022. The statement has been designed to follow the Agency-wide line item rollup as included in the approved budget. The columns have been designed to provide easy comparison of year-to-date current actuals to the budget including dollar and percentage variances.

SIGNIFICANCE

Annual Forecast: The annual forecast was updated based on actual revenue and expense trends through January 2022. The forecast was derived by analyzing trends and reviewing details with cost center managers.

Forecast Revenues: Total revenue (page 1, line 19) is forecast \$38.4 million higher than budget. This is driven primarily by \$62.3 million more allocation from the American Rescue Plan Act (ARPA) than budgeted. Measure RR (page 1, line 13), is \$3.8 million higher than budget reflecting updated estimates that continue to show recovery from the pandemic. The revenue increase is partially offset by Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) (page 1, line 14) which is \$27.1 million lower than budget as funding was previously received in FY21. Parking revenue (page 1, line 2) is \$0.3 million lower than budget and Shuttles Revenue (page 1, line 3)

is \$0.3 million lower than budget due to lower shuttle service as routes have been reduced or suspended due to low ridership.

Forecast Expenses: Total Expense (page 2, line 54) is \$7.9 million lower than budget. The variance is primarily due to lower expense trends. Rail Operator Service (page 2, line 24) is \$4.1 million lower than budget due to resource constraints and vacancies. Shuttles Services (page 2, line 26) is \$0.6 million lower than budget due to reduction or suspended service as result of low ridership. Facilities & Equipment Maintenance (page 2, line 31) is lower than budget by \$1.0 million due to lower Clipper Operator Charges as a result of lower ridership and under-runs in other contract services. Professional Services (page 2, line 41) is lower than budget by \$0.5 million as a result of under-runs in consultant services. Other Office Expenses and Services (page 2, line 43) is lower than budget by \$1.4 million due to reduction in Bank Fees. Measure RR ballot Costs (page 2, line 49) is lower than budget by \$1.6 million. This is partially offset by Fuel and Lubricants (page 2, line 27) which is higher than budget by \$1.3 million reflecting the updated service to 104 weekday trains which began August 30th of 2021.

Year to Date Revenues: As of January year-to-date actual, the Grand Total Revenue (page 1, line 19) is \$22.7 million more than the approved budget. This is primarily driven by Measure RR (page 1, line 13) and ARPA fund (page 1, line 15), partially offset by CRRSAA fund (page 1, line 14). CRRSAA funding was received and reported as revenue in late FY21. However, it was not budgeted in FY21 as the amount of funding was unknown at the time of FY21 Budget adoption. Therefore the budget for CRRSAA funding was carried over and budgeted in FY22.

Year to Date Expenses: As of January year-to-date actual, the Grand Total Expense (page 2, line 54) is \$14.2 million lower than the approved budget. This is primarily driven by Rail Operator Service (page 2, line 24), Facilities and Equipment Maintenance (page 2, line 31), Wages and Benefits (page 2, line 38), Professional Services (page 2, line 41), Other Office Expenses and Services (page 2, line 43), and Measure RR Ballot Costs (page 2, line 49).

Other Information: The Agency accounts for revenue and expenditures on a modified cash basis (only material revenues and expenses are accrued) on the monthly financial statement. As such, the variance between the current year actual and the budget may show noticeable variances due to the timing of expenditures.

BUDGET IMPACT

There are no budget amendments for the month of January 2022.

Prepared By: Thwe Han, Accountant II

650-508-7912

Jennifer Ye, Acting Director, Accounting

650-622-7890

PENINSULA CORRIDOR JOINT POWERS BOARD

STATEMENT OF REVENUE AND EXPENSE

Fiscal Year 2022

January 2022

% OF YEAR ELAPSED 58.3%

	JULY TO JANUARY				ANNUAL		
	CURRENT ACTUAL	APPROVED BUDGET	\$ VARIANCE	% VARIANCE	APPROVED BUDGET	FORECAST	\$ VARIANCE
REVENUE							
OPERATIONS:							
1 Farebox Revenue	17,917,282	17,765,000	152,282	.9%	34,639,000	34,639,000	-
2 Parking Revenue	583,533	896,000	(312,467)	(34.9%)	1,536,000	1,286,000	(250,000)
3 Shuttles	767,472	935,606	(168,134)	(18.0%)	1,603,900	1,315,667	(288,233)
4 Rental Income	547,364	695,604	(148,240)	(21.3%)	1,192,466	1,192,466	-
5 Other Income	1,124,259	924,350	199,909	21.6%	1,584,608	1,584,608	-
6							
7 TOTAL OPERATING REVENUE	20,939,911	21,216,560	(276,649)	(1.3%)	40,555,974	40,017,741	(538,233)
8							
9 CONTRIBUTIONS:							
10 AB434 Peninsula & TA Shuttle Funding	203,733	652,925	(449,192)	(68.8%)	1,119,300	1,119,300	-
11 Operating Grants	3,746,536	3,848,192	(101,656)	(2.6%)	6,525,471	6,525,471	-
12 JPB Member Agencies	-	-	-	.0%	-	-	-
13 Measure RR	58,360,261	50,503,203	7,857,058	15.6%	86,576,919	90,364,543	3,787,624
14 CRRSAA*	-	27,115,922	(27,115,922)	(100.0%)	27,115,922	-	(27,115,922)
15 ARPA	57,598,334	14,849,883	42,748,451	287.9%	14,849,883	77,164,334	62,314,451
16							
17 TOTAL CONTRIBUTED REVENUE	119,908,864	96,970,125	22,938,739	23.7%	136,187,495	175,173,648	38,986,153
18							
19 GRAND TOTAL REVENUE	140,848,775	118,186,685	22,662,090	19.2%	176,743,469	215,191,389	38,447,920

*CRRSAA funding was received and reported as revenue in late FY21. However, it was not budgeted in FY21 as the amount of funding was unknown at the time of FY21 Budget adoption. Therefore the budget for CRRSAA funding was carried over and budgeted in FY22. A future FY22 budget action will be brought to the Board to clarify funding sources for the FY22 budget, including reserved funds from the FY21 actual results and/or additional funding made available from ARPA distributions.

PENINSULA CORRIDOR JOINT POWERS BOARD

STATEMENT OF REVENUE AND EXPENSE

Fiscal Year 2022

January 2022

								% OF YEAR ELAPSED	58.3%							
								JULY TO JANUARY		ANNUAL						
								CURRENT	APPROVED	\$	%	APPROVED				
								ACTUAL	BUDGET	VARIANCE	VARIANCE	BUDGET	FORECAST	\$	VARIANCE	
21	EXPENSE															21
22																22
23	DIRECT EXPENSE:															23
24	Rail Operator Service	53,062,945	56,940,140	(3,877,195)	(6.8%)	97,353,730	93,253,730	(4,100,000)								24
25	Security Services	3,882,720	3,888,735	(6,015)	(.2%)	7,486,512	7,486,512	-								25
26	Shuttle Services	1,041,694	1,271,431	(229,737)	(18.1%)	2,723,200	2,157,353	(565,848)								26
27	Fuel and Lubricants*	5,560,447	6,086,997	(526,550)	(8.7%)	10,434,846	11,687,076	1,252,230								27
28	Timetables and Tickets	11,999	32,081	(20,082)	(62.6%)	55,000	55,000	-								28
29	Insurance	5,516,514	5,857,210	(340,696)	(5.8%)	5,857,210	5,857,210	-								29
30	Claims, Payments, and Reserves	527,576	478,338	49,238	10.3%	820,000	820,000	-								30
31	Facilities and Equipment Maintenance	2,814,255	4,539,967	(1,725,712)	(38.0%)	7,734,353	6,709,353	(1,025,000)								31
32	Utilities	1,297,740	1,489,019	(191,279)	(12.8%)	2,552,600	2,552,600	-								32
33	Maint & Services-Bldg & Other	617,843	976,105	(358,262)	(36.7%)	1,674,250	1,674,250	-								33
34																34
35	TOTAL DIRECT EXPENSE	74,333,732	81,560,023	(7,226,291)	(8.9%)	136,691,701	132,253,083	(4,438,618)								35
36																36
37	ADMINISTRATIVE EXPENSE															37
38	Wages and Benefits	6,408,619	7,718,163	(1,309,544)	(17.0%)	12,301,799	12,301,799	-								38
39	Managing Agency Admin OH Cost	2,192,259	2,025,658	166,601	8.2%	3,470,871	3,470,871	-								39
40	Board of Directors	12,227	28,154	(15,928)	(56.6%)	48,275	48,275	-								40
41	Professional Services	2,980,081	5,108,108	(2,128,027)	(41.7%)	8,871,707	8,371,707	(500,000)								41
42	Communications and Marketing	170,232	191,912	(21,680)	(11.3%)	322,750	322,750	-								42
43	Other Office Expenses and Services	839,646	2,140,287	(1,300,641)	(60.8%)	3,654,614	2,304,614	(1,350,000)								43
44																44
45	TOTAL ADMINISTRATIVE EXPENSE	12,603,063	17,212,282	(4,609,219)	(26.8%)	28,670,016	26,820,016	(1,850,000)								45
46																46
47	TOTAL OPERATING EXPENSE	86,936,796	98,772,305	(11,835,509)	(12.0%)	165,361,717	159,073,099	(6,288,618)								47
48																48
49	Measure RR Ballot Costs	5,357,846	7,000,000	(1,642,154)	(23.5%)	7,000,000	5,357,846	(1,642,154)								49
50	Governance	344,578	1,166,669	(822,091)	(70.5%)	2,000,000	2,000,000	-								50
51																51
52	Debt Service Expense	1,516,044	1,389,353	126,691	9.1%	2,381,752	2,381,752	-								52
53																53
54	GRAND TOTAL EXPENSE	94,155,263	108,328,327	(14,173,064)	(13.1%)	176,743,469	168,812,698	(7,930,771)								54
55																55
56	NET SURPLUS / (DEFICIT)	46,693,512	9,858,358	36,835,154	373.6%	-	46,378,691	46,378,691								56

* Fuel and Lubricants costs were reduced by a realized gain of \$874,285 from the fuel hedge program.



PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF JANUARY 31, 2022

BOARD OF DIRECTORS 2021

DEVORA "DEV" DAVIS, CHAIR
 STEVE HEMINGER, VICE CHAIR
 CINDY CHAVEZ
 JEFF GEE
 GLENN HENDRICKS
 DAVE PINE
 CHARLES STONE
 SHAMANN WALTON
 MONIQUE ZMUDA

MICHELLE BOUCHARD
 ACTING EXECUTIVE DIRECTOR

TYPE OF SECURITY		MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
Local Agency Investment Fund (Unrestricted)	*	Liquid Cash	0.234%	88,191	88,191
County Pool (Unrestricted)		Liquid Cash	0.790%	560,437	560,437
Other (Unrestricted)		Liquid Cash	0.050%	108,382,861	108,382,861
Other (Restricted)	**	Liquid Cash	0.050%	9,429,290	9,429,290
				\$ 118,460,780	\$ 118,460,780

Interest Earnings for January 2022	\$ 5,995.56
Cumulative Earnings FY2022	\$ 24,220.37

* The market value of Local Agency Investment Fund (LAIF) is calculated annually and is derived from the fair value factor as reported by LAIF for quarter ending June 30th each year.

** Prepaid Grant funds for Homeland Security, PTMISEA and LCTOP projects, and funds reserved for debt repayment. The Portfolio and this Investment Report comply with the Investment Policy and the provisions of SB 564 (1995). The Joint Powers Board has the ability to meet its expenditure requirements for the next six months.

**AGENDA ITEM #4g
MARCH 3, 2022**

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michelle Bouchard
Acting Executive Director

FROM: David Santoro
Chief of Staff

SUBJECT: **APPROVE TITLE VI ANALYSIS FOR SUNDAY SERVICE SCHEDULE (AUGUST 2021)**

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

ACTION

Staff recommends the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) approve the Title VI Service Equity Analysis for the Sunday Caltrain Service Schedule that has been in place since August 2021. (The Title VI full analysis can be found here: https://www.caltrain.com/about/bod/Board_of_Directors_Meeting_Calendar.html under documents for this meeting date)

SIGNIFICANCE

In August 2021, following a series of service changes to facilitate the Peninsula Corridor Electrification Project and respond to ridership fluctuations as a result of the Covid-19 pandemic, the JPB implemented service increases to better support essential workers requiring transit service and improve social distancing on Caltrain. Federal Transit Administration Circular 4702.1B establishes that service changes lasting over 12 months are considered "permanent" for purposes of compliance with Title VI.

Under the JPB's Title VI Policies, the August 2021 changes to Sunday Caltrain service qualify as "Major Service Changes," thereby requiring a Title VI Service Equity Analysis before the service change has been in effect for 12 months. This analysis must be presented to the Board for its consideration and included in the Caltrain Title VI Program with a record of action taken by the Board.

The analysis, attached hereto, concludes the service increase associated with the Caltrain Sunday service schedule does not have a disparate impact on minority populations nor disparately burden low-income populations. Rather, based on customer survey data, it appears that low-income populations *benefit* proportionately more from increased service on Sunday evenings.

BUDGET IMPACT

There is no budget impact associated with the proposed action.

BACKGROUND

Under Caltrain's Title VI Policies, a Major Service Change occurs when the following occurs: (1) a 25% reduction or addition of revenue miles per service day or (2) a 50% reduction or addition of station stops per service day. The Sunday Service schedule change satisfies both of these requirements.

In July 2017, Caltrain conducted a Title VI Service Equity Analysis to the for the reduction of weekend service frequency from 60 to 90 minutes to accommodate construction activities for Caltrain electrification. During the COVID-19 pandemic, Caltrain quickly implemented significant service cuts and adjusted service over subsequent months as the pandemic continued, most recently resulting in service increases to accommodate essential workers and provide for greater on-board social distancing.

In August 2021, Caltrain implemented increases to the Sunday service schedule to match Saturday service. Caltrain Operations determined that these changes would remain in effect at least through Spring 2022. These changes were presented to the Board in July 2021.

Staff delayed conducting a Title VI Analysis in part to allow time for receipt of survey data that would better capture the impact of the August 2021 changes. [The extension request was granted by the FTA in October 2021 to allow for survey data analysis.](#) The survey was conducted in October 2021. That survey, along with the 2019 Triennial Ridership data, was used in the analysis. More specifically, the October 2021 Survey captures responses from passengers using Caltrain during the Covid-19 pandemic while the 2019 Triennial Survey reflects longer-term ridership trends and provides more robust data.

The Title VI Analysis of the Sunday Service Changes includes comments from the public hearing held at the February 23 Work Program – Legislative – Planning Committee meeting, public comments from May-August 2021, and additional public outreach for Board Consideration.

The attached analysis is consisted with polices adopted by the Board to comply with Title VI of the Civil Rights Act of 1964 and:

- Analyzes the Sunday Service Schedule on a system-wide level to determine whether the impacts would result in disparate treatment among protected classes;
- Analyzes the Sunday Service Schedule on a system-wide level to determine whether the impacts would result in a disproportionate burden, or lack of proportional benefit, among low-income populations;
- Uses Caltrain's Title VI Policies and analysis thresholds that were adopted in 2013;
- Summarizes Public Engagement and Public Comment on the service change;
- Concludes that the service increases do not result in a disparate impact on minority populations; and
- Concludes that the service increases do not impose a disproportionate burden on low-income populations but, rather, indicate disproportionate benefit for low-income riders due to a service increase on Sunday evenings.

RESOLUTION NO. 2022 –

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

* * *

**APPROVING THE TITLE VI SERVICE EQUITY ANALYSIS OF AUGUST 2021
SUNDAY CALTRAIN SERVICE CHANGES**

WHEREAS, in 2017, the Peninsula Corridor Joint Powers Board (JPB) reduced Caltrain weekend service frequencies from 60 minutes to 90 minutes to accommodate activities supporting construction work for the Peninsula Corridor Electrification Project (PCEP); and

WHEREAS, during the COVID-19 pandemic, the JPB further changed Caltrain schedules on a temporary basis in response to ridership fluctuations, and to better serve essential workers and provide for greater social distancing; and

WHEREAS, in August 2021, Caltrain implemented additional changes for service recovery and improved connectivity to BART, including increasing the Sunday service schedule to match the Saturday service schedule; and

WHEREAS, on April 4, 2013, by Resolution No. 2013-21, the JPB Board of Directors (Board) adopted a Major Service Change Policy for the Caltrain system, which sets the thresholds for when a service equity analysis and public engagement process are required for a proposed service change, or a recently-enacted temporary service change that will be extended beyond 12 months; and

WHEREAS, the Sunday Service changes meets the Major Service Change Policy threshold, and therefore, must be the subject of public outreach, a public hearing, and completion of an equity analysis; and

WHEREAS, the equity analysis must comply with Title VI of the Civil Rights Act of 1964 and implementing regulations, including Federal Transit Administration Circular 4702.1B, and assess whether the change will result in disparate impacts on minority populations or disproportionate burdens on low-income populations; and

WHEREAS, on April 4, 2013, by Resolution No. 2013-21, the Board adopted Disparate Impact and Disproportionate Burden Policies to set thresholds for when fare or major service changes are deemed to have disparate or disproportionate effects on minority or low-income populations; and

WHEREAS, the JPB engaged in public outreach around the Sunday service changes between May 2021 and August 2021, and the Board held a duly noticed public hearing on the service changes at the Work Program – Legislative – Planning Committee meeting on February 23, 2022; and

WHEREAS, staff has prepared and presented to the Board a Title VI Equity Analysis that assesses the equity impacts of increased Sunday Service, concluding it will not disparately impact minority passengers nor impose a disproportionate burden on, or fail to provide a proportionate benefit to, low-income passengers; and

WHEREAS, the Acting Executive Director recommends the Board approve the Title VI Service Equity as required under FTA Circular 4702.1B for the August 2021 Sunday Service Schedule changes.

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

1. Finds pursuant to Title VI of the Civil Rights Act of 1964 that the Sunday Service Schedule Changes do not have a disparate impact on minority populations nor

impose a disproportionate burden on, or fail to provide a proportionate benefit to, low-income populations;

2. Approves the Title VI Equity Analysis incorporated herein by this reference;

Regularly passed and adopted this 3rd day of March, 2022 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

Public Hearing

Sunday Service Schedule



Agenda

- Federal Transit Authority Civil Rights Requirements
- Presentation of Sunday Service Changes and Major Service Change Policy
- Title VI Analysis Findings
- Open for Public Comment

Major Service Change Policy

- **Adopted with Title VI Policies & Standards in April 2013**
- **Meets one or both criteria**
 - $\geq 25\%$ reduction or addition of revenue miles per service day
 - $\geq 50\%$ reduction or addition of station stops per service day
- **Title VI Equity Analysis required for service changes in effect >12 months**
- **PCJPB Public Comment Policy**
 - Requires Public Hearing for Major Service Changes

Major Service Change History

- **July 2017:** Reduced weekend service frequency from 60 to 90 min
 - To accommodate construction activities for electrification project
- **December 2020:** Increased weekend service frequency from 90 to 60 min
 - To provide adequate service for essential workers during the pandemic
- **August 2021:** Implement Unified Weekend Schedule
 - Increase Sunday service to match Saturday
- **Spring 2022:** Keep 60 min weekend frequency & unified weekend schedule

Recent Service Changes

Timetable Effective	Weekday Trains	Saturday Trains	Sunday Trains	Notes
Pre-COVID 19				
Oct 2019	92	28	24	
COVID 19 Recovery				
March 2020	42	28	24	
May 2020	42	28	24	Hillsdale Station Closure
June 2020	70	28	24	
Dec 2020	68	32	28	Increased Weekend Service Frequency
March 2021	70	32	28	
April 2021	70	32	28	New Hillsdale Station Opening
Aug 2021	104	32	32	New Service Structure, Unified Weekends



Major Service Change Evaluation

- **Comparison between October 2019 (pre-COVID) & August 2021 (current) timetables**
- **Major Service Change due to:**
 - Increased revenue miles on Sunday (32% Change)
 - Increased # of station stops on Sunday (60% Change)
 - Santa Clara, Lawrence, San Antonio, California Ave, Menlo Park, San Carlos, Belmont, Hayward Park, Burlingame, Broadway, San Bruno, SSF, Bayshore, 22nd St

Title VI Analysis

- **Data Selection: October 2021 Survey Data and 2019 Triennial Ridership Data.**
- **Analyzes Minority vs. Non-Minority and Low-Income vs. Non-Low-Income per the FTA Title VI Circular.**
- **Generally, a service increase is an overall benefit.**
- **A +10% difference would generate a disparate impact or disproportionate burden/benefit.**

Title VI Analysis

- **No Disparate Impact was found (Minority vs. Non-Minority)**
- **Q50: Earlier Trains on Sunday**
- **Q51: Later Trains on Sunday**

October 2021 Planning Survey	Q50	Q51
Total Number of Minority Survey Respondents Impacted	139	177
Total Number of Minority Respondents	286	286
Percent of Minority Survey respondents Impacted	48.6%	61.8%
Total Number of Non-Minority Survey respondents Impacted	249	344
Total Number of Non-Minority Survey respondents	609	609
Percent of Non-Minority Survey respondents Impacted	40.8%	56.4%
Difference in Impact	7.8%	5.4%

Title VI Analysis

- **A Disproportionate Benefit was found for later service on Sunday (Q51).**

October 2021 Planning Survey	Q50	Q51
Total Number of Low-Income Survey Respondents Impacted	42	56
Total Number of Low-Income Respondents	74	74
Percent of Low -Income Survey respondents Impacted	56.7%	75.6%
Total Number of Non-Low-Income Survey respondents Impacted	221	273
Total Number of Non-Low-Income Survey respondents	432	432
Percent of Non-Low-Income Survey respondents Impacted	51.6%	63.2%
Difference in Impact	5.1%	12.4%

Title VI Analysis: 2019 Triennial

No DI or DB found using 2019 Triennial Data Analysis

Disparate Impact Analysis

2019 Triennial Survey	Sunday Respondents
Total Number of Minority Sunday Survey Respondents Impacted	76
Total Number of Minority Respondents	2883
Percent of Minority Survey Sunday Respondents Impacted	2.64%
Total Number of Non-Minority Sunday Survey Respondents Impacted	55
Total Number of Non-Minority Survey respondents	2170
Percent of Non-Minority Sunday Survey respondents Impacted	2.53%
Difference in Impact	.11%

Disproportionate Benefit Analysis

2019 Triennial Survey	Sunday Respondents
Total Number of Low-Income Sunday Respondents	31
Total Number of Low- Income Respondents	445
Percent of Low-Income Survey Respondents Impacted	6.96%
Total Number of Non-Low-Income Sunday Respondents Impacted	100
Total Number of Non-Low-Income Survey Respondents	4130
Percent of Non-Low-Income Survey Respondents Impacted	3.17%
Difference in Impact	3.79%

Conclusion/ Next Steps

- Attach any public comments made at Public Hearing to Title VI Analysis;
- JPB Board Approval of Title VI Analysis for JPB per FTA requirements;
- Include in Caltrain Title VI Program (2023); and
- Current Sunday Service expected to continue throughout Spring 2022

**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 2197 (MULLIN)**

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 (available Week of 2/21).

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: Lori Low
Government & Community Affairs Officer

650.740.6264

February 11, 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 – March 2022**

General Update

The second year of the 2021-22 Legislative Session is underway and the Legislature has been focused on budget committee meetings to hear the Governor's Fiscal Year 2022-23 budget proposals. In parallel to the budget review, Legislators have been busy introducing bills. As of this writing, approximately 600 bills were introduced since reconvening January 3. We expect several hundred more to be introduced by the February 18 [bill introduction deadline](#).

Governor Newsom Names Toks Omishakin Secretary of California State Transportation Agency

On February 7, Governor Newsom announced the appointment of Toks Omishakin to the role of Secretary of the California State Transportation Agency Secretary (CalSTA). Omishakin, who will succeed Acting CalSTA Secretary Elissa Konove, currently serves as Director of the California Department of Transportation (Caltrans). As you may recall, Konove was elevated to the role of Acting CalSTA Secretary, following the resignation of David Kim from his role of CalSTA Secretary earlier this year.

Governor Newsom Signs Bill Reinstating COVID-19 Supplemental Paid Sick Leave

On February 9, Governor Newsom signed SB 114 (Committee on Budget and Fiscal Review), requiring employers (including public agencies) with more than 25 employees to provide COVID-19 supplemental paid sick leave. The law, effective February 19 and retroactive to January 1, 2022, requires employers to provide up to 40 hours of COVID-19 supplemental paid sick leave to a covered employee, if the employee is unable to work or telework because the employee is:

1. Subject to quarantine or isolation related to COVID-19 as defined by the State Department of Public Health, Centers for Disease Control and Prevention, or a local health officer who has jurisdiction over the workplace;
2. Advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. Attending an appointment for themselves or a family member to receive a COVID-19 vaccine or a vaccine booster;
4. Experiencing symptoms related to a COVID-19 vaccine or a vaccine booster that prevents the employee from being able to work;
5. Experiencing COVID-19 symptoms, and is seeking a medical diagnosis;
6. Caring for a family member who has symptoms from a COVID-19 vaccine or a vaccine booster;
7. Caring for a family member who is subject to quarantine or isolation; or,

8. Caring for a child whose school or place of care is closed due to COVID-19.

The law further requires employers to provide up to an additional 40 hours more of COVID-19 supplemental paid sick leave to a covered employee, if the employee, or a family member for whom the covered employee is providing care, tests positive for COVID-19.

The supplemental paid sick leave will remain in effect through September 30, 2022.

Bills with Recommended Action

AB 2197 (Mullin) – Caltrain Electrification Funding. This bill appropriates \$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. *Recommend support.*

Bills of Interest

AB 1919 (Holden) – Free Student Transit Passes. This bill is an intent bill that declares the intent of the Legislature to enact future legislation to provide free access to student transit passes for public school, CSU, UC, and CCC students.

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 those established integrated fare structure, regional transit mapping and wayfinding system, implementation and maintenance strategy and funding plan, and open data standards

SB 922 (Wiener) – CEQA Exemptions for Transit. This bill would permanently extend statutory exemptions from the requirement of the California Environmental Quality Act 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. This bill was introduced on February 3 and because the Senate waived the 30-day waiting period for this bill (and the other Senate bills below), it is eligible to be heard in policy committee before March 6.

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.

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

State Legislative Matrix 2/22/2022

Bill Number (Author)	Summary	Location	Position
<p>AB 1260 (Chen R)</p> <p>California Environmental Quality Act: exemptions: transportation-related projects.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report 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. This bill would further exempt from the requirements of CEQA projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission trains, provided certain requirements are met, including giving prior notice to the public and holding a noticed public meeting, as provided. This bill contains other existing laws.</p> <p>Amended: 7/6/2021</p>	Senate 2 year	Watch
<p>AB 1919 (Holden D)</p> <p>Transportation: free student transit passes.</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. This bill would state the intent of the Legislature to enact future legislation to ensure all public school pupils and all students attending the California State University, the University of California, and the California Community Colleges receive free and unfettered access to student transit passes.</p> <p>Introduced: 2/9/2022</p>	Assembly Print	Watch
<p>AB 2061 (Ting D)</p> <p>Transportation electrification: electric vehicle charging infrastructure.</p>	<p>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 infrastructure, except as specified. Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law requires the PUC, in consultation with the Energy Commission and the state board, to direct electrical corporations to file applications for</p>	Assembly Print	Watch

	<p>programs and investments to accelerate widespread transportation electrification to, among other things, reduce dependence on petroleum and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050. The PUC is required to approve, or modify and approve, programs and investments in transportation electrification, including those that deploy charging infrastructure, through a reasonable cost recovery mechanism, if certain requirements are met. Beginning July 1, 2023, this bill would require a person who 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>Introduced: 2/14/2022</p>		
<p>AB 2197 (Mullin D) Caltrain electrification project: funding.</p>	<p>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.</p> <p>Introduced: 2/15/2022</p>	Assembly Print	Pending
<p>AB 2237 (Friedman D) Regional transportation plan: Active Transportation Program.</p>	<p>(1) Existing law requires the Strategic Growth Council, by January 31, 2022, to complete an overview of the California Transportation Plan and all sustainable communities strategies and alternative planning strategies, an assessment of how implementation of the California Transportation Plan, sustainable communities strategies, and alternative planning 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. This bill would require the council to convene key state agencies, metropolitan planning agencies, regional transportation agencies, and local governments to assist the council in completing the report. The bill would require that the report be completed by July 1, 2024, and additionally assess, among other things, barriers to the achievement of, and recommend actions at the state, regional, and local levels to achieve, state and regional greenhouse gas emissions reduction targets related to the California Transportation Plan and all sustainable communities strategies and alternative planning strategies, as specified. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 2/16/2022</p>	Assembly Print	Watch
<p>AB 2357 (Ting D) 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 prior to 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 the surplus land. 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</p>	Assembly Print	Watch

	provisions and other existing laws. Introduced: 2/16/2022		
AB 2438 (Friedman D) Transportation projects: alignment with state plans.	Existing law requires the Department of Transportation to prepare the California Transportation Plan for submission to the Governor and the Legislature, to complete the 3rd update to the plan by December 31, 2025, and to update the plan every 5 years thereafter, as a long-range planning document that incorporates various elements and is consistent with specified expressions of legislative intent. The plan is required to consider various subject areas for the movement of people and freight, including environmental protection. This bill would require all transportation projects funded at the local or state level to align with the California Transportation Plan and the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency. To the extent the bill imposes additional duties on local agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. Introduced: 2/17/2022	Assembly Print	Watch
AB 2441 (Kalra D) Public employment: local public transit agencies: new technologies.	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. Introduced: 2/17/2022	Assembly Print	Watch
ACA 1 (Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.	(1)The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure. This bill contains other related provisions and other existing laws. Introduced: 12/7/2020	Assembly Local Government	Support

<p><u>SB 674</u> (<u>Durazo</u> D)</p> <p>Public Contracts: workforce development: covered public contracts.</p>	<p>Existing law establishes the Labor and Workforce Development Agency, under the supervision of the Secretary of Labor and Workforce Development. Existing law establishes within the Labor and Workforce Development Agency, the Department of Industrial Relations, to foster, promote, and develop the welfare of the wage earners of California and to advance their opportunities for profitable employment, among other duties. This bill would require the Labor and Workforce Development Agency to create 2 programs, to be known as the California Jobs Plan Program and the United States Jobs Plan Program. The bill would require the programs to meet specified objectives, including supporting the creation and retention of quality, nontemporary full-time jobs, as specified, and the hiring of displaced workers and individuals facing barriers to employment. The bill would require, as a component of applications for covered public contracts, as defined, the creation of forms for each program that state the minimum numbers of proposed jobs that are projected to be retained and created if the applicant wins the covered public contract. These components of the application would be known as the California Jobs Plan and the United States Jobs Plan, which the bill would define. Pursuant to these definitions, applicants for covered public contracts would state the minimum number of jobs, proposed wages, benefits, investment in training, specific protections for worker health and safety, and targeted hiring plans for displaced workers and individuals facing barriers to jobs, as specified, in exchange for covered public contracts. The bill would require an applicant for a covered public contract that uses entirely state and local funds to complete a California Jobs Plan form, while applicants for covered public contracts that use any amount of federal funds would complete the United States Jobs Plan. This bill contains other related provisions and other existing laws.</p> <p>Amended: 8/30/2021</p>	<p>Assembly 2 year</p>	<p>Watch</p>
<p><u>SB 771</u> (<u>Becker</u> D)</p> <p>Sales and Use Tax Law: zero emissions vehicle exemption.</p>	<p>Existing state sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The Sales and Use Tax Law provides various exemptions from those taxes. This bill, on or after January 1, 2022, would provide an exemption from those taxes with respect to the sale in this state of, and the storage, use, or other consumption in this state of, a qualified motor vehicle, as defined, sold to a qualified buyer, as defined. The bill would provide that this exemption does not apply to specified state sales and use taxes from which the proceeds are deposited into the Local Revenue Fund, the Local Revenue Fund 2011, or the Local Public Safety Fund. This bill contains other related provisions and other existing laws.</p> <p>Amended: 5/11/2021</p>	<p>Assembly 2 year</p>	<p>Watch</p>
<p><u>SB 917</u> (<u>Becker</u> D)</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</p>	<p>Senate Transportation</p>	<p>Watch</p>

	<p>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>SB 922 (Wiener D)</p> <p>California Environmental Quality Act: exemptions: transportation-related projects.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report 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 extend the above exemption indefinitely. The bill would also repeal the requirement that the bicycle transportation plan is for an urbanized area and would extend the exemption to an active transportation plan or pedestrian plan, or for a feasibility and planning study for active transportation, bicycle facilities, or pedestrian facilities. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 2/3/2022</p>	Senate Environmental Quality	Watch
<p>SB 942 (Newman D)</p> <p>Low Carbon Transit Operations Program: free or reduced fare transit program.</p>	<p>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 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>	Senate Transportation	Watch
<p>SB 1161 (Min D)</p> <p>Transit districts: street harassment initiatives.</p>	<p>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 certain transit districts to develop and implement initiatives to address the street harassment, as defined, of persons traveling by their systems at any point along the whole journey, as defined, and to consider the</p>	Senate Rules	Watch

	<p>safety concerns and needs of these persons when planning, designing, and operating their systems. The bill would require these initiatives to be developed based on specified ridership data and in coordination and consultation with persons who travel by their systems, and would require those transit agencies to conduct outreach in multiple languages in order to reach limited English proficient persons impacted by street harassment. The bill would require these initiatives to include changes to policies, design, operations, or other aspects of transit systems, as specified. To the extent the bill imposes additional duties on a local agency, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 2/17/2022</p>		
<p><u>SB 1410</u> (Caballero D)</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. 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 retain the metric for traffic levels of service for projects outside transit priority areas, and require the potential metrics described above to only apply to projects within transit priority areas. This bill contains other existing laws.</p> <p>Introduced: 2/18/2022</p>	<p>Senate Rules</p>	<p>Watch</p>

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 |
T 202.955.3000 | F 202.955.5564 Holland & Knight LLP | www.hklaw.com

Caltrain As of February 16, 2022 Federal Transportation Report

Congressional Update

Capitol Hill State of Play

- Lawmakers have returned to Washington for the second session of the 117th with much left on their to-do list, while facing election-year headwinds. Both chambers are in session for a brief 100 days of in-person session in Washington, and the year will quickly become focused on the November 2022 mid-term elections with Democratic House and Senate majorities at stake; any significant legislation will be raised with an eye toward the November elections.
- President Biden will deliver his State of the Union address on March 1, during which the president is expected to preview his FY 2023 budget request. The budget request will be formally introduced shortly after the State of the Union.

Federal Appropriations Negotiations Underway

- Lawmakers' agenda also includes legislation to fund the federal government in fiscal year (FY) 2022. The current stopgap spending measure (CR) expires Feb. 18. Last week, the House passed a short-term CR that continues to fund the federal government until March 11. The Senate is expected to pass it by February 18.
- Lawmakers are seeking to avoid a year-long CR that would translate into flat funding for many programs; would not include the increased funding for the Bipartisan Infrastructure Law transit formula programs and will not allow any new programs that the bill created to be implemented until FY 2022 appropriations bill is signed into law.
- Senate Appropriations Committee leadership has announced that a framework for a full-year FY 2022 omnibus spending bill has been reached.
- While additional time is needed for appropriators to decide on dollar amounts for each subcommittee, progress is being made. Senate Appropriations Chairman Patrick Leahy (D-VT) said last week that the committee is "close" to sending subcommittee leaders their allocations in order for them to begin producing their final bills.
- Expectation is that an FY 2022 omnibus appropriations bill will be ready and voted on prior to March 11. After the FY 2022 bill is completed, Congress will begin to work on the FY 2023 appropriations bills.

Department of Transportation Update

FTA Releases Partial Apportionments

- On February 4, the Federal Transit Administration (FTA) announced nearly \$5 billion in FY 2022 transit formula funding available to transit agencies and states.
- These [apportionment tables](#) show a breakdown of funding based on statutory formulas.
- Full-year apportionments will be available after Congress passes an omnibus appropriations bill.

White House to Host Infrastructure Webinars

- The White House is launching “Infrastructure School”, a series of twelve webinars over the coming weeks that will provide an in-depth look into the programs contained within each of the twelve major chapters in [Bipartisan Infrastructure Law Guidebook](#).
- The sessions are organized into issues areas and are outlined with registration links below:
 - Electric Vehicles: Tuesday, February 22 at 4 – 5 PM ET [[Register](#)]
 - Public Transportation: Thursday, February 24 at 4 – 5 PM ET [[Register](#)]
 - Rail Road: Tuesday, February 28 at 4 – 5 PM ET [[Register](#)]
 - Roads, Bridges and Major Projects: Thursday, March 3 at 4 – 5 PM ET
 - Safety: Tuesday, March 8 at 4 – 5 PM ET
 - Resilience: Thursday, March 17 at 4 – 5 PM ET
- The administration has also released a tentative infrastructure communications planning calendar to help amplify messaging and events around the bipartisan infrastructure law implementation. Holland & Knight has shared this with Caltrain.

DOT Announces Availability of \$1.5 Billion in RAISE Grant Funding

- On January 28, the Department of Transportation (DOT) published a Notice of Funding Opportunity ([NOFO](#)) for \$1.5 billion in grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program.
- This is the first discretionary funding program to accept applications as directed by the Bipartisan Infrastructure Bill. The \$1.5 billion in available funding for 2022 represents a 50 percent increase in available funds compared to last year.
- Projects will be evaluated on statutory criteria including safety, environmental sustainability, quality of life, economic competitiveness (including workforce opportunities) and opportunity, state of good repair, partnership, and innovation. DOT is

also encouraging applicants to consider how projects can address climate change, ensure racial equity, and remove barriers to opportunity.

- Under the IIJA, 2022 RAISE applications will also be evaluated on the criteria of mobility and community connectivity.
 - At least \$15 million in funding is guaranteed to go towards projects located in Areas of Persistent Poverty or Historically Disadvantaged Communities. To help reach this goal, the Department has launched a [tool](#) that will allow applicants to determine if their project location is considered as a Historically Disadvantaged Community.
- The deadline for applications is 5 p.m. EST on April 14, 2022, and selections will be announced no later than August 12, 2022.

Amit Bose Is Confirmed as Administrator of the Federal Railroad Administration

- On January 12, Amit Bose was confirmed as the 15th Administrator of the Federal Railroad Administration (FRA).
- As FRA Administrator, Bose will lead safety regulatory oversight of more than 800 freight and passenger railroads, national rail policy, planning and environmental activities, as well as the agency's financial assistance grant programs. Bose will also oversee FRA programs to improve and modernize the nation's freight and passenger rail network by administering an unprecedented \$66 billion investment in rail projects under the IIJA.
 - Those funds will be supplemented by an additional \$36 billion in annual authorized appropriations over five years to support projects and programs that improve safety, reliability, efficiency, resiliency, equity, and sustainability.
- Bose previously worked at HNTB, an architectural and engineering firm and at DOT during the Obama-Biden Administration as FRA's Director of Governmental Affairs, Senior Advisor, Chief Counsel, and ultimately as Deputy Administrator. He also served in the Office of the Secretary as Associate General Counsel and Deputy Assistant Secretary for Governmental Affairs.

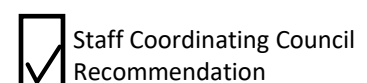
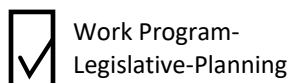
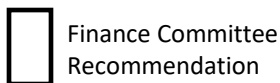
PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michelle Bouchard
Acting Executive Director

FROM: Robert Barnard
Deputy Chief, Rail Development

SUBJECT: **CAPITAL PROJECTS QUARTERLY STATUS REPORT –
2ND QUARTER FISCAL YEAR 2022**



ACTION

Staff Coordinating Council recommends the Board receives the Capital Projects Quarterly Status Report which has been retooled with a new format. The report is in the following link:

[https://www.caltrain.com/Assets/ Finance/Quarterly+Capital+Program+Status+Report/JPB/JPB+Quarterly+Report+FY22+Q2.pdf](https://www.caltrain.com/Assets/Finance/Quarterly+Capital+Program+Status+Report/JPB/JPB+Quarterly+Report+FY22+Q2.pdf)

SIGNIFICANCE

The Capital Projects Quarterly Status Report is submitted to keep the Board advised as to the scope, budget and progress of current ongoing capital projects.

BUDGET IMPACT

There is no impact on the budget.

BACKGROUND

Staff prepares the Capital Projects Quarterly Status Report for the Board on a quarterly basis. The report is a summary of the scope, budget and progress of capital projects. It is being presented to the Board for informational purposes and is intended to better inform the Board of the capital project status.

Prepared By: Robert Cheung Deputy Director, Project Controls

650.730.0296

Capital Programs Quarterly Progress Report FY22 – Q2



Joint Powers Board

Revised Capital Program

Re-Tooling Project Delivery

- Stabilize rail organization to ensure appropriate resources are in place to **deliver the service vision**

Re-Tooling Project Delivery




- People
- Tools and Reporting – manage what you measure
- Organizational Development – strengthen the team
- Delivery Tools

Revised Capital Program

Revised Capital Program Quarterly Report: FY22 – Q2




- 7 in **Construction**
- 3 in **Bidding**
- 12 in **Design**

Revised Capital Program Quarterly Report: FY22 – Q2

Status Light	Safety	Schedule	Budget	Funding
 Green	100.0%	53.8%	92.3%	76.9%
 Yellow	0.0%	19.2%	3.8%	15.4%
 Red	0.0%	26.9%	3.8%	7.7%

(Percentage of projects in each status light by performance category)

Revised Capital Program Quarterly Report: FY22 – Q2

Status Light	Safety	Schedule	Budget	Funding
 Green	100.0%	53.8%	92.3%	76.9%
 Yellow	0.0%	19.2%	3.8%	15.4%
 Red	0.0%	26.9%	3.8%	7.7%

(Percentage of projects in each status light by performance category)

- **Schedule KPI**
Significant area of the team's focus

Revised Capital Program Quarterly Report: FY22 – Q2

Status Changes	Projects	Pct. Projects
All green	9	40.9%
Improved (except all green)	1	4.5%
Got worse	7	31.8%
Stayed the same (except all green)	5	22.7%
Total Projects	22	

Revised Capital Program Quarterly Report: FY22 – Q2

Status Changes	Projects	Pct. Projects
All green	9	40.9%
Improved (except all green)	1	4.5%
Got worse	7	31.8%
Stayed the same (except all green)	5	22.7%
Total Projects	22	

- **Mitigation plans** developed and being implemented
- Some projects to be **re-baselined** with changed conditions

Revised Capital Program Quarterly Report: FY22 – Q2

- 25th Ave Grade Separation
- Mary Avenue Traffic Signal Pre-emption
- Automatic Passenger Counters at San Francisco 4th & King Station Construction

- Bayshore Station Overpass Pedestrian Bridge Rehabilitation
- Broadband Project Bidding

- Guadalupe River Bridges Replacement and Extension
- Burlingame Broadway Grade Separation
- Rengstorff Grade Separation Design

Revised Capital Program Quarterly Report: FY22 – Q2

- 25th Ave Grade Separation – **schedule**
- Mary Avenue Traffic Signal Pre-emption - **schedule**
- Automatic Passenger Counters at San Francisco 4th & King Station - **schedule** Construction

- Bayshore Station Overpass Pedestrian Bridge Rehabilitation – budget/funding
- Broadband Project - **schedule** Bidding

- Guadalupe River Bridges Replacement and Extension - **schedule**
- Burlingame Broadway Grade Separation - **schedule**
- Rengstorff Grade Separation – **schedule** Design

Revised Capital Program Quarterly Report: FY22 – Q2

- 25th Ave Grade Separation – schedule, **funding**
- Mary Avenue Traffic Signal Pre-emption - schedule
- Automatic Passenger Counters at San Francisco 4th & King Station - schedule Construction

- Bayshore Station Overpass Pedestrian Bridge Rehabilitation – **budget/funding**
- Broadband Project - schedule Bidding

- Guadalupe River Bridges Replacement and Extension - schedule
- Burlingame Broadway Grade Separation - schedule
- Rengstorff Grade Separation – schedule Design

Revised Capital Program Quarterly Report: FY22 – Q2

- **Watching List** (Projects with Yellow Status Lights)

- 25th Ave Grade Separation
- South San Francisco Station Improvement Project Construction

- Bayshore Station Overpass Pedestrian Bridge Rehab
- Broadband Project
- Clipper Next Generation Validator Site Preparations Bidding

- Guadalupe River Bridge Replacement and Extension
- San Francisquito Creek Bridge Replacement - funding
- Churchill Ave Grade Crossing Design

- **Mitigation plans** in process to address variance from project baseline

Revised Capital Program Quarterly Report: FY22 – Q2

- **Watching List** (Projects with Yellow Status Lights)

- 25th Ave Grade Separation - budget
- South San Francisco Station Improvement Project - schedule Construction

- Bayshore Station Overpass Pedestrian Bridge Rehab – schedule
- Broadband Project - funding
- Clipper Next Generation Validator Site Preparations - funding Bidding

- Guadalupe River Bridge Replacement and Extension - funding
- San Francisquito Creek Bridge Replacement - funding
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Revised Capital Program Quarterly Report: FY22 – Q2

- **Watching List** (Projects with Yellow Status Lights)

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- Guadalupe River Bridge Replacement and Extension - funding
- San Francisquito Creek Bridge Replacement - funding
- Churchill Ave Grade Crossing – schedule Design

- **Mitigation plans** in process to address variance from project baseline

Revised Capital Program Quarterly Report: FY22 – Q2

Project Number	Title	Safety			Schedule			Budget			Funding		
		Oct	Nov	Dec	Oct	Nov	Dec	Oct	Nov	Dec	Oct	Nov	Dec
CONSTRUCTION PHASE													
Grade Separations													
002088	25th Avenue Grade Separation	●	●	●	●	●	●	●	●	●	●	●	●
Stations													
002146	South San Francisco Station Improvement	●	●	●	●	●	●	●	●	●	●	●	●
ROW Bridges													
002080	Marin and Napoleon Bridge Replacement	●	●	●	●	●	●	●	●	●	●	●	●
ROW Grade Crossings													
100333	FY2019 Grade Crossing Improvements	●	●	●	●	●	●	●	●	●	●	●	●
ROW Communications & Signals													
100278	Mary Avenue Traffic Signal Preemption	●	●	●	●	●	●	●	●	●	●	●	●
Fare Collection													
100240	Ticket Vending Machines (TVM) Rehab	●	●	●	●	●	●	●	●	●	●	●	●
Miscellaneous													
100445	Automatic Passenger Counters at San Francisco 4th & King Station	●	●	●	●	●	●	●	●	●	●	●	●

Revised Capital Program Quarterly Report: FY22 – Q2

Caltrain - Quarterly Status Report









October-December 2021

Burlingame Broadway Grade Separation

Project No. 100244

Table 1. Status Summary and Total Project Performance

Project Phase: Final Design

Quarter	Safety	Schedule	Budget	Funding
Current	G 	R 	G 	G 
Previous	G 	R 	G 	G 

Progress (%)	Change Prev. Qtr.	EAC/Budget
3.3%	0.6%	100%

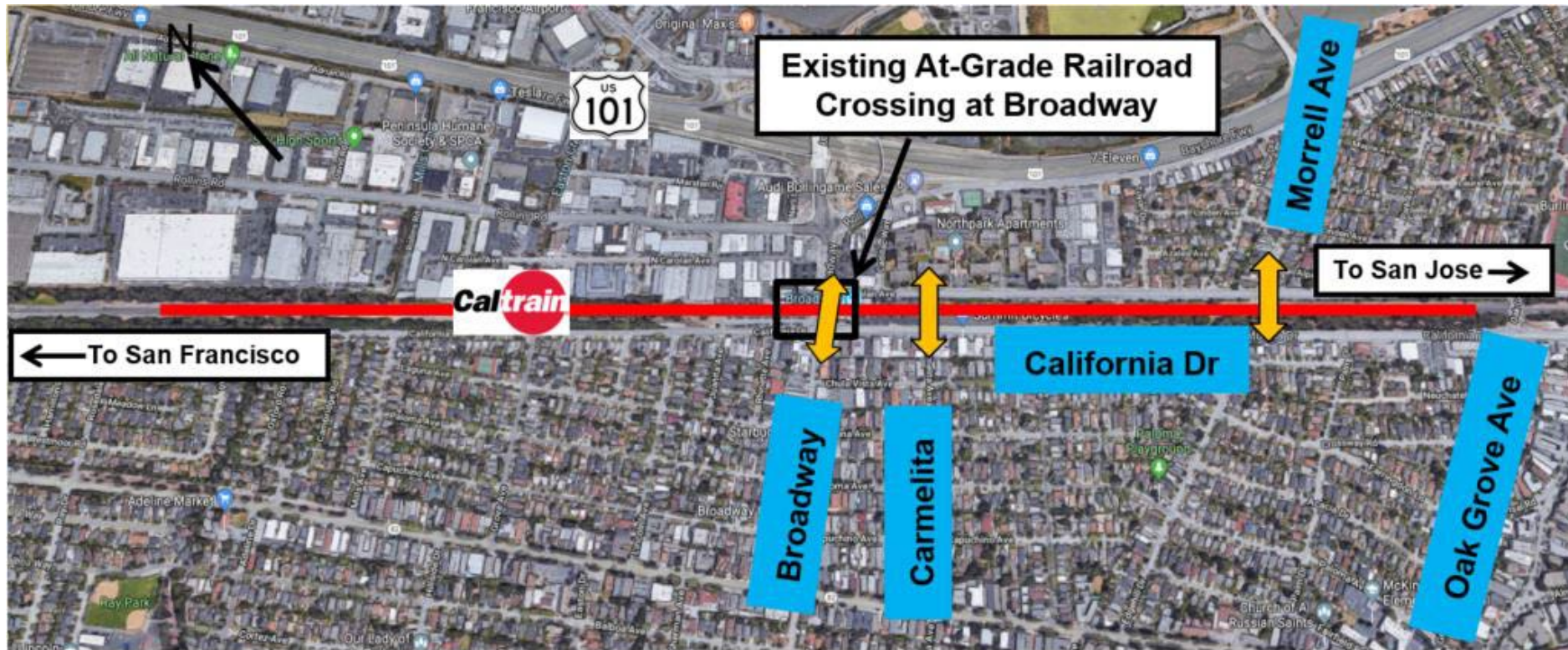
1. Continue to evaluate Value Engineering Option 3 with the City of Burlingame to revise center boarding platform to side boarding. Meeting set with executive leadership in early January 2022 to reach consensus.

Issue and planned mitigation

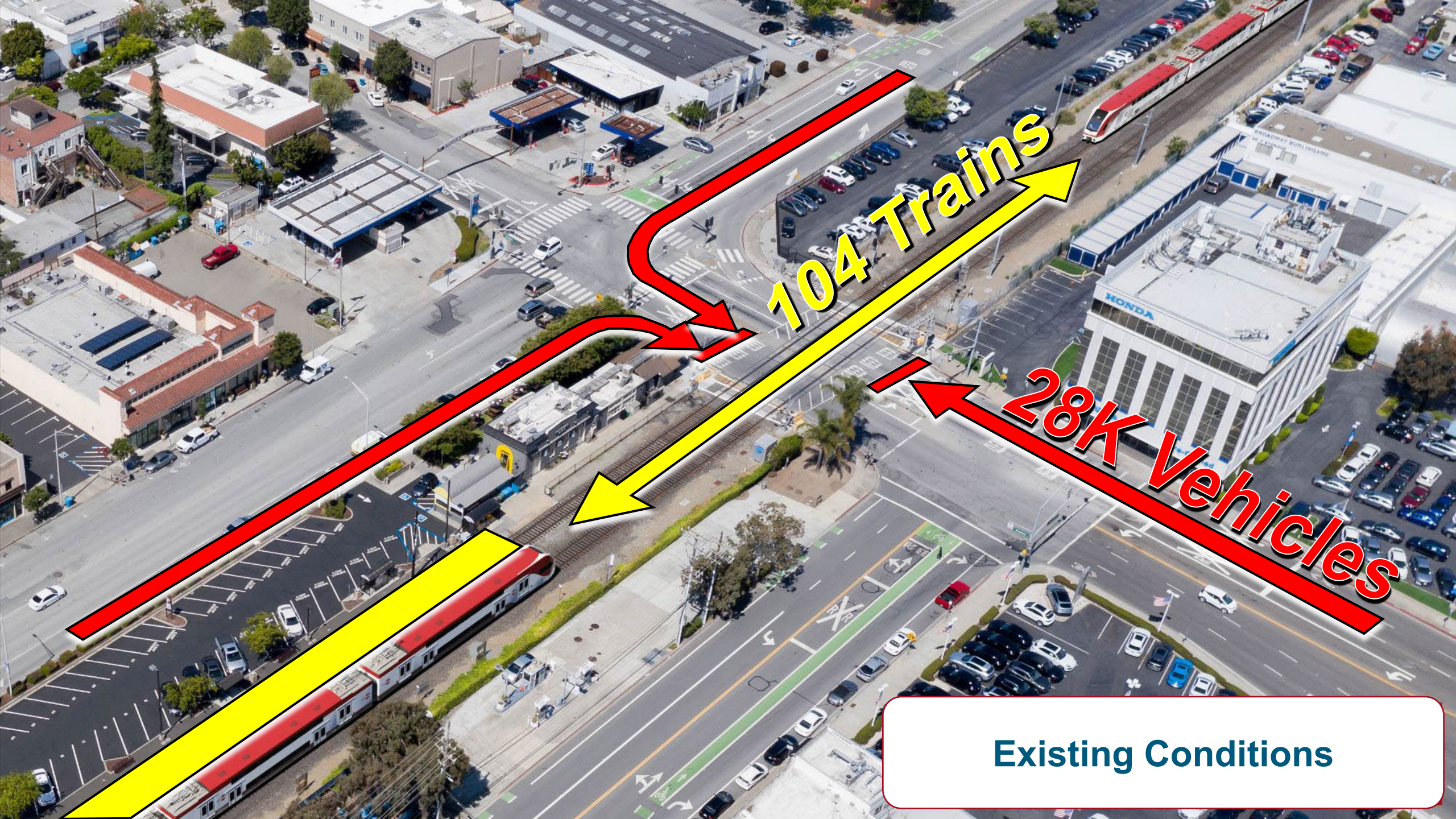
Revised Capital Program

Broadway Grade Separation Project

Location: City of Burlingame



- Ped / Bike Access
- Broadway & Morrell Ave. to be grade-separated
- New grade separated access at Carmelita Ave.



104 Trains

28K Vehicles

Existing Conditions

Project Goals

Enhance

- East-west connectivity
- Pedestrian, bicyclist & motorist safety

Improve

- Customer experience with new station
- Efficiency of rail operations

Reduce

- Delays
- Automobile congestion & emissions

Project Scope

- Grade separate the railroad and Broadway
- Build new station with center boarding platform with ramp and stair access
- Station parking on east side of tracks with access to/from Carolan Ave
- Pedestrian and bicycle crossings at Broadway, Carmelita, and Morrell
- Two temporary shoofly tracks east of existing mainline to maintain train operation during construction

Phase/Milestone	Completed
Project Study Report	Jan 2017
Prelim. Eng'g/Environ. Clearance	Oct 2020
RFP to complete Final Design	Sep 2020
Contract award to Mark Thomas & Co. for future phases of project	Nov 2020
Final Design phase kick-off <ul style="list-style-type: none"> • Evaluated value-added modifications (VE Study) • Base-mapping • Utility mapping verification • Geotechnical exploration • Bus/bike & pedestrian coordination • Hydraulic modeling 	Jan 2021
VE Options resolved	Jan 2022

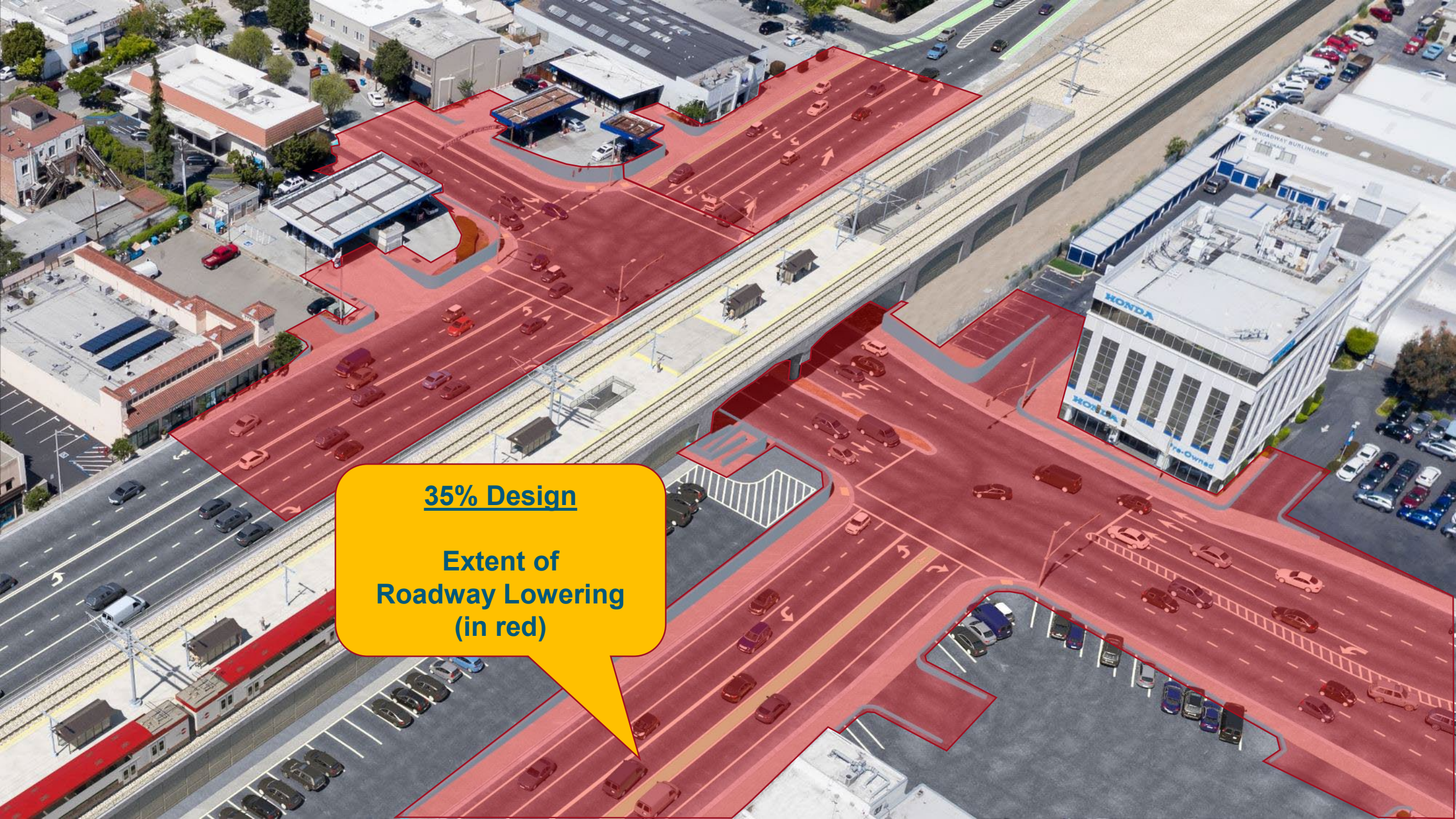
Status Update

- The Project is Moving Forward
- Key Concerns Addressed

Extensive evaluation of
Value Engineering Concepts
 impacted project schedule

Value Engineering Concept	Status
VE No. 1 Broadway Structure – reduce depth	Approved
VE No. 2 Rail Profile - raise two feet	Approved
VE No. 3 Platform Configuration - change from center to side	Eliminated
VE No. 4 Carmelita Avenue Entrance – relocate	Approved
VE No. 5 Morrel Undercrossing – relocate	Approved

Value Engineering



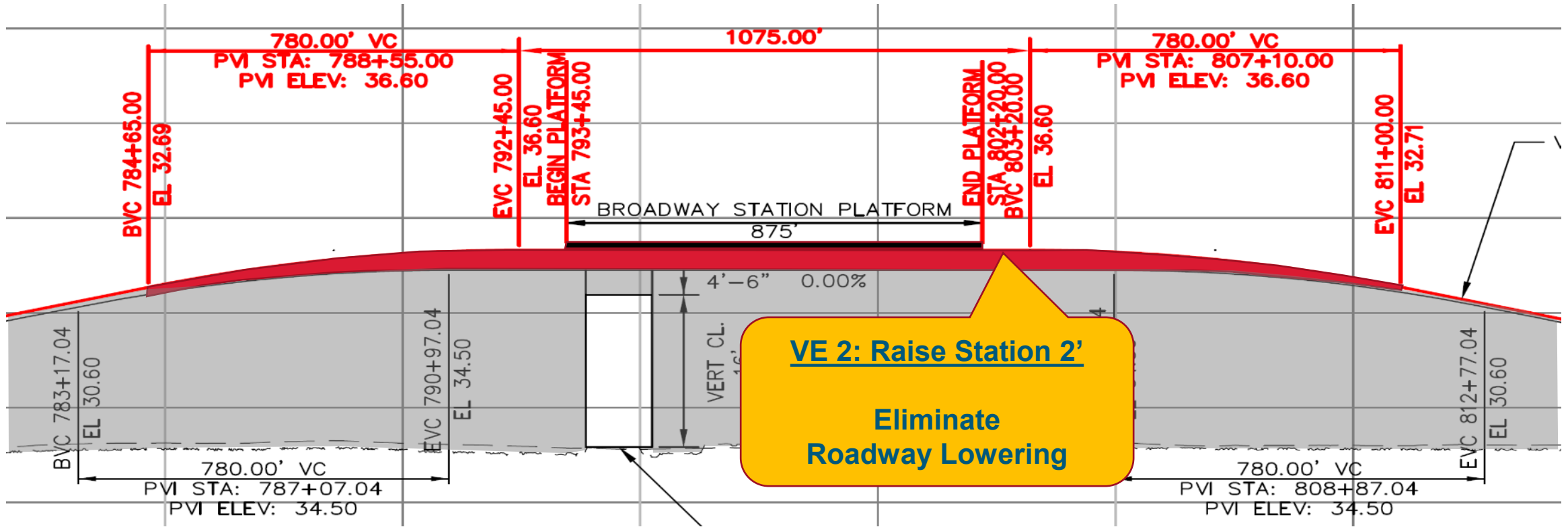
35% Design

**Extent of
Roadway Lowering
(in red)**



VE 1: Shallower Structure

**Reduced Extent of
Roadway Lowering**





Additional Spans for Bike/Ped Connection

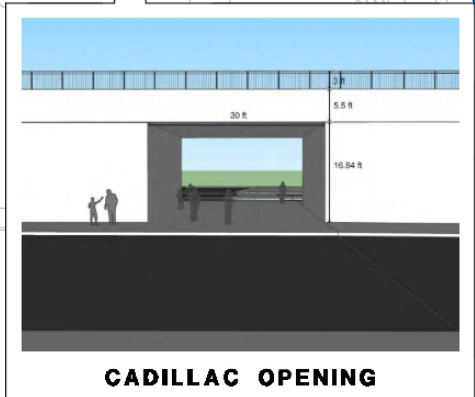
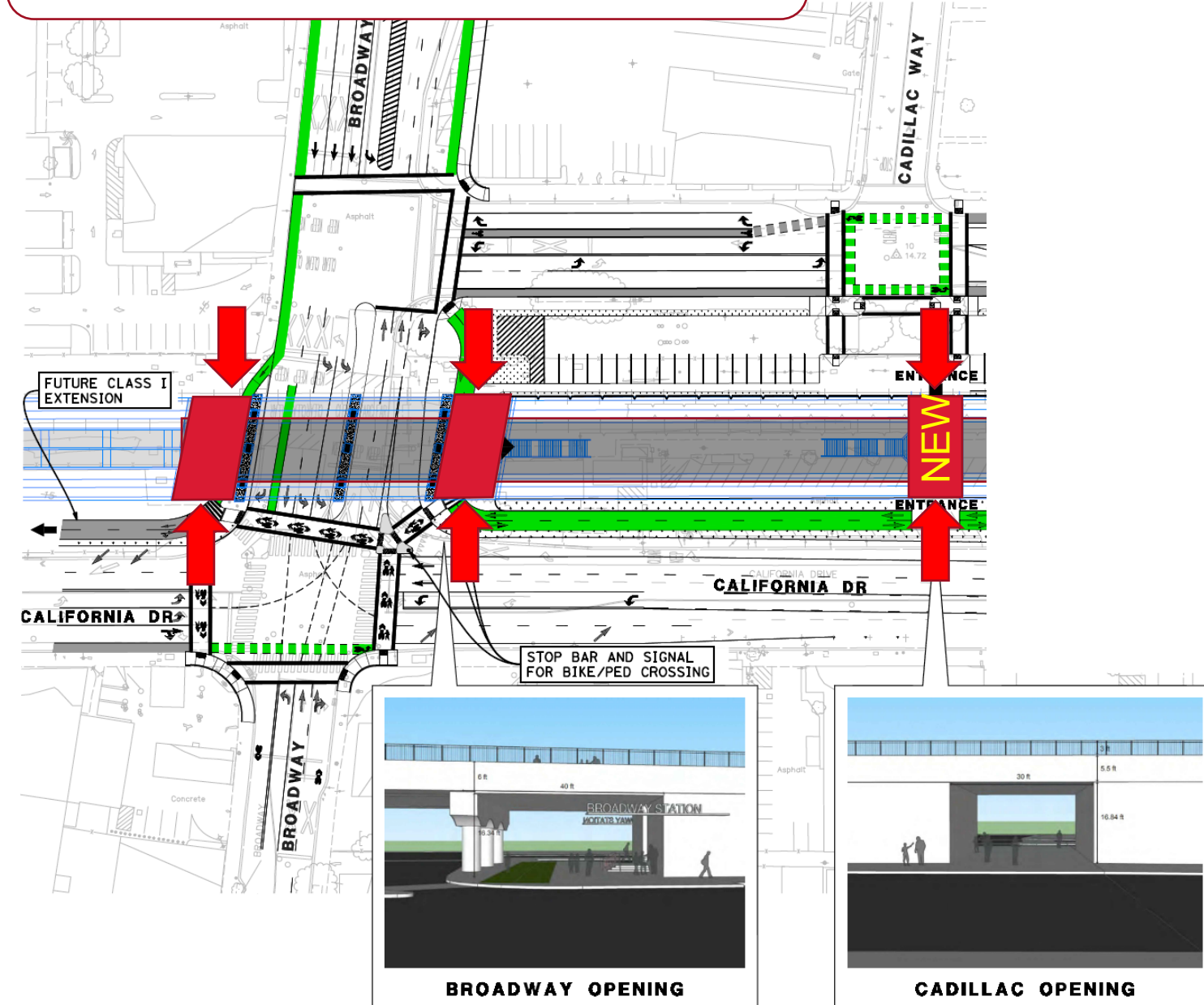


Additional Spans for Bike/Ped Connection

Improved Connectivity

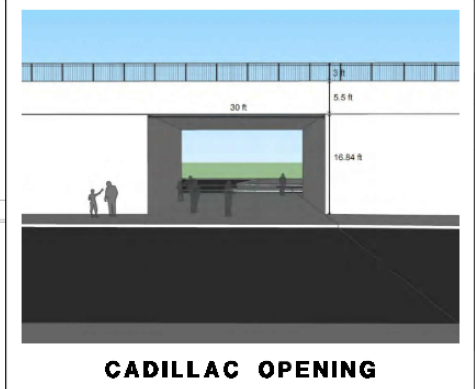
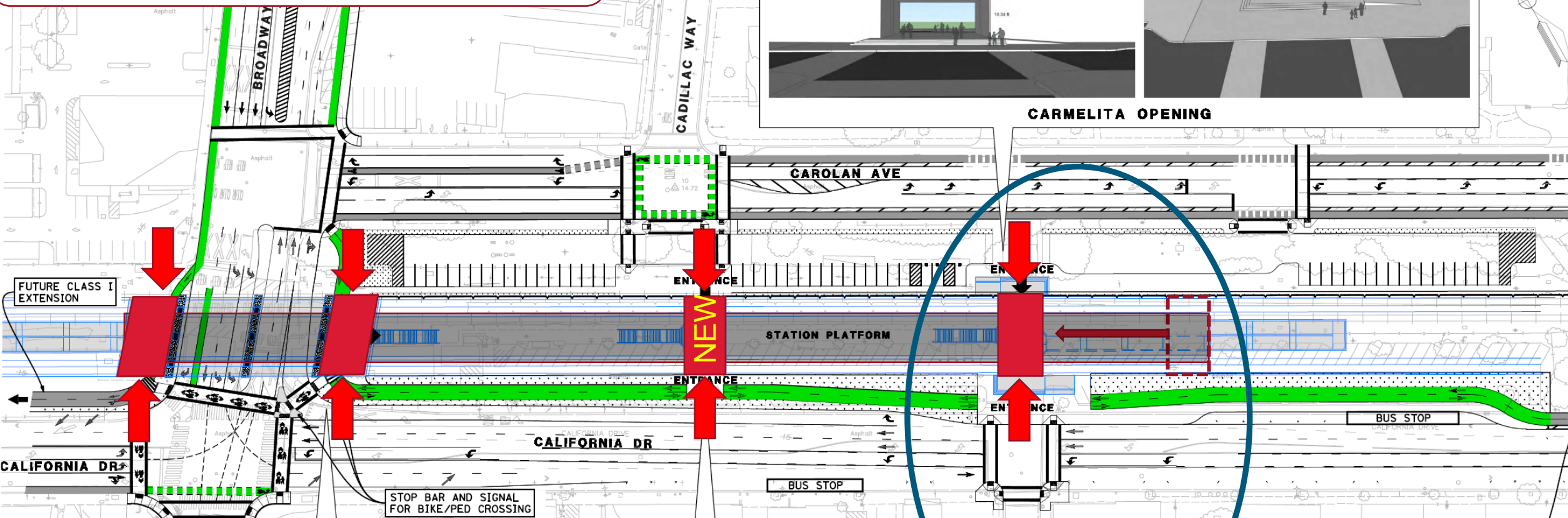
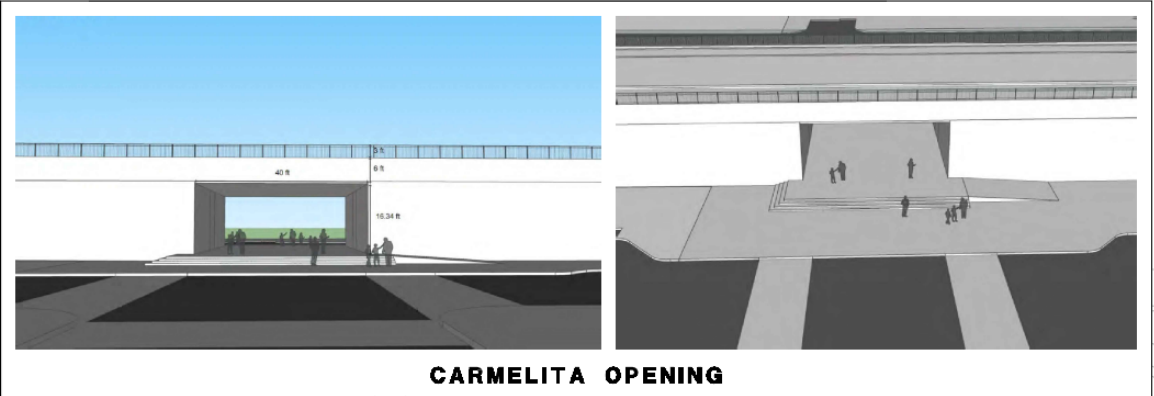
Improved Connectivity

THE CARMELITA
REQUIRED TO MEET
WITH A LEVEL STATION
STATION RAISE AND 2'
TO ELIMINATE THE
RING.



Improved Connectivity

THE CARMELITA REQUIRED TO MEET WITH A LEVEL STATION WITH A LEVEL STATION RAISE AND 2' TO ELIMINATE THE RING.



CYCLE TRACK TO OAK GROVE AVE AS PART OF THE CALIFORNIA BICYCLE FACILITIES PROJECT. THE CITY TRAFFIC, PARKING & SAFETY COMMITTEE UNANIMOUSLY VOTED FOR THIS CONFIGURATION ALONG CALIFORNIA DRIVE.

VE No. 4 Carmelita Ave Entrance - Relocate

Improved Connectivity



VE No. 5
Morrel Undercrossing - Relocate

Project Schedule Update

Phase	Start	Finish
Project Study Report	Jan 2014	Jan 2017
Preliminary Engineering / Environmental Clearance	Mar 2017	Oct 2020
Final Design / Environmental Permits	Jan 2021	Jul 2024
Right of Way / Utilities	Jul 2023	Sep 2024
Construction	Jan 2025	May 2028

Current Phase



Will **re-baseline** project scope, schedule, and budget to incorporate selected value engineering alternatives

Project Delivery Method

Exploring
Construction Manager / General Contractor (CM/GC)

Legal Framework

- Allowed per California Public Contract Code 103394 et seq.
- Used by Caltrans and others in California

Goals

- Safely deliver high quality infrastructure
- Effective scope, schedule, budget Management
 - Early Contractor involvement
 - Early contracting packages like utility relocations
 - Constructability reviews
 - Appropriate risk allocation
 - Improved cost and schedule certainty
- Minimize impacts to community and Caltrain Operations
- Provide meaningful opportunity for diversity contracting

Questions

FOR MORE INFORMATION

WWW.CALTRAIN.COM



PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michelle Bouchard
Acting Executive Director

FROM: Sebastian Petty
Chief Communications Officer

SUBJECT: **METROPOLITAN TRANSPORTATION COMMISSION (MTC) NETWORK MANAGEMENT BUSINESS CASE UPDATE**



Finance Committee
Recommendation



Work Program-
Legislative-Planning



Staff Coordinating
Council Reviewed



Staff Coordinating Council
Recommendation

ACTION

None

SIGNIFICANCE

MTC convened the Blue Ribbon Transit Recovery Task Force (the BRTRTF) in May 2020 in response to the COVID-19 pandemic. Membership of the BRTRTF included General Managers of a number of transit agencies, along with MTC Commissioners, State of California representatives and other key stakeholders. The first charge of the BRTRTF was to advise MTC on the fair distribution of federal relief funds under the 2020 Federal CARES Act. Next, the BRTRTF supported transit operators' efforts to determine essential public safety commitments as COVID protocols were evolving. Then in late 2020, the BRTRTF turned its focus to work on the Bay Area Transit Transformational Action Plan (Plan). The purpose of the Plan is to identify specific, near term actions needed to achieve a more connected, efficient and user-focused mobility network across the Bay Area and beyond.

The Plan was unanimously approved by the BRTRTF in July of 2021. The document identifies five key outcomes for the Bay Area's regional transit network in the areas of fares and payment, customer information, the transit network, accessibility and funding and further specifies 27 actions needed to advance the plan.

Within the overall Action Plan there are several studies that specifically address ongoing work in the area of transit coordination and governance. Of these, the Network Manager Business Case study is the most advanced and is the primary focus of this update. Caltrain staff, including Acting Executive Director Michelle Bouchard, participate in the Technical Advisory Committee (TAC) for the Network Manager Business Case study and the update to the WPLP Committee will include a summary of recent information shared with this group including information on the Business Case process and the range of potential

network management alternatives that will be evaluated as part of the study. The update will also highlight MTC's ongoing related work on the Regional Rail Partnerships Grant and a planned update to MTC's Resolution 3866.

BUDGET IMPACT

No budget impact.

Prepared By: Sebastian Petty Deputy Chief, Caltrain Planning

650.465.6301

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michelle Bouchard
Acting Executive Director

FROM: Casey Fromson
Chief Communications Officer

SUBJECT: **METROPOLITAN TRANSPORTATION COMMISSION (MTC)/REGIONAL UPDATE**

Finance Committee
Recommendation

Work Program-
Legislative-Planning

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

ACTION

None

SIGNIFICANCE

The Metropolitan Transportation Commission (MTC) provides planning, funding, coordination, and technical assistance to cities, counties, transit agencies, and other partners to bring the region together. The California Legislature created the MTC in 1970 to plan and provide a cohesive vision for the Bay Area's transportation system. The Commission's scope over the years has expanded to address other regional issues, including housing and development.

MTC is actively considering several key policy and funding decisions that affect Caltrain, and staff wants to ensure the Board is apprised of these decisions as well as other regional efforts

BUDGET IMPACT

No budget impact.

BACKGROUND

Key Regional Items This Month:

Bipartisan Infrastructure Law Discretionary Grant Strategy

At the February 11th joint MTC/ABAG Legislation Committee, MTC staff presented a proposed approach to maximize the Bay Area's share of funding from new or expanded US Department of Transportation (US DOT) competitive grant programs, given the passage of last year's \$1

trillion Bipartisan Infrastructure Law (BIL). Bay Area projects are primed to compete well for USDOT BIL grants, which are generally focused on climate, mobility and equity.

MTC expects grants to be highly competitive and believes the Bay Area can be most competitive if we are strategic, coordinated, and prepared. To achieve this, staff is supportive of the proposal that MTC plays a leadership role in supporting the Bay Area transit agencies in securing as much federal discretionary funding as possible.

MTC—in partnership with our Bay Area transportation partners— will develop a short list of regionally significant priority projects that target a limited set of larger-scale US DOT-administered grants for funding. The goal of such a priority list is to create focused advocacy for the Bay Area's most nationally competitive projects by minimizing competition within the region. MTC recommends the following principles guide the development of a regionally accepted project list that has the following criteria:

1. Plan Bay Area 2050 Alignment
2. Project Readiness/National Competitiveness
3. Minimize Intra-regional Competition (limit target list to projects of regional significance)

MTC leadership met with several transit operator General Managers to discuss this framework on February 18th. The full MTC Commission will consider adopting this framework at their February 23rd Commission meeting. Staff is working closely with MTC staff to ensure funding for Caltrain Electrification is included in the regional priority list.

TIRCP Project Prioritization Framework

In line with the strategy outlined above which would lead to set of projects to advance for competition for Federal BIL funds in the region, MTC is taking a similar approach for the Statewide funding programs, including the Transit Intercity Rail Capital Program (TIRCP). The TIRCP program is administered by the California State Transportation Agency (CalSTA), and it provides grants 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. Project applications for Cycle 5 TIRCP funds are due this month. The expected funding levels for Cycle 5 statewide is expected to be between \$500-\$600 million. MTC has made minor revisions to the funding framework for projects it will support and endorse. Overall, MTC will support transit operators for a range of projects that can total close to \$400 million in applications from the Bay Area.

The State expects to release the next cycle of TIRCP funding in late 2022 or early 2023 that can provide additional funding capacity in light of the augmentation from the Fiscal Year 2023 State Budget that can provide up to \$2 billion in additional funding for the TIRCP program. MTC proposes to support a number of key projects in the Bay Area with funding gaps, including the Caltrain Electrification Program, to compete for the statewide program.

Transit Network Manager Business Case

Please see Item 6j on the meeting agenda for a comprehensive update on this item.

Other Regional Standing Items

Regional Wayfinding and Mapping Efforts

No significant action or progress this month.

Regional Fare Coordination and Integration Study

No significant action or progress this month.

Bay Area Regional Rail Partnerships Study

No significant action or progress this month.

Prepared By: Jadie Wasilco
Caltrain Government & Community Affairs Manager

650.465.6301

RESOLUTION NO. 2022 –
BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA

* * *

RESOLUTION HONORING NATIONAL WOMEN'S HISTORY MONTH

WHEREAS, the advocacy efforts of the National Women's History Project led to an annual observance of Women's History Month, which highlights the contributions of women in history and contemporary society, and is celebrated during March in the United States; and

WHEREAS, women of every race, class and ethnic background have made significant and historic contributions to the growth and strength of our society in countless recorded and unrecorded ways; and

WHEREAS, the leadership of women in elected office, including the contributions of the women on our own Board of Directors, serves as an example of community and civic engagement for girls and women in the three counties Caltrain serves; and

WHEREAS, women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement and the civil rights movement, which create a more fair and just society for all; and

WHEREAS, in honor of Women's History Month, Caltrain will be hosting a Women's Leadership brown bag session that will feature a speaker panel comprised of several female executives and directors who work for the agency; and

WHEREAS, in honor of Women's History Month, the agency will also be highlighting four female managers throughout the month in a special Employee Spotlight featured on social media; and

NOW, THEREFORE, BE IT RESOLVED that the Caltrain Board of Directors does hereby recognize March as National Women's History Month and celebrates the immense contributions of women in the United States.

Regularly passed and adopted this 3rd day of March, 2022 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board



ATTEST:

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michelle Bouchard
Acting Executive Director

FROM: Pranaya Shrestha
Chief Officer, Caltrain Modernization Program

SUBJECT: **PENINSULA CORRIDOR ELECTRIFICATION PROJECT (PCEP) MONTHLY
PROGRESS REPORT – JANUARY 2022**

Finance Committee
Recommendation

Work Program-
Legislative-Planning

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

ACTION

Staff Coordinating Council recommends the Board receive the Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report (MPR). The MPR is available online under “Reports and Presentations” at this webpage:
http://www.caltrain.com/projectsplans/CaltrainModernization/CalMod_Document_Library.html

No action required.

SIGNIFICANCE

Staff prepares and submits a report covering the PCEP on a monthly basis.

BUDGET IMPACT

There is no impact on the budget.

BACKGROUND

The MPR is intended to provide funding partners, stakeholders, and the public a PCEP overview and an overall update on project progress. This document provides information on the scope, cost, funding, schedule, and project implementation.

Prepared By: Pranaya Shrestha
Interim Chief Officer, Caltrain Modernization Program

720.757.9191



Caltrain Modernization Program Peninsula Corridor Electrification Project (PCEP)



January 2022 Monthly Progress Report

January 31, 2022

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1.0 EXECUTIVE SUMMARY

1.1 Introduction

The PCEP scope of work includes installation of an overhead contact system, construction of traction power facilities, modification of the existing signaling and grade crossing protection system to make it compatible with the electrified railroad, substation improvements at Pacific Gas and Electric (PG&E) substations, and modifications at existing tunnels and at Caltrain's maintenance facility. It also includes the design, manufacturing, assembly, testing, and delivery of the EMUs.

Caltrain has reset the program in December of 2021. Experts and task forces were brought to deliver these goals going forward into 2022 and until project completion.

1.2 Background and Recent Accomplishments

Caltrain and Balfour Beatty Infrastructure, Inc. (BBII) continue implementing new mechanisms to ensure a collaborative approach to Project delivery. Management team meet every week to go through issues log with focus on risk mitigation and issues resolutions.

The Project team supported a celebration event focused on the final foundation installation completed in January 2022, which included: Interim Caltrain Executive Director Michelle Bouchard, Congressmember Anna Eshoo, Congressmember Jackie Speier, State Senator Scott Wiener, State Assemblymember Kevin Mullin, State Assemblymember Phil Ting, and President of the San Francisco Board of Supervisors and Caltrain Board Member Shamann Walton.

As of January 31, 2022, the current project total cost at completion shows the same as Board adopted budget of \$2.44 billion. The project cost is on track and remains sufficient to complete the Project and start revenue service in 2024. No drawdown occurred to the Risk Pool of \$50 million and project contingency of \$40 million. No new award of Project incentive pool of \$18.5 million.

As of January 31, 2022, the current program schedule is still on track with PCEP substantial completion date of April 2024 and Revenue Service by September of 2024.

During the month of January 31, 2022, no change order submitted for CMB approval.

The project team has successfully completed the following notable activities (additional activities can be found in the individual sections which follow):

- Continue to bring on experienced, qualified resources to fill key management positions for PCEP delivery.
- Complete of all OCS foundation on January 16, 2021
- Held first Project Level Partnering Session with BBII/MRS
- Held Change Management Board (CMB) Meeting on January 19th, 2022
- Provided Recovery/Remediation Plan comment review responses to HSR and FTA PMOC
- Commenced segment 4 Milestone 1 completion joint walk-through and punch list.
- Performed Segment 2 phase 3&4 major cutover readiness review and landed "go" decision for March cutover.

1.3 Upcoming work

For the next six months, the PCEP team has set additional goals as described below:

- Submit final Recovery/Remediation Plan to FTA and California High Speed Rail by March 04, 2022.
- Complete Segment 2 first major signal system cutover by April 2, 2022.
- Arrival of EMU Trainsets 3 and 4 by April 15, 2022.
- Refresh the Program Management Plan by June 30, 2022.
- Energize Segment 4 and start testing EMU Trainset 3 by June 30, 2022.
- Continue rigorous monitoring and reporting of schedule performance by Caltrain, BBI and all other partners during this period and beyond.
- A special task force has been in place to focus on pursuing federal and local grants to close the funding gap.

The PCEP Project is currently on budget and on time for achieving Revenue Service in the fall of 2024.

1.4 Critical Items

The major risks to the Project are below:

- Late completion of Signal Phase Study impact to OCS/TPS Commissioning and EMU Testing
- Late execution of PG&E Transmission Operating Load Agreement will impact Segment 4 energization
- Late completion of Segment 2 Signal/2SC cutover.
- \$410 million program funding gap.
- System integration and interface with existing operational systems testing and duration and resources.
- Delays in parts supply chain affecting vehicle production which is being mitigated.
- Different site condition resulting in ductbank construction delay impacting signal cutover schedule.

Currently, PCEP project meets with PG&E technical and management teams weekly to expedite documentation reviews and minimize Segment 4 energization delay. Issues have been escalated to the Executives. The remaining items do not impact budget or schedule; however, if they are not resolved in a timely manner, they have the potential to impact budget and schedule.

Peninsula Corridor Electrification Project

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2.0 SAFETY

Safety consists of both activities and reports conducted by the Safety team and the pursuit of Safety Certification.

2.1 Construction Safety

2.1.1 Introduction

Safety and Security requirements and plans are necessary to comply with applicable laws and regulations related to safety, security, and emergency response activities. Safety staff coordinates with contractors to review and plan the implementation of contract program safety requirements. Safety project coordination meetings continue to be conducted on a monthly basis to promote a clear understanding of project safety requirements as defined in contract provisions and program safety documents.

There were no reportable injuries for the month of January, so the Reportable Injury Rate (RIR) is at 0. The Project Reportable Injury Rate (RIR) from the inception of construction activities to date continues well below industry average (1.71 Project Rate vs. 2.5 National Industry Average).

BBII and their subs did not have any reportable injuries during the month of January, so the RIR is 0 at this time.

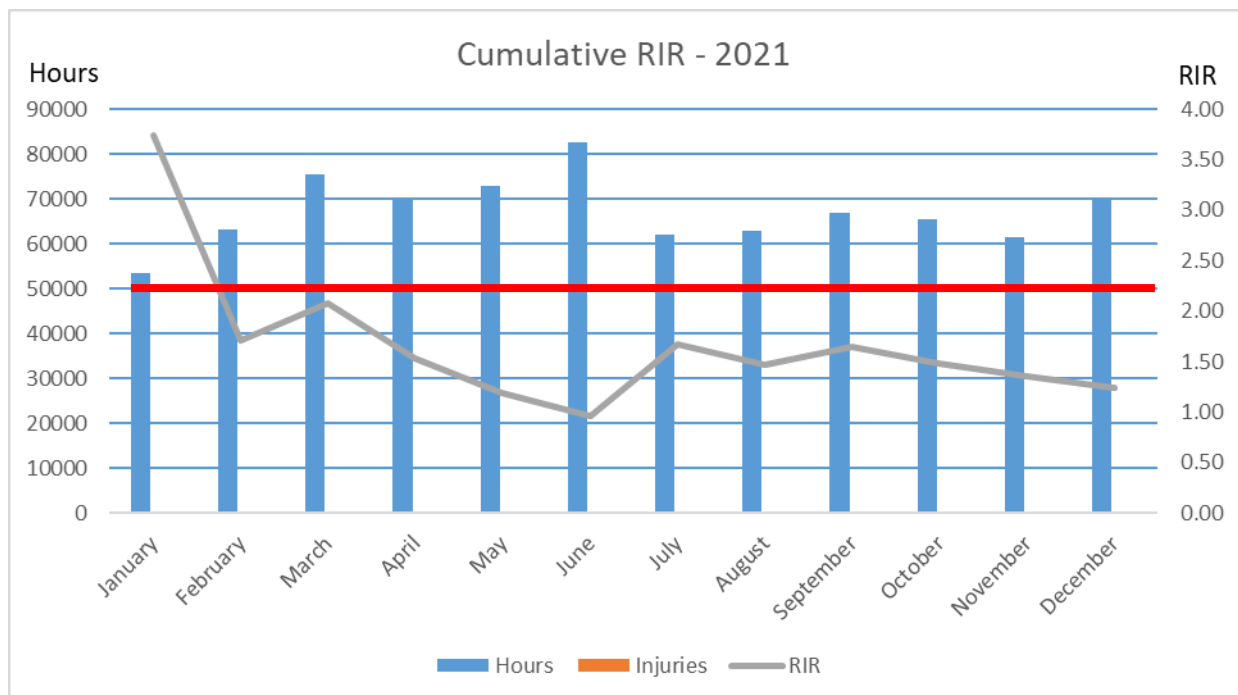


Figure 2-1 Cumulative project Reportable Injury Rate (RIR) for 2021

2.1.2 Completed Work

Safety staff coordinate with contractors to review and plan the implementation of contract program safety requirements. Safety project coordination meetings continue to be conducted on a monthly basis to promote a clear understanding of project safety requirements as defined in contract provisions and program safety documents.

Project Safety continues to work with TASI representatives in the development of the Segment-4 Operating Hazard Analysis (OHA). The OHA sessions include a review of electrification systems potential hazards and recommended mitigations with discipline leads from Operations and Maintenance.

Traction Power Design Criteria Checklists (DCCC's) were forwarded to design leads for their review.

2.1.3 Upcoming Work

Safety awareness training is ongoing, and all employees will have received training prior to the energization of Segment 4. BBII has scheduled the OCS safety awareness training course, Look Up and Live, for all its employees and subcontractors on February 8 and 9, 2022.

OCS Safety Awareness Training was initiated in January for Caltrain employees (Rail Operations, Engineering, etc.) and for PCEP project employees with multiple dates made available to ensure everyone has an opportunity to attend the training session virtually. The training will continue to be provided as needed throughout the project. Members of the Transit Police received the OCS Awareness Training as well as the TPS-2 site familiarization in November of 2021.

The Fire/Life Safety Committee continues to work with the San Jose and Santa Clara Fire Departments on Emergency Preparedness in preparation for the energization of Segment 4. Tabletop emergency response exercises are being planned for March 24, 2022 with the San Jose Fire Department.

All contractors and subcontractors have COVID-19 plans in place that meet federal, state, and local requirements.

2.1.4 Issues

Table 2-1. Safety Team issues identified and actions taken for January 2022

Issues	Actions
N/A	N/A

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2.2 Safety Certification

2.2.1 Introduction

Safety and Security Certification continues as packages for Segment 4 are being assembled by the BBII team and the PCEP Safety team. The latest Certification Element Items List (CEIL) update shows 10 packages completed (Design and Construction/Testing) with 7 awaiting construction verification by the BBII QA/QC team.

2.2.2 Completed Work

Signal cutovers 1, 2A, 2B, 3, and 4 have been completed and necessary paperwork submitted and granted a Temporary Use Notice (TUN). There are 4 Design Criteria Certification Checklists (DCCCs) currently under development and/or waiting for BBII sign-off before they are submitted to the JPB.

2.2.3 Upcoming Work

Although there will not be any formal Safety Certification of Segment 4, the effort involved for Segment 4 Certification of temporary includes:

- All Design Criteria Conformance Checklists (DCCC) and Construction Specification Checklists (CSCC) will be completed and reviewed by the Safety and Security Certification Review Committee (SSCRC) and other technical experts as needed.
- A Certificate of Operational Conformance will be issued by BBII to the Project for Segment 4 prior to energization. Packages for Operational Conformance will include Traction Power Systems (TPS), Overhead Contact System (OCS), Bridge attachments, Grounding/bonding, Highway crossings, Communications, Train control/signals and SCADA.
- Review of the completed Design Criteria Certification Checklists and the cross referencing to the Construction Specification Criteria checklists and Test reports.

Formal certification will come after the completion and testing/commissioning of the entire alignment and prior to the start of revenue service.

2.2.4 Issues

Table 2-2. Safety Certification issues identified and actions taken for January 2022

Issues	Actions
N/A	N/A

3.0 PROGRAM MANAGEMENT

Program management covers schedule, document control, cost, risk and change management.

3.1 Schedule

3.1.1 Introduction

PCEP has a Master Program Schedule (MPS) which illustrates the timeline of major elements of the PCEP program and can be seen in Figure 3.1.

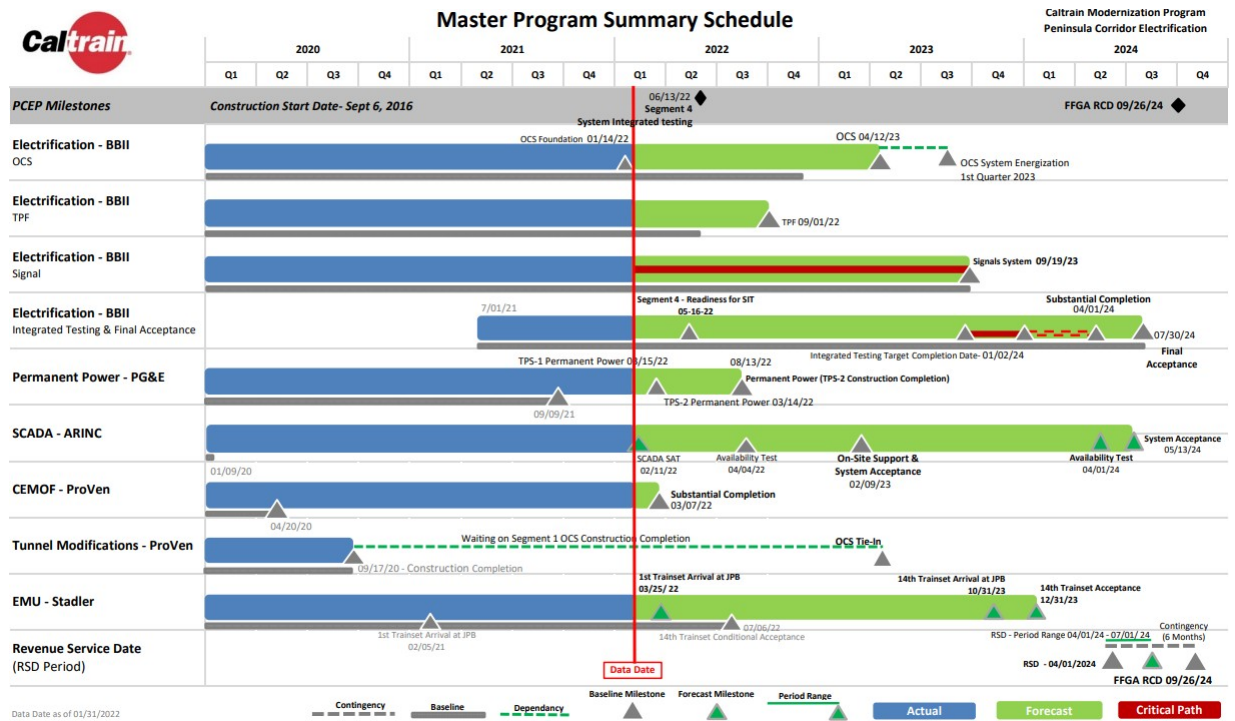


Figure 3-1. Master Program Summary Schedule

3.1.2 Completed Work

The JPB has approved BBII’s re-baseline schedule as part of the global settlement with a substantial completion date of April 1, 2024 and Final Acceptance of July 31, 2024.

As of January 31, 2021, the overall delay to the critical path is 0 days.

3.1.3 Upcoming Work

The Revenue Service Date (RSD) is targeted to occur between April 1, 2024 and July 1, 2024 based on BBII progress schedule. The new proposed revised FFGA RCD is September 26, 2024.

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The current critical path for PCEP includes the design, installation, and testing of the signal and crossing modifications required to make the signal system compatible with the electrified railroad, followed by the integrated testing and cutover.

3.1.4 Issues

Table 3-1. Schedule issues identified and actions taken for January 2022

Issues	Actions
COVID-19 and supply chain challenges impact Stadler's production schedule, resulting in a 19-day schedule delay on the first trainset arrival at the JPB site	<ul style="list-style-type: none"> - The new forecast shipping date is March 25, 2022. - The revised 14th transit delivery date is forecasted in October of 2023. Conditional acceptance of the 14th trainset by the end of 2023 will support electrification Revenue Service Date. - JPB is in the process of reviewing Stadler's re-baseline production schedule as per contract requirements.

3.2 Cost and Budget

3.2.1 Introduction

This section presents an update of program cost and budget. On December 6th, 2021, the JPB adopted new Program budget of \$2,442,690,697. Table 3-2 depicts program costs through January of 2022 and current program cost at completion is the same as the newly adopted budget.

Tables 3-3 provides status of two major types of program contingency drawdown:

1. As part of global settlement, a shared risk contingency pool in the amount of \$50 million was established to manage risks and mitigation proactively and collaboratively together with design-build contractor.
2. Program contingency of \$40 million is established to cover non-BBII potential changes and unknowns.

Table 3-2. Budget Summary/Estimates at Completion (EAC)

Description of Work	Re-Baseline Current Budget (A) ¹	Cost This Month (B) ²	Cost To Date (C) ³	Estimate To Complete (D)	Estimate At Completion (E) = (C) + (D)	Variance at Completion (F) = (A) – (E)
Electrification	\$1,749,139,438	\$43,002,814 44,612,678	\$1,172,554,984 1,129,552,170	\$576,584,454 619,587,268	\$1,749,139,438	\$0
EMU	\$693,551,258	\$13,710,817 2,808,673	\$333,637,226 319,926,409	\$359,914,849 373,624,849	\$693,551,258	\$0
PCEP TOTAL	\$2,442,690,697	\$56,713,631 47,421,351	\$1,506,192,210 1,449,478,579	\$936,498,487 993,212,118	\$2,442,690,697	\$0

¹ Column A "Current Budget" includes executed change orders and awarded contracts.

² Column B "Cost This Month" represents the cost of work performed this month.

³ Column C "Cost To Date" includes actuals (amount paid) and accruals (amount of work performed) to date.

Table 3-3 Contingency Drawdown Balance

Transfer	Description	Contingency
BBII Shared Risk Pool	Previously Reported Balance	\$50,000,000
	No Changes This Month	\$0
	BBII RISK POOL REMAINING BALANCE	\$50,000,000
Transfer	Description	Contingency
Project Contingency	Previously Reported Balance	\$40,000,089
	No Changes This Month	\$0
	PROJECT CONTINGENCY REMAINING BALANCE	\$40,000,089

Table 3-4 provides a detailed status of Design-Build Contractor incentives as result of the global settlement.

Table 3-4. BBII Incentives

Incentives	Budgeted	Awarded	Balance
Contract Incentive:			
Quality	\$1,250,000	\$1,000,000	\$250,000
Safety	\$2,500,000	\$875,000	\$1,625,000
Community Outreach	\$2,500,000	\$1,750,000	\$750,000
DBE	\$900,000	\$0	\$900,000
Total Contract Incentive	\$7,150,000	\$3,625,000	\$3,525,000
Milestone Incentive:			
Early Signal and Crossing Cutover	\$4,000,000	\$0	\$4,000,000
Early Project Substantial Completion (NTE)	\$8,000,000	\$0	\$8,000,000
Early Revenue Service	\$3,000,000	\$0	\$3,000,000
Total Milestone Incentive	\$15,000,000		\$15,000,000

3.2.2 Issues

Table 3-5. Cost and Funding issues identified and actions taken for January 2022

Issues	Actions
Additional funding setup for \$410M Funding Gap	Actively pursuing additional State and Federal funding sources. Dedicated task force has been established at the executive level.

3.3 Risk

3.3.1 Introduction

The risk management process is conducted in an iterative fashion throughout the life of the project. This process identifies new risks, resolves or manages other risks, modifies any potential impacts and severity these risks have based on the current situation. The Risk Management team's progress report includes a summary on the effectiveness of

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the Risk Management Plan, any unanticipated effects, and any correction needed to handle the risk appropriately. All risks are graded from 1 to 50.

3.3.2 Completed Work

Table 3-6. Top five risk items and mitigation actions as of January 2022

ID	RISK DESCRIPTION	Grade
010	Risk: Stadler's sub-suppliers fall behind schedule or delays in parts supply chain result in late completion of vehicles.	20
	Mitigation: Stadler expedited parts and develops secondary sources to address problematic suppliers. Stadler focuses on keeping supply chain flowing and produce interior parts in house. This risk is being mitigated and its schedule impact has been reflected in the vehicle production rebaseline schedule.	
241	Risk: Segment 4 may not be fully installed and tested prior to EMU delivery on-site.	20
	Mitigations: <ol style="list-style-type: none"> 1. Expedite BBII Segment 4 OCS design process (e.g., fast-track design through concurrent design and review of various phases). 2. Execute agreement with PG&E for timely completion of design and construction and funded agreement. 3. Reconcile conflict between underground alignment for BART/VTA tunnel extension, currently in conflict with the presently designed location of 115kV Transmission Poles that service TPS-2. The slightly revised location needs to be confirmed by VTA. Is this item completed? 4. Issue Change Order to purchase long-lead materials. 5. Negotiate and execute Construction Change Order for the TPS-2 Interconnection. 6. Have BBII complete testing and submit documentation on-time for PG&E Review. 7. Develop sequence of testing to occur in preparation for EMUs (based on "needs" list from EMU supplier). 	
267	Risk: Additional property acquisition is necessitated by change in design.	18
	Mitigations: <ol style="list-style-type: none"> 1. Identify new parcels well before they are needed for construction — to be conducted by Project delivery team and Contractor. 2. Expedite development of plats and legals. 3. Enter work directives for appraisal and acquisition before parcels are identified. 4. Coordinate to integrate property acquisition schedule into overall project schedule — to be conducted by Project team. 	
314	Risk: The contractor may not complete signal and communication design, installation, testing, and cutover for the Two-speed Check (2SC) modifications on time.	18
	Mitigations: <ol style="list-style-type: none"> 1. Streamline design reviews (in process). 2. Initiate construction prior to IFC (in process). 3. Consolidate locations for cutover, where possible (in process). 4. Add an additional cutover team through Balfour/MRS (in process). 5. Reduce service and three-week single track during cutover period to maximize access and cutover work windows — to be conducted by railroad. 6. Submit timely cutover planning documents and SSWPs with appropriate level of detail — to be conducted by Contractor. 	
333	Risk: Remediation of issues associated with the CEMOF pit may result in additional costs and additional time to issue the charge order and implement the work.	16

ID	RISK DESCRIPTION	Grade
	Mitigations: 1. Obtain outcome of independent engineer – completed 2. Get contractor to implement – in process 3. Issue change order – In Process	

3.3.3 Upcoming work

Efforts to incorporate the Rail Activation Committee risks into PCEP risk register have continued and will require Risk Assessment Committee approval. The shared risk pool will also be incorporated into risk register. Finally, the next risk refresh will be scheduled.

3.3.4 Issues

Table 3-7. Risk issues identified and actions taken for the month of January 2022

Issues	Actions
Contractor-owned risk updating is lagging	Continued inquiries to JPB staff and consultants as “proxy risk owners.” Reduced average update from over 100 days to under 40 days.
Incorporated Rail Activation Committee risks into PCEP risk register.	Queried relevant risk owners to harmonize risk descriptions, mitigations, and grading between two risk registers.

3.4 Change Management

3.4.1 Introduction

The change management process establishes a formal administrative work process associated with the initiation, documentation, coordination, review, approval, and implementation of changes that occur during the design, construction, or manufacturing of the PCEP. The change management process accounts for impacts of the changes and ensures prudent use of contingency.

3.4.2 Completed Work

The PCEP team concluded the global settlement with design-build contractor and resolved outstanding change orders through October 31, 2021. The Change Management Board (CMB) approved CCO-253, 254 and 255 three change orders in December 2021. No new change order processed during January of 2021.

3.4.3 Upcoming Work

There are ongoing change management activities associated with the initiation, documentation, coordination, review, approval, and implementation of changes that occur during the design, construction, or manufacturing of the PCEP. PCEP project and BBII met weekly to go over issue logs and potential share risk items for resolutions.

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3.4.4 Issues

Table 3-8. Change Management issues identified and actions taken for January 2022

Issues	Actions
Proven Claims Negotiation	Dedicated negotiation team is assigned to reach settlement with Tunnel and CEMOF Contractor including resolution of outstanding change orders.
ARINC Contract Time Extension	Commence discussion with ARINC management team to confirm site support period to align new baselines schedule including 1,000-hour availability test to be performed when the system is in production for the entire alignment.

4.0 CONSTRUCTION

This section covers the various elements of construction.

4.1 Infrastructure

4.1.1 Introduction

The Electrification component of the PCEP includes installation of 138 miles of wire and overhead catenary system (OCS) for the distribution of electrical power to the EMUs. The OCS will be powered from a 25 kilovolt (kV), 60-Hertz, single phase, alternating current supply system consisting of two traction power substations (TPS), one switching station (SWS), and seven paralleling stations (PS). Electrification infrastructure will be constructed using a DB delivery method.

4.1.2 Completed Work

Table 4-1. OCS / Electrification

- **All OCS foundations have been completed.**

Segment	Status
OCS Foundations	
Segment 1	Complete
Segments 2, 3 and 4	Complete
OCS Poles	
Segments 1 and 2	722 poles remaining
CEMOF, Segments 3 and 4	Complete
OCS Wire	
Segments 1 and 2	Anticipated to be complete by 8/20/22
Segments 3 and 4	Complete

- **Traction power facilities:**
 - Approximately 88% of traction power facilities work is complete.
 - Work remaining includes energizations, commissioning, and testing.
 - All work is anticipated to be completed by 3rd Quarter of 2022.
 - TPS-2 PG&E metering house batteries delivered and tested.
- **Grounding and bonding:**
 - Continue installation of bonding and grounding fences in S4.
 - Continue installation of bonding and grounding in CEMOF.
 - Test bonding and grounding in S4.
- **CEMOF:** The CEMOF Modifications project will provide work areas to perform maintenance on new EMUs.
 - Begin north pit repairs.
 - Installed interior window and clean-up.
 - Complete fire alarm for Parts Storage Building.

4.1.3 Upcoming Work

- **Traction power facilities:** All traction power facility work is anticipated to be completed by the third quarter of 2022.

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- **Grounding and bonding:**
 - Continuation of bonding and grounding fences in S4.
 - Continuation of testing of bonding and grounding in S4.
 - Continuation of bonding and grounding in CEMOF.
 - Bonding and grounding of utility handholes and manholes.
- **CEMOF:**
 - Complete north pit repairs.
 - Install electrical work at north pit.

4.1.4 Issues

Table 4-2. Infrastructure issues identified and actions taken for January 2022

Issues	Actions
OCS / Electrification	
Coordination of wire stringing over YT-5 in CEMOF	Coordinate with Proven for access to YT-5 to complete wire stringing
TPS-2 overdue test reports required for PG&E energization	Discuss timing of deliverables with PG&E and work with contractor to deliver reports to PG&E.
Grounding and bonding	
Bonding and grounding of 3 rd party utility handholes and holes. Need agreement from 3 rd parties to proceed.	Work with 3 rd party to review technical solution and implement mitigation of covering the holes with insulated material if necessary for the short term.
CEMOF	
North pit elevation investigation discrepancies and pit repairs	Pit repair is in progress and independent assessment of pit elevation being performed.

4.2 Communications, Signaling, and Grade Crossings

4.2.1 Introduction

The existing railroad signal system is incompatible with an electrified rail system. PCEP therefore requires modification to existing signal locations, and the addition of new signal locations and associated infrastructure. Once all required signal and communications modifications are completed, the signal locations are cutover and put into operational service.

This aspect of PCEP includes furnishing a complete and integrated communications system for both signals and traction power subsystems, utilizing existing fiber optic backbone infrastructure. It comprises modifications to the fiber optics backbone as well as additional communications networking equipment on the wayside and data center locations at Menlo Park and San Jose.

It also covers the final kit installations and testing of the replacement, upgraded, or modified signaling and grade crossing equipment along the alignment to be compatible with the electrification system, and fully capable with PTC and other rail operations system interfaces.

4.2.2 Completed Work

Segment 4 cutovers have all been completed, and are in beneficial use, including in 21 locations. Milestone 1 joint punch walks have started in January and final list to be submitted in February. Phase 2 work for the Segment 2 cutover was completed on December 13, 2021. All teams continuing finalization and readiness for next major cutover between MP 14.65 and 20.20 affecting cities of Burlingame and San Mateo. This includes final cabling and pre-testing of 41 total locations, 3 control points, 7 intermediate signal locations, and 17 crossings. A tentative completion date for Phases 3 and 4 of Segment 2 is slated for April 2, 2022. Also, a Go/No-Go discussion was conducted in January 2022 and all parties discuss their readiness for the March cutover and agreed that planned work would remain on track.

4.2.3 Upcoming Work

Continued pre-testing between MP 14.65 and 20.20 for Segment 2, Phase 3 & 4 cutover is anticipated. Installation crews will mobilize to Segment 2, Phase 1 locations between MP 8.56 and 11.84 in February. This cutover is anticipated for 5/13/2022 and will include 17 total locations, 2 control points, 3 intermediate signal locations, and 3 crossings.

Communications networking equipment and testing is ongoing. All communications in Segment 4 are functioning for sub-system testing prior to Milestone #1 completion. A few locations still require permanent power from PG&E.

4.2.4 Issues

Table 4-3. Infrastructure issues identified and actions taken for the month of January 2022

Issues	Actions
Minor in-field condition changes have arisen	Working through issues resolution process.
Fiber break identified on buffer tubes 11 and 12	MRS have tested and identifying design and infrastructure mitigations. Investigations to start in March.
Continued fiber and communications network issues	Work closing with Caltrain systems, Rail operations team and BBII/MRS collaboratively to ensure no impact to Signal and Crossing cutovers
Crossing gate conflicts with OCS at various crossings	BBII is providing alternative solutions to address including OCS relocation and gate arm replacement with articulated functionality.

4.3 EMU (Rolling Stock)

4.3.1 Introduction

The procurement of EMUs, or trainsets, from Stadler consists of a Base Order of 96 railcars, plus an Option Order of an additional 37 railcars, for a total of 133 railcars. The cars from these two orders will be combined and delivered as 19 seven-car Trainsets. The Base Order is funded from PCEP, and Option Order funded by a Transit and Intercity Rail Capital Program (TIRCP) grant. One more Option for additional cars is available.

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4.3.2 Completed Work

With the completion of the 4,000-mile simulated service test, dynamic type testing was completed at Transportation Technology Center, Inc. (TTCI) in Pueblo, CO. Production continued for Trains 3 through 16.

Additional completed work includes:

- Continued routine testing on Trains 3 through 7.
- Shipment of 93 car shells from Stadler Switzerland, with 89 arriving at Stadler's Salt Lake City facility. Four additional car shells are in transit/holding.
- The Factory Authorization Test (i.e., final inspection) was performed on Trainset 3. Findings from both Stadler and Caltrain inspectors are being worked off by Stadler production and a follow up inspection will take place in February.
- The Buy America (BA) interim audit report was completed and concluded that Stadler is on track to meet BA requirements. However, BA certificates from Stadler suppliers are still pending and are required for the post-delivery audit that will take place in Q2 2022.

4.3.3 Upcoming Work

The following tasks remain:

- Complete and approve rebaseline schedule.
- Prepare to receive EMU trainsets 3 and 4 on-site.
- Continue EMU operators' training the trainer to support EMU testing.

4.3.4 Issues

Table 4-4. EMU (Rolling Stock) issues identified and actions taken for January 2022

Issues	Actions
Stadler/global supply chain issues	Stadler is sourcing additional suppliers for redundancy.
Stadler/global labor shortage/turnover issues	Stadler is looking for new ways to recruit labor.
The local substation that supplies power to Stadler's test track is down. Dynamic testing on trainsets is delayed while Stadler awaits parts to repair the substation.	Replacement parts are on order

4.4 PG&E / Interconnection

4.4.1 Introduction

The PCEP will require a 115-kV interconnection to supply power from the PG&E substations to the Caltrain substations in San Jose and South San Francisco. Construction of the interconnections will be performed by PG&E under an amendment to Supplemental Agreement No. 2.

4.4.2 Completed Work

The following work for the Single-Phase Study was completed:

- Completed model validation for FMC/TPS-2.
- Performed ten (10) sample fault cases for discussion with PG&E. The goal is to reduce the number of fault cases to be studied.
- Continued model validation work for East Grand/TPS-1.
- Gathered vehicle data information for PG&E's review and approval.

4.4.3 Upcoming Work

The following work is planned for the Single-Phase Study:

- Get PG&E concurrence on vehicle model data.
- Fault study for FMC/TPS-2.
- Complete model validation for East Grand/TPS-1.

4.4.4 Issues

Table 4-5. PG&E / Interconnection issues identified and actions taken for January 2022

Issues	Actions
PG&E's continued request for more modeling work and more fault cases will result in a schedule delay to the completion of the Single-Phase Study. This will then delay the ability to draw an EMU load to test the EMUs and complete integrated testing.	Continue to meet with PG&E both at the technical and executive level to resolve open issues related to the Single-Phase Study.
Late PG&E review of OCS/TPS Test report	<ul style="list-style-type: none"> - Develop master tracking sheet to ensure PG&E receives all the reports needed for energization. OCS test reports being tracked through Aconex. Traction power tracker in development in late January and February. - Management escalation to ensure sufficient resources are applied to this activity. Additional resource expected in Feb.

4.5 Systems Integration

4.5.1 Introduction

System Integration is an essential element of the PCEP deliver; a successful system integration requires thorough and comprehensive planning, coordination, and adequate testing.

4.5.2 Completed and Ongoing Work

The PCEP system integration program is highlighted below:

- **Sequencing:** The team has collaborated across various entities to build up a strong testing and commissioning sequence that describes dependencies not only from the contractor, but also from any other third-party stakeholders. This has been instrumental in allowing the team to plan the work, resourcing requirements and most importantly, deliverables. These updates are provided to the team on a weekly basis.
- **On-site Inspection:** As part of Construction, on-site inspectors have been deployed to validate the work done and complete punch-list walks. From construction, the contractor is now transitioning to testing systems, and resources with systems knowledge plan to be deployed for the testing phase.

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- **Readiness review workshop:** The first workshop was held on December 14, 2021. The purpose of this workshop was to understand the state of readiness (based on FTA’s Oversight Procedure 54 – Readiness for Service) for Milestone 1. This benefited both the Agency and the Contractor through collaboration and alignment on goals. Because a workshop has already occurred, a follow-up assessment is scheduled in March of 2022.
- **PCEP System Integration meetings:** These are held to identify, monitor, and determine appropriate resolution(s) for systems integration issues, and are chaired by the Systems Integration Director. Due to the importance of integration going forward as the PCEP project enters the testing and commissioning phase, these meetings have been made weekly. There is an emphasis on surfacing and resolving technical issues amongst sub-systems. Issues are tracked and followed-up in individual meetings through the course of the week.

4.5.3 Issues

Table 4-6. Systems issues identified and actions taken for the month of January 2022

Issues	Actions
Detailed schedule – lack of details to track on a weekly basis	<ul style="list-style-type: none"> - Small workshop deployed with the Contractor to resolve and JPB is working on key delivery dates for JPB items (e.g., PG&E power, EMUs, etc.) – workshops ongoing in late December and early January. This was completed and shared with the Contractor for incorporation into the overall project schedule. Completed. - Result to be seen in Testing and Commissioning meetings, and level of detail visible through these meetings. The testing & commissioning meetings have been progressing towards more detailed status of ongoing testing and we continue to add more clarity. The plan is to close this action once Milestone 1 testing is completed.
CDRLs not delivered on-time / prior to testing	<ul style="list-style-type: none"> - Sub-system workshops set up to address these items and peer review them prior to formal submission. Several peer reviews have occurred and more to continue in the coming weeks. - Additional focus on planning.
Lack of System Integration resources	<ul style="list-style-type: none"> - Additional resource is being brought in in February. - Requirements being defined from 3rd parties to ensure clarity in expectations.

4.6 Testing and Commissioning

4.6.1 Introduction

The Testing and Commissioning is a smaller group to determine and track testing and resources that will need to be coordinated among the various contracts and suppliers. This meeting is the primary interface to the PCEP Design-Build team at this time.

4.6.2 Completed Work

- Performed SCADA Point to Point test
- Main SCADA/ROCS was cutover from a lab environment to a production environment successfully.
- Traction Power Substation #2 (TPS-2) sub-system testing continued, initially with some repair work, and then with re-testing following the repairs. Control Building Battery Test was completed.
- OCS testing started with Height and Stagger tests, and Pantograph Clearance Tests.

4.6.3 Upcoming Work

Testing and Commissioning are coordinated through meetings held every two weeks with the contractor to monitor and gauge testing progress. One of the major challenges faced was ensuring proper planning and sequencing. This has been remedied through various group meetings held with the intent of clarifying the “what” and the “when.” Given systems integration testing to start in Q2 2022, the same diligence is now being applied to the integrated testing side so it can be fully developed for integrated testing.

Other work that remains to be completed includes the following:

- PG&E Power: Continued focus on document deliverables to facilitate energization.
- OCS and Power Integrated Test Procedures and Testing, including TPS-2 testing and SCADA integrated tests.
- Network Switch upgrades to support on-site Signals and Comms testing
- Signals preparatory and pre-testing work for mid-March cutover at Segment 2, Phase 3 and 4.
- Integrated Testing: Test procedures and planning to continue.

4.6.4 Issues

Table 4-7. Testing and Commissioning issues identified and actions taken for January 2022

Issues	Actions
Lack of planning, plans and procedures from Contractor	<ul style="list-style-type: none"> - Readiness Workshop requested and held on December 14, 2021. Subsequent assessment to be conducted. - NCR issued in December regarding lack of plans and procedures and is being followed up in Quality meetings. - Separate working groups set up to track status of deliverables. - Face-to-face meeting requested in February to drive completion of traction power test plan

4.7 Intermediate Milestone #1

4.7.1 Introduction

Milestone #1 is the milestone tied to allowing EMUs to start testing onsite within limits of Segment 4. In order to achieve this, 115kV power must be activated and a substantial portion of the integrated testing shall be performed.

4.7.2 Completed Work

During the month of January, the team began planning for integration and interdependencies from other contractors. The team also began planning for inspectors to witness testing onsite and develop punch list items.

- Completed punch list walks in Segment 4 for:
 - Signals/Comm/Ductbank; TPS-2 Electrical and PS-7 Electrical

The Readiness Workshop conducted a Segment 4 Readiness Assessment, shown in Table 4-8.

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Table 4-8. Segment 4 Readiness Assessment

Readiness Status	OCS	Comms	Power	Signals
Construction				
Testing				
Integrated Testing				

Green: On track and progressing well / Completed
 Yellow: On track / ongoing – need to be monitored
 Red: Need development from the Contractor

4.7.3 Upcoming Work

The following tasks remain to be completed:

- Commencement of joint Segment 4 Infrastructure walk-through.
- Completion of the bonding and grounding walk-through for Segment 4
- Completion of TPS2 testing – breaker, circuit, and control relay testing
- SCADA integrated testing
- Sectionalization Test for OCS activation.
- PG&E Review of Test Reports.
- Segment 4 TPS/OCS energization.
- Performance of dead car pull tests.
- Live run with EMU.

4.7.4 Issues

Table 4-9. Intermediate Milestone #1 issues identified and actions taken for January 2022

Issues	Actions
Lack of integrated testing planning, plans and procedures	- Follow up readiness workshop action items, develop comprehensive test cases and procedures.

5.0 QUALITY ASSURANCE

5.1 Introduction

The Quality Assurance (QA) staff performs technical reviews for planning, implementing, evaluating, and maintaining an effective program to spot verify that equipment, structures, components, systems, and facilities are designed, procured, constructed, installed, and maintained in accordance with established criteria and applicable codes and standards throughout the design, construction, startup, and commissioning of the project.

5.2 Completed Work

- **Non Conformance Reports:** A total of Five (5) Non-conformance reports (NCR) are under review by Caltrain and BII for closure.
- **QA Audit Findings Status:** No open findings or observations were identified this month.
- Currently compiling data from recent OCS field surveillance.
- Currently preparing a joint Surveillance with BBII for OCS poles.
- **Buy America Status:**
 - A meeting with PMOC and Buy America consultants was held on November 15, 2021 to respond to BA questions. PMOC/BA consultants commented that the BBII cost report provided to the Project did not validate compliance to BA based on current FTA BA reporting requirements. The end products must be categorized by components, subcomponent and percentage of domestic/non-domestic materials shown.
 - JPB consulted with external legal counsel pertaining to Buy America and received recommended language for JPB to send a letter to BBII notifying them of current FTA reporting requirements to validate FTA Buy America compliance.
 - JPB has issued a letter to BBII regarding Buy America, and in which we are currently awaiting a formal response. Pranaya is going to schedule a meeting with Hanson Bridgett & BBII to discuss the Buy America issue.

5.3 Upcoming Work

There are ongoing quality assurance activities around technical reviews for planning, implementing, evaluating, and maintaining an effective program to spot verify that equipment, structures, components, systems, and facilities are designed, procured, constructed, installed, and maintained in accordance with established criteria and applicable codes and standards throughout the design, construction, startup, and commissioning of the PCEP.

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5.4 Issues

Table 5-1. Quality Assurance issues identified and actions taken for January 2022

Issues	Actions
UPRR has identified switch machine isolation concerns and system ductbank trough clearance issues for the track that they maintain.	JPB Operations to resolve.
BBII BA Compliance Report	JPB external legal counsel provided language outlining FTA reporting requirements. PCEP issued a letter to BBII on 1/5/21, outlining reporting requirements to validate BBII BA compliance. JPB has issued a formal letter to BBII and is currently awaiting a formal response.
Closure of JPB NCRs	JPB Engineering and Special Projects Manger to facilitate closure of NCRs
Punch List Notification and Process	Contractor to submit formally via Aconex. Agency currently drafting a procedure for all team members to follow.

6.0 PUBLIC RELATIONS

6.1 Introduction

The Community Relations and Outreach team coordinates all issues with all jurisdictions, partner agencies, government organizations, businesses, labor organizations, local agencies, residents, community members, other interested parties, and the media. In addition, the team oversees the BBII's effectiveness in implementing its Public Involvement Program.

6.2 Completed Work

The following public relations actions were taken in January 2022:

- The Project team held various outreach meetings with key local, state, and federal elected officials regarding budget need.
- The Project team gave presentations to
 - Local Policy Makers Group
 - City/County Coordinating Group
- The Project team sent out the following notices about construction activities:
 - E. Evelyn Avenue Lane Closure
 - King Street Lane Closure
 - Stevens Creek Pedestrian Bridge Work
 - State Route 87 Lane Closure
 - Sunnyvale Paralleling Station Gantry Installation

6.3 Upcoming Work

The Community Relations and Outreach team is supporting the Signal System cutover work schedule for March 2022 in Burlingame and San Mateo.

6.4 Issues

Table 6-1. Public Relations issues identified and actions taken for January 2022

Issues	Actions
N/A	N/A

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

FROM: Michelle Bouchard
Acting Executive Director

SUBJECT: **DRAFT RECOMMENDATION ON CALTRAIN GOVERNANCE**

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

ACTION

Staff, at the direction of the Ad Hoc Governance Committee, has developed a revised recommendation related to Caltrain's governance for discussion and potential action by the JPB at its March 2022 meeting. The Ad Hoc Governance Committee has endorsed the recommendation.

SIGNIFICANCE

The revised governance recommendation (Attachment A) is a term sheet based on the version of the proposal provided to the JPB at its February 2022 meeting. The proposal has been revised through discussions amongst the Ad Hoc Governance Committee based on its consideration of outstanding issues and SMCTD's Pathway Forward Proposal. Attachment B is a process diagram that shows how the draft term sheet contemplates that the JPB and member agencies would enter into a Memorandum of Understanding (MOU) incorporating the terms set forth in the proposal and that the member agencies would subsequently work together to codify approved changes through amendments to the JPB's governing documents.

For background information, staff has included SMCTD's Pathway Forward proposal (Attachment C) and correspondence from MTC to SMCTD regarding MTC's payment of \$19.6 million to SMCTD (Attachment D).

BUDGET IMPACT

There is no budget impact associated with receiving this report or taking any actions.

Prepared by: Sebastian Petty, Deputy Chief, Caltrain Planning

DRAFT GOVERNANCE TERM SHEET FOR DISCUSSION

March 2022

*The following draft document outlines a **revised** recommendation related to Caltrain's governance for discussion and potential action by the JPB at its March 2022 meeting. This term sheet, which is based on the version of the proposal provided to the JPB at its February 2022 meeting, has been revised by the Ad Hoc Governance Committee based on its consideration of outstanding issues and SMCTD's Pathway Forward Proposal. The draft term sheet contemplates that the JPB and member agencies would enter into a Memorandum of Understanding (MOU) incorporating the terms set forth in the proposal.*

DRAFT GOVERNANCE RECOMMENDATION FOR DISCUSSION

MARCH 3, 2022

TERM SHEET FOR MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN JPB AND MEMBER AGENCIES

MOU PART A: RECITALS

1. Affirmation of Intent to Address Resolution 2020-42: Resolution 2020-42 contemplated that the JPB would recommend governance changes including enabling a majority of the JPB to appoint its own Executive Director and providing for the reimbursement of SMCTD for its investment in Caltrain. The resolution further provided that the expenditure of more than \$40 million annually from Measure RR revenues would be subject to a supermajority vote until such time as the JPA has been amended to modify the JPB's governance structure in a manner satisfactory to the three member agencies. The proposed Memorandum of Understanding (MOU) between the member agencies and the JPB would provide a pathway and timeline for consideration of amendments to the JPA to conform it with the MOU, address conflicts between the JPA and RPOA, resolve ambiguities, and codify certain current practices that are inconsistent with the JPA. Upon adoption of an amended JPA, the supermajority vote requirement would be repealed.

2. Affirmation of SMCTD as the Managing Agency for Caltrain. The San Mateo County Transit District (SMCTD) will remain as the managing agency for Caltrain, as modified by the MOU.

3. Affirmation regarding Effect of Repayment to SMCTD: Upon payment in a non-credit form of the outstanding balance of \$19.8 million owed to SMCTD under the 2008 amendment to the 1991 Real Property Ownership Agreement and the payment of \$15.2 million to account for the delay in payment of the outstanding balance and SMCTD's agreement to assign certain rights as Managing Agency to the JPB, SMCTD's tenancy in common and equity conversion interests would be extinguished and San Francisco, VTA, and MTC's commitments under the 2008 agreement will be deemed satisfied.

4. Affirmation of JPB Appointment of General Counsel and Auditor. As of 2021, the JPB has appointed, and will maintain, both its own general counsel and auditor separate from those of any of the Joint Powers Agreement (JPA) Member Agencies.

5. Affirmation of Rail Service Provider Contract. The following recommendation does not alter the ongoing contractual relationship between the JPB and its selected Rail Service Provider whereby the contractor maintains responsibility for providing the JPB with rail operations, maintenance and support services that include administration/safety; operations and dispatch; maintenance of equipment, track, communications and signals, and stations; construction support; and state of good repair.

6. Statement Related to Regional Governance. The following recommendation does not preclude Caltrain's ongoing participation in processes related to potential regional governance changes, including the consideration of recommendations forthcoming from the Network Management Business Case and/or Regional Rail study. Further, the JPB commits to work with stakeholders, including the Metropolitan Transportation Commission, to develop a deadline for expeditious consideration of regional governance recommendations.

MOU PART B: TERMS

1. Caltrain Executive Director

- a) A separate, permanent Caltrain Executive Director position ("Caltrain ED") will be established. Although this position will remain as an SMCTD employee, the Caltrain ED will exclusively report to, and take direction from, the JPB.
- b) The JPB shall have sole authority over the selection, hiring, annual goal setting, performance review, compensation, and termination of the Caltrain ED position.
- c) The appointment and termination of the Caltrain ED shall be subject to a simple majority vote of five members of the JPB, provided that at least one Director appointed from each county concurs.

2. Staff Reporting

- a. The following functions, which are currently included as "direct services" within the existing Rail Division, shall continue to report to the Caltrain ED:
 - o Rail Operations and Maintenance (includes management, oversight, and operational direction of TASI's operations and maintenance activities as well as management of other aspects of the customer interface in coordination with the communications and marketing group)
 - o Rail Planning (includes planning for service planning, capital planning, transit oriented development planning and policy development)
 - o Rail Contracts and Budgets (includes management of TASI contract and other on-call contracts supporting the rail division)
 - o Rail Development (includes capital program management, capital program delivery, engineering, and quality assurance/ quality control)
 - o The PCEP (CalMod) Program
- b. The following functions shall be added as "direct services" reporting to the Caltrain ED as described in the table below and none of these positions shall serve a similar role for SMCTD:

Table 1: Functions proposed to shift from “shared” to “direct” services

Function	New “direct” position(s) to be added	Proposed reporting structure	Description of responsibilities	Relationship to Shared Services provided by SMCTD
Executive administration (eg chief of staff)	Chief of Staff (note, this position already exists in salary ordinance and has been filled)	Reports directly to Caltrain ED	Provides executive administrative support to the Caltrain ED and oversees multiple individual positions within the Rail Division	Works alongside the Caltrain ED to comprehensively manage relationship with SMCTD shared services
Communications, government, and external affairs	Director of government and community affairs	Reports directly to Caltrain ED	Provides direction, policy guidance and strategy on all government and external affairs matters related to Caltrain	Determines the Caltrain work plan for Communications (as pertinent to external affairs only) and coordinates with the SMCTD Communications Chief to implement the direction of the JPB and the Caltrain ED
Finance and Budgets	Director of Budgets and Financial Analysis	Reports to Deputy Chief of Rail and Commercial Business Development	Provides policy level guidance and direction on all financial analysis and budgeting matters related to Caltrain.	Determines the Caltrain work plan for Finance and budgets and coordinates with the SMCTD CFO to implement the direction of the JPB and the Caltrain ED

Real Estate	Director of Real Estate Development	Reports to Deputy Chief of Rail and Commercial Business Development	Provides policy level guidance and direction on all real estate transactions pertaining to Caltrain	Determines the Caltrain work plan for Real Estate and coordinates with the SMCTD Real Estate Director and/or Chief of Planning, Grants and the Transportation Authority to implement the direction of the JPB and the Caltrain ED
Grants	Director of Grants and Funds Management	Reports to Deputy Chief of Rail and Commercial Business Development	Provides policy level guidance on the pursuit and management of all grants and public funding sources of interest to Caltrain	Determines the Caltrain work plan for Grants and coordinates with the SMCTD Director of Grants and Fund Management and/or Chief of Planning, Grants and the Transportation Authority to implement the direction of the JPB and the Caltrain ED

c. The following functions shall continue as fully shared services under the direction of the SMCTD GM and in coordination with the Caltrain ED:

- o Human Resources
- o Contracts and Procurement
- o Information Technology
- o Civil Rights
- o Marketing and Customer Service
- o Accounting and Treasury

d. The following functions shall continue as partially shared services with policy level direction provided by direct Caltrain positions listed in table 1:

- o Communications, Government and External affairs
- o Finance and Budgets
- o Real Estate
- o Grants

e. **Role of the Managing Agency:** The role of the managing agency shall be to support the JPB through the employment of all staff directly supporting the railroad and the Caltrain ED and through the provision of fully or partially shared services in the areas of Human Resources, Contracts and Procurements, Civil Rights, Accounting, Treasury, Budgets, Finance, Communications, Government and External Affairs, Real Estate and Grants.

f. **Limitation on Replacement of Shared Services with Direct Reports:** With the exception of the Chief of Staff and the four direct report positions identified above, the JPB shall not have the authority to replace a function currently being performed through shared services with a direct report, unless SMCTD consents to the change.

3. Right of Way Repayment

a. MTC shall pay SMCTD \$19.6M for the outstanding balance owed pursuant to the 2008 agreement. Payment shall be made within 12 months of execution of the MOU into an escrow account established by the JPB and the funds shall be disbursed to SMCTD upon satisfaction of the conditions specified in paragraph (c), below. San Francisco shall pay \$200,000 directly to SMCTD.

b. San Francisco and VTA shall pay SMCTD \$6,080,000 and \$9,120,000, respectively, to compensate SamTrans for the delay in payment of the principal. Payment shall be made within 12 months of execution of the MOU into an escrow account established by the JPB and the funds shall be disbursed to SMCTD upon satisfaction of the conditions specified in paragraph (c), below.

c. The funds in the escrow account shall be disbursed to SMCTD upon: (1) receipt in the escrow account of all of the payments set forth in paragraphs (a) and (b) and (2) SMCTD's conveyance of its interest in the ROW in San Mateo County to the JPB. Upon full payment of the agreed amount, SMCTD will relinquish its rights under the 1991 Real Property Ownership Agreement and the 2008 Amendment to Real Property Ownership Agreement as to its property ownership status, option rights, conversion to equity and as to its status as a Tenant in Common of the San Mateo County ROW. Thereafter, all ownership of the ROW will vest with the JPB, which will

have sole authority over the management, acquisition, and disposition of the real property.

4. Reversion

a. If the payments required by section B.3 have not been received in the escrow account within 12 months of the execution of the MOU, the MOU will be void and the managing agency arrangement will revert to the written terms of the Joint Powers Agreement and the 1991 Real Property Ownership Agreement, as amended in 2008. Once escrow funds are disbursed to SMCTD, this clause shall be void.

b. In the event of reversion under paragraph (a), the two-thirds vote requirement under Resolution No. 2020-42 shall continue to apply and shall remain in effect until such time as each member agency has approved amendments to the JPA.

5. Future Amendment of RPOA and JPA

a. The member agencies shall commit to a process and timeline for consideration of amendments to the RPOA and JPA. These amendments are not intended to be an opportunity to re-negotiate the governing agreements from whole cloth, but rather shall be limited to:

i. Conforming the agreements with the terms of the MOU, which shall take precedence over any conflicting terms in the RPOA and JPA;

ii. Resolving inconsistencies between the RPOA and JPA;

iii. Clarifying ambiguities in the RPOA and JPA; and

iv. Codifying certain practices that are inconsistent with the JPA: **[identification of practices to be codified -- TBD]**.

b. Amendments to the JPA and RPOA require the approval of each member agency. If each of the member agencies does not approve the amendments to the JPA and RPOA contemplated by the MOU, the terms of the MOU shall continue to apply and shall take precedence over conflicting provisions of the JPA and RPOA.

c. Upon approval of the amendments to the JPA by each member agency, the super-majority vote requirement in JPB Resolution No. 2020-42 shall be deemed repealed.

6. Indemnification

a. JPB shall indemnify SMCTD for any liability that SMCTD incurs that arises from:

- SMCTD's employment of, and the performance of functions undertaken by, JPB direct reports, unless such liability arises from SMCTD's negligence, recklessness, or willful misconduct.

- JPB's breach of MOU
- JPB's breach of law
- JPB's negligence, recklessness, or willful misconduct

b. SMCTD shall indemnify the JPB for any liability that JPB incurs that arises from:

- SMCTD's provision of shared services, unless such liability arises from JPB's negligence, recklessness, or willful misconduct.
- SMCTD's breach of MOU
- SMCTD's breach of law
- SMCTD's negligence, recklessness, or willful misconduct

c. Except as provided above, JPB shall indemnify member agencies for activities undertaken by JPB as provided in JPA.

7. Shared Services Agreement

The MOU shall include:

a. A process and a timeline for the negotiation of a shared services agreement in which shared services provided to Caltrain by SMCTD would be defined, periodically evaluated, and adjusted as mutually agreed.

b. A process and timeline whereby both the assets of the JPB and the provision of shared services would be documented for the JPB and the JPA member agencies

8. Attorneys' Fees

Each party to the MOU shall bear its own costs in connection with the MOU and the amendment of the RPOA and JPA.

9. Term of MOU

The MOU shall remain in effect until such time as the member agencies approve amendments to both the RPOA and JPA or the member agencies and JPB mutually agree to amend or terminate the MOU. The MOU shall take precedence over conflicting provisions of the JPA and RPOA as long as the MOU remains in effect.

PROCESS AND TIMELINE FOR APPROVAL OF MOU AND AMENDMENT OF RPOA AND JPA

1. MOU

a. JPB adopts a resolution incorporating terms and recommending that member agencies approve MOU reflecting these terms.

b. Within 30 days of JPB action, JPB shall circulate draft MOU to counsel for member agencies to obtain their input, which shall be provided within 30 days of receipt.

c. MOU shall be finalized within 30 days of receipt of member agency comments and shall be presented to each member agency board and the JPB for approval at each agency's next regularly scheduled meeting.

d. If an impasse is reached at any time prior to final approval of the MOU by each party, the Governance Ad Hoc Committee shall convene to consider any disputed issues and to make a recommendation to the JPB, if necessary. The JPB shall consider and make a recommendation to the member agencies to resolve the matter. The member agencies shall consider any recommendation made by the JPB at the agency's next regularly scheduled meeting.

2. RPOA

a. Within two months of execution of MOU, JPB shall develop draft revisions to the RPOA, as limited by MOU, Section 5.a. JPB shall circulate draft revisions to RPOA to counsel for member agencies to obtain their input, which shall be provided within 30 days of receipt.

b. RPOA amendments shall be finalized within 30 days of receipt of member agency comments and shall be presented for approval to each member agency board at the agency's next regularly scheduled meeting following the disbursement of funds from escrow to SMCTD.

3. JPA

a. Within 2 months of approval of RPOA, JPB shall develop draft revisions to JPA, as limited by MOU, Section 5.a. JPB shall circulate revisions to counsel for member agencies to obtain their input, which shall be provided within 2 months of receipt.

b. JPA amendments shall be finalized within 2 months of receipt of member agency comments and shall be presented to each member agency board at the agency's next regularly scheduled meeting.



BOARD OF DIRECTORS 2022

PETER RATTO, CHAIR
 JOSH POWELL, VICE CHAIR
 MARINA FRASER
 JEFF GEE
 CAROLE GROOM
 ROSE GUILBAULT
 RICO E. MEDINA
 DAVE PINE
 CHARLES STONE

CARTER MAU
 ACTING GENERAL MANAGER/CEO

January 28, 2022

Steve Heminger, Chair
 Peninsula Corridor Joint Powers Board
 1250 San Carlos Avenue
 San Carlos, CA 94070

Michelle Bouchard, Acting Executive Director
 Peninsula Corridor Joint Powers Board
 1250 San Carlos Avenue
 San Carlos, CA 94070

Dear Chair Heminger and Acting Executive Director Bouchard:

Per the Chair of the SamTrans Board of Directors, I have been asked to share our Pathway Forward proposal that is scheduled to be voted on in the upcoming SamTrans Board Meeting. This document has been developed per direction from the SamTrans Board to clearly define terms acceptable to SamTrans that are consistent with the staff generated resolution of November. This action is to assist in concluding the governance review process in a timely fashion. We ask that it be incorporated in the package for the review of Caltrain's Board as they consider next steps for the February 3 Board meeting.

From the SamTrans Board perspective, the governance process and the uncertainty that comes with it have caused staff fatigue and drain, have impacted our focus on addressing mission critical challenges of the railroads operation and the crisis brought on it from COVID, and have served as a distraction and detrimental in our efforts to successfully compete for state and federal funding.

The San Mateo County Transit District (SMCTD) has historically and quite economically utilized its own General Manager, General Counsel and Auditor more to serve simultaneously in those roles for Caltrain as well. This established and contractually-confirmed practice has worked to avoid enormous duplication of effort and achieve great economies of scale.

Nevertheless, in the interest of regional cooperation SMCTD has listened to its member agency partners who are insisting that SMCTD share or cede its historic freedom to hire and fire the Caltrain Executive Director, General Counsel and Auditor. Furthermore, SMCTD understands that in the name of swift resolution and harmony, it must compromise its right to be fully reimbursed for its investments.

For all of those reasons, we believe it is in all of our interests, and the interests of the riders, voters and taxpayers we represent, to bring this process to a close. The attached document lays out terms that can be agreeable to SamTrans and will provide the Board's formal approval behind them. The document remains consistent with the important effort to address the directly appointed Executive Director position and the issues of long outstanding debts owed to SamTrans. It also seeks to define values associated with interest on that debt owed and compensation due for changes to purchased Managing Agency right.

SamTrans has faithfully, dutifully and effectively served the system in its role of Managing Agency and has always acted with the system's operational interests first. This pathway forward continues that approach

Steve Heminger
Michell Bouchard
January 28, 2022
Page 2 of 2

and seeks to work cooperatively with its partners towards speedy and full resolution to the dispute at hand and return the full focus of the partnership to the operational, funding and rider challenges facing the system.

Thus, and as reflected in the Pathway Forward Proposal, this provides an opportunity to adopt a Resolution that leads to a binding Memorandum of Understanding to be approved by the SMCTD board and the JPB board.

Sincerely,



Carter Mau
Acting GM/CEO

OVERVIEW

The San Mateo County Transit District (SMCTD) has historically and quite economically utilized its own General Manager, General Counsel and Auditor to serve simultaneously in those roles for Caltrain as well. This established and contractually-confirmed practice has worked to avoid enormous duplication of effort and achieve great economies of scale.

Nevertheless, SMCTD has listened to its member agency partners who are insisting that SMCTD share or cede its historic freedom to hire and fire the Caltrain Executive Director, General Counsel and Auditor. Furthermore, SMCTD understands that in the name of resolution and harmony, it must compromise its right to be fully reimbursed for its investments. Thus, and as reflected in its Pathway Forward Proposal, SMCTD hereby presents this definitive offer to enter into a binding Memorandum of Understanding to be approved by the JPB as follows:

PATHWAY FORWARD PROPOSAL FROM SMCTD:

A. Independent Governance at Executive Director Level:

1. The JPB board shall have the independent authority to hire, set compensation, conduct annual goal setting and performance reviews, and fire its own Caltrain Executive Director (who will not be the same person as SMCTD's General Manager), the hiring and firing of whom will be subject to a majority JPB board vote (of which at least one vote must be from a director of each of the member agencies); The Caltrain Executive Director (although remaining as an SMCTD employee subject to its personnel policies) will report directly to the JPB board, not to the SMCTD board or its General Manager;
2. The Caltrain Executive Director will have authority over those functions that are specific to the rail division (*i.e.*, Rail Operations and Maintenance, Rail Planning, Rail Contracts (*e.g.* TASI), Budgets, Rail Development, and construction (including PCEP) (so-called "direct staff");
3. All employees specific to the rail division (although remaining as SMCTD employees subject to its personnel policies) will report to the Caltrain Executive Director or his or her designee who will have full authority over these direct staff employees;
4. The JPB board shall have the independent authority to appoint its own Auditor (and shall not have the same auditor as SMCTD);
5. The JPB board shall have the independent authority to appoint its own General Counsel (and shall not have the same counsel as any member agency);

6. Upon the execution of the implementing Memorandum of Understanding (MOU, see below), the JPB board shall promptly rescind the provisions in its Resolution No. 2020-42 (Secs. B and C) as they relate to requiring a supermajority vote of six members for the described expenditures, and all such expenditures shall, as before, require only the approval of at least five (5) members of the JPB;
7. Except as so provided above, SMCTD will remain as the managing agency for Caltrain.

B. Reimbursing SMCTD for its Additional Contribution and Diminished Rights:

1. SMCTD will be repaid the principal amount owed under the terms of the 2008 RPOA -- \$19.8 million – in full within 6 months of the date the JPB board adopts a resolution accepting these terms representing SMCTD’s Pathway Forward Proposal with \$19.6 million being paid by the Metropolitan Transportation Commission (such payment with money that would not otherwise have gone to SMCTD or Caltrain) and \$200,000 by the City and County of San Francisco;
2. In consideration of the time elapsed since the 2008 RPOA and the diminution in managing agency rights as sold to SMCTD in that agreement, SMCTD will also be compensated the additional sum of \$15.2 million as a compromised sum, to be paid within 18 months of the date the JPB board adopts a resolution accepting these terms representing SMCTD’s Pathway Forward proposal (with such sum not being paid from any amounts obtained under Measure RR or funds generated by JPB operations or assets);
3. Upon full and timely payment of the \$19.6 million, \$200,000 and \$15.2 million amounts (see above), SMCTD will relinquish its rights under the 1991 Real Property Ownership Agreement (1991 RPOA) and the 2008 Amendment to Real Property Ownership Agreement (2008 RPOA) as to its status as a Tenant in Common of the San Mateo County ROW (1991 RPOA Secs. 4.1 and 8) and its right to obtain an equity interest in the remainder of the ROW (1991 RPOA Sec. 7.1);
4. Upon full and timely receipt by SMCTD of all amounts described here, the commitments of San Francisco and the VTA under Sections 3.3 and 3.4 of the 2008 RPOA will be deemed fulfilled; and

5. If all amounts owed above are not fully and timely paid, the resolution as approved by the JPB board and MOU (if executed) will be void (except as to the receipt of any monies already paid) and the managing agency arrangement will revert to the written terms of the governing JPA, the 1991 RPOA and the 2008 RPOA. This will include having SMCTD's General Manager serve as the Executive Director of Caltrain with full authority over the appointment and organization of all staff supporting the railroad.

C. Other Related Matters

1. Upon approval by a majority vote of the JPB board of a resolution accepting the terms set forth above representing SMCTD's Pathway Forward Proposal, the JPB would delegate to the Acting Executive Director of Caltrain and SMCTD would delegate to its General Manager the authority to draft an implementing MOU consisting of these terms, such MOU to be signed on behalf of the JPB board and the SMCTD board;
2. SMCTD hereby expresses its support for the stated commitment of the JPB to expeditious evaluation of any regional governance recommendations; and
3. SMCTD is amenable to negotiating at a future time (and not as a condition of the MOU) shared services arrangements with the JPB.

D. Costs Associated with any Changes Described Above

1. The JPB shall be responsible for any and all costs associated with the above, including without limitation legal expenses.
2. In the event of any claims made by or against the Caltrain Executive Director or direct staff, along with any for SMCTD carrying on its Managing Agency functions, the JPB will indemnify and hold SMCTD and any of its employees harmless from any such liability, including, but not limited, to the payment of attorney fees.



METROPOLITAN
TRANSPORTATION
COMMISSION

Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105
415.778.6700
www.mtc.ca.gov

February 15, 2022

Alfredo Pedroza, Chair
Napa County and Cities

Nick Josefowitz, Vice Chair
San Francisco Mayor's Appointee

Margaret Abe-Koga
Cities of Santa Clara County

Eddie Abn
San Francisco Bay Conservation
and Development Commission

David Canepa
San Mateo County

Cindy Chavez
Santa Clara County

Damon Connolly
Marin County and Cities

Carol Dutra-Vernaci
Cities of Alameda County

Dina El-Tawansy
California State
Transportation Agency

Victoria Fleming
Sonoma County and Cities

Dorene M. Giacopini
U.S. Department of Transportation

Federal D. Glover
Contra Costa County

Sam Liccardo
San Jose Mayor's Appointee

Nate Miley
Alameda County

Gina Papan
Cities of San Mateo County

David Rabbitt
Association of Bay Area Governments

Hillary Ronen
City and County of San Francisco

Libby Schaaf
Oakland Mayor's Appointee

James P. Spering
Solano County and Cities

Amy R. Worth
Cities of Contra Costa County

Vacant
U.S. Department of Housing
and Urban Development

Therese W. McMillan
Executive Director

Alix Bockelman
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

Brad Paul
Deputy Executive Director,
Local Government Services

Carter Mau
Acting General Manager
San Mateo County Transit District
1250 San Carlos Ave
San Carlos, CA 94070

Dear Mr. Mau:

I am writing to follow-up on the action MTC took on January 26, 2022 with respect to the funding commitment of \$19.6 million to SamTrans to satisfy the terms of a 2007 settlement agreement related to the purchase of Caltrain right of way (ROW).

The action was memorialized through MTC Resolution 4509, which set forth the timing and conditions of the funding commitment. Specifically, the resolution states that MTC shall identify \$19.6 million in federal, state or other grant funding to retire the principal payment identified in the Real Property Ownership Agreement (RPOA) and program, allocate or otherwise direct these funds to SamTrans for an eligible program or project subject to the following conditions:

- Principal payment of \$19.6 million constitutes full payment of any and all remaining MTC obligation for monies advanced by SamTrans for the purchase of the Caltrain right of way, with no expectation by SamTrans of future contributions by the Commission.
- Inclusion of a policy statement affirming the JPB agreement around governance does not preclude recommendations forthcoming from the Network Management Business Case and/or the Regional Rail Study.
- Inclusion in the recommendation that any future contemplated evaluation or reconvening of the Caltrain governance process include consultation with MTC regarding the status of ongoing regional governance processes including any network management recommendations that may have been adopted before that time.

It also states that MTC shall take a programming or allocation action to operationalize this funding commitment within calendar year 2022, with an accelerated goal of bringing back a recommendation for action by June 2022.

I understand my staff has met with you and your staff to discuss specific programs/projects and potential fund sources, and we welcome further conversation with you and your team to ensure that we are best able to follow-through on this funding commitment in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Therese W. McMillan", with a long horizontal flourish extending to the right.

Therese W. McMillan
Executive Director

Cc: Michelle Bouchard, Caltrain JPB Acting Executive Director
Steve Heminger, Caltrain JPB Chair

Attachment A: MTC Resolution No. 4509

Date: January 26, 2022
W.I.: 1515
Referred by: Commission

ABSTRACT

Resolution No. 4509

Funding commitment of \$19.6 million to the San Mateo County Transit District (SamTrans) representing the last and final MTC payment to retire the principal identified in the Real Property Ownership Agreement (RPOA) related to the purchase of the Caltrain right of way, amended in 2008, between the Santa Clara Valley Transportation Authority, San Francisco City and County, and SamTrans.

The resolution includes the following attachment:

Attachment A – Timing and conditions of funding commitment

Further discussion of this action is contained in the Metropolitan Transportation Commission summary sheet dated January 26, 2022.

Date: January 26, 2022
W.I.: 1515
Referred by: Commission

RE: MTC Funding Commitment to SamTrans to Retire Caltrain Right of Way Principal Payment

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4509

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code § 66500 et seq.; and

WHEREAS, MTC adopted the FY 2021-22 fund estimate, including the distribution and apportionment of Transportation Development Act (TDA), State Transit Assistance (STA), State of Good Repair (SGR) Program, Assembly Bill (AB) 1107 sales tax, Low Carbon Transit Operations (LCTOP) cap-and-trade auction revenues, and transit-related bridge toll funds (MTC Resolution No. 4450, revised); and

WHEREAS, the San Mateo County Transit District (SamTrans) provided \$82 million for the 1991 Purchase Sale and Option Agreement to the Peninsula Joint Powers Board for the purchase of the Caltrain Mainline Right of Way; and

WHEREAS, in the Real Property Ownership Agreement (RPOA), amended in 2008, the Santa Clara Valley Transportation Authority, San Francisco City and County, and SamTrans agreed to reset the amount of the additional contribution attributable to VTA and San Francisco at \$53.3 million. Of the \$43.3 million to be paid by MTC, approximately 80 percent would be paid on behalf of VTA, and 20 percent on behalf of San Francisco; and

WHEREAS MTC has paid \$23.7 million of the \$43.3 million as identified in the fund estimate (MTC Resolution No. 4450, revised); now, therefore, be it

RESOLVED, that MTC shall identify \$19.6 million in federal, state or other grant funding to retire the remaining principal payment and program, allocate or otherwise direct these funds to SamTrans for an eligible program or project subject to the timing and conditions set forth in Attachment A; and, be it further

RESOLVED, that this \$19.6 million payment represents the last and final payment by MTC related to the RPOA.

METROPOLITAN TRANSPORTATION COMMISSION

A handwritten signature in black ink, consisting of the letters 'AP' followed by a long horizontal stroke extending to the right.

Alfredo Pedroza, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California, and at other remote Locations, on January 26, 2022.

**Timing and Conditions of MTC Payment to SamTrans to Retire Caltrain Right of Way
Principal Payment**

MTC shall identify \$19.6 million in federal, state or other grant funding to retire the principal payment identified in the Real Property Ownership Agreement (RPOA) and program, allocate or otherwise direct these funds to SamTrans for an eligible program or project subject to the following conditions:

- Principal payment of \$19.6 million constitutes full payment of any and all remaining MTC obligation for monies advanced by SamTrans for the purchase of the Caltrain right of way, with no expectation by SamTrans of future contributions by the Commission.
- Inclusion of a policy statement affirming the JPB agreement around governance does not preclude recommendations forthcoming from the Network Management Business Case and/or the Regional Rail Study.
- Inclusion in the recommendation that any future contemplated evaluation or reconvening of the Caltrain governance process include consultation with MTC regarding the status of ongoing regional governance processes including any network management recommendations that may have been adopted before that time.

MTC shall take a programming or allocation action to operationalize this funding commitment within calendar year 2022, with an accelerated goal of bringing back a recommendation for action by June 2022.

CITIZENS ADVISORY COMMITTEE (CAC)
PENINSULA CORRIDOR JOINT POWERS BOARD (JPB)
SAN MATEO COUNTY TRANSIT DISTRICT ADMINISTRATIVE BUILDING

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

DRAFT MINUTES OF FEBRUARY 16, 2022

MEMBERS PRESENT: A. Brandt, P. Flautt (Vice Chair), L. Klein, R. Kutler, P. Leung, M. Pagee (Alternate) (arrived 5:54pm), JP. Torres, D. Tuzman, E. Shapiro, B. Shaw (Chair)

MEMBERS ABSENT: R. Jaques (Alternate)

STAFF PRESENT: T. Burgwn, J. Navarrete, J. Navarro, A. Piano, B. Tietjen,

Due to COVID-19, this meeting was conducted as a teleconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20, which suspends certain requirements of the Ralph M. Brown Act.

Chair Brian Shaw called the meeting to order at 5:40 p.m. and led the Pledge of Allegiance.

APPROVAL OF MINUTES OF JANUARY 29, 2022

Member Jean-Paul Torres mentioned that the February agenda reflects the incorrect date on agenda item number three as 2021. Member Klein confirmed that the January Meeting Minutes reflect the correct date. Chair Shaw noted that the date on the February Agenda, item #3 will need to be changed.

Motion/Second: Klein / Flautt

Ayes: Brandt, Kutler, Leung, Shapiro, Shaw, Torres, Tuzman

Abstain: None

Absent: None

PUBLIC COMMENT

None

CHAIRPERSON'S REPORT

Chair Brian Shaw shared that he observed more passengers on his recent train ride and mentioned that the "back to work- two days a week" mandate may have contributed to the observed increase. Chair Shaw also reported that he was unable to give the Chairperson's report to the Board due to the Governance discussions.

COMMITTEE COMMENTS

Vice Chair Patrick Flautt reminded the committee that staff is looking for their ideas for the March 16th meeting where applications for conductor's iPhones will be reviewed. He suggested committee members read reviews of applications and think about what the committee can recommend that would make the conductor's job easier and improve the experience of passengers.

Member Torres asked if the Chairperson's report could not be given at the Board meeting, how do they stay apprised of what is being discussed during the Citizen's Advisory Committee (CAC). Chair Shaw explained that the Board receives a copy of the CAC's meeting minutes for their review in their packet.

Member Tuzman shared that State Senator Josh Becker introduced Senate Bill 917, which is moving ahead with the recommendations from the MTC's fare coordination and integration study that the Citizen's Advisory Committee endorsed a few meetings ago.

Member Emilia Shapiro asked whether the Citizen's Advisory Committee will continue to meet virtually, or meet in person, or will there be a hybrid approach for future meetings. Chair Shaw stated that a resolution is passed monthly to continue to meet virtually and does not know whether the meetings will be held in person and will continue to keep the CAC informed.

Member Adrian Brandt requested an update on the vaccine mandate for customer facing employees. He then stated that with ridership not recovering to pre-COVID numbers, and more employers allowing employees to work from home, he recommended that staff think about the fare structure and who Caltrain is tailoring service for and to evolve. Lastly, he mentioned that it is important for the Board to hear the Chairperson's CAC report.

PUBLIC COMMENT

Jeff Carter, Millbrae, via Zoom Q&A, stated that he is dissatisfied with the Governance issues taking up so much time of the Board meetings and is a disservice when there is no time for the Chairperson's report. Jeff then agreed that future CAC meetings should be held virtually, or a hybrid version should be available. Lastly, he suggested staff to look at their base riders and provide a service and fare structure that is beneficial to those currently riding, for example fare by station and a more creative fare structure for the monthly pass.

Roland Lebrun, San Jose, via Zoom Q&A, shared a summary of a presentation found on SMCTA website, where he explained the impacts of Omicron, the COVID variant, on MUNI and its workers. He then shared BART's ridership report and suggested Caltrain report similarly and drill down to the station level. He informed the committee that SPUR will hold a meeting titled, Keep Transit Running in an Uncertain Future.

INDEPENDENT OVERSIGHT COMMITTEE FOR MEASURE RR FUNDING

Anna Myles-Primakoff, Olson Remcho, LLP, presented the Citizens Advisory Committee

Role in Measure RR Oversight presentation. The full presentation can be found on caltrain.com.

Committee Comments:

Vice Chair Flautt asked whether formatting of the annual report would be at the CAC 's discretion or would staff drive this. Ms. Myles-Primakoff stated that it would be at the CAC's discretion.

Member Larry Klein requested a financial auditor present to the CAC and then asked whether the timing would be per fiscal year or calendar year. Ms. Myles-Primakoff said that her team would have a financial advisor present to the CAC and confirmed the timing would be per fiscal year. Member Klein shared that this would be a lengthy effort and is interested in learning how staff will support the CAC. Joe Navarro, Deputy Chief, Rail Operations stated that once his team receives more information, this topic would be agendized and will explain how staff will support the CAC. Member Klein recommended to include the funding received starting in January 2021.

Member Rosalind Kutler requested staff support in terms of technical and legal expertise in order to execute the task assigned to the CAC.

Member Torres agreed with previous comments and requested staff support.

Member Brandt asked whether the public hearing would be added to the CAC agenda to allow for public comment. Mr. Navarro thanked Member Brandt for the suggestion.

Chair Shaw said that him and Vice Chair Flautt will talk to staff at their planning meeting to discuss how this new responsibility would work and provide the committee with a process. He stated that there will need to be training provided for this new responsibility.

Public Comments:

Jeff Carter, Millbrae, via Zoom Q&A, noted that the CAC's role will be much bigger than he envisioned. He then stated that the politics needs to rethink how public transit is funded and should be funded to the same extent as other forms of travel are funded.

Roland Lebrun, San Jose, via Zoom Q&A, mentioned that the new responsibility is daunting for the CAC. He then stated that other CAC's have been assigned similar responsibilities in the past and suggested the committee and staff to look at how Measure A and Measure B were handled. He recommended looking at the bylaws and the constitution of the specific Measure B oversight committee for roles and responsibilities. Roland then mentioned that Caltrain started collecting tax in July 2021. Lastly, he recommended a monthly or quarterly report.

PROPERTY THAT CALTRAIN OWNS

Brian Fitzpatrick Director, Real Estate and Property Development presented the Property That Caltrain Owns presentation. The full presentation can be found on caltrain.com.

Committee Comments:

Vice Chair Flautt thanked Mr. Fitzpatrick for the presentation and asked whether there were any options that expired that Caltrain could no longer acquire. Mr. Fitzpatrick responded that there were some options that were not executed, but he could not provide the totality of them as it happened before he started at Caltrain.

Public Comments:

Jeff Carter, Millbrae, via Zoom Q&A, stated that it is important that Caltrain has land to expand to four tracks and that there should be land for grade separations.

Roland Lebrun, San Jose, via Zoom Q&A, stated that there have been issues with Measure A in South County. He stated that there was a missed opportunity to have more service to Gilroy without having to purchase the entire right of way. He then stated that the parking lots in that area are being sold to developments one by one. Lastly, he asked for the location of the recent parcel purchase near the Dumbarton Junction as he is concerned with the impacts on the four-track station.

CONSTRUCTION TEMPORARY SCHEDULE CHANGE / CALTRAIN ELECTRIFICATION PROJECT UPDATE

Ted Burgwyn, Director, Rail Network and Operations, Caltrain Planning, and Brent Tietjen, Government and Community Relations Officer, presented the Caltrain Electrification Update - Temporary Service Schedule presentation. The full presentation can be found on caltrain.com.

Committee Comments:

Member Torres asked what passengers will see at the station during the impacted timeframes, to help indicate the correct platform. Ted Burgwyn responded that there will be messages on the VMS and that there will be station announcements to indicate the correct platform. Mr. Navarro stated that there will be extra signage on the platforms.

Member Brandt asked "signal incompatibility" to be clarified. Mr. Navarro responded that it means signal cutover where things are not compatible with the grounds coming back from the rail. He then stated that there is a lot of work being done in the signal hut, not just for grade crossings. Lastly, Member Brandt asked how the temporary schedule change will be publicized. Mr. Tietjen responded with the communication plan and stated that it would mirror what was done in August.

Member Kutler asked for the temporary schedule to be clear for riders on the mobile application and at stations. Mr. Burgwyn explained the plan for both at stations and online. Mr. Tietjen explained that the temporary schedule will be very clear to passengers. Mr. Navarro also explained that the dates will be clear to passengers.

Member David Tuzman agreed with Member Kutler and advocated for the temporary schedule be very clear to passengers. He then stated that he is excited to see the fifty percent discount come back to attract ridership beyond the promotion. He then asked what schedule will be posted at the stations. Mr. Burgwyn and Mr. Navarro explained

that the temporary schedule will temporarily replace the current schedule and will be taken down once the schedule goes back into effect on April 4th, 2022.

Chair Shaw asked about the construction schedule and whether the dates are locked in and whether there might be another schedule change if the work is not completed during the timeframe indicated. Mr. Navarro stated that the contingency plan has been worked into the dates and the project is on target to complete the necessary work during that time. He then stated that if the work is completed early, the temporary schedule will remain as indicated, however the trains may not be single tracking.

Public Comments:

Jeff Carter, Millbrae, via Zoom Q&A, reiterated members' comments about ensuring that passengers are aware of what is going on during the temporary schedule change.

Drew, via Zoom Q&A, asked staff to address the schedule changes mentioned last year that would have happened in January. He then requested data around two trains in the evening, one being a local and the other a semi-express train to provide a faster evening service.

MOUNTAIN VIEW TRANSIT CENTER GRADE SEPARATION AND ACCESS PROJECT

Alvin Piano, Project Manager, Capital Project Delivery, and guest speaker, Jim Lightbody, presented the Mountain View Transit Center Grade Separation and Access Project presentation. The full presentation can be found on caltrain.com.

Committee Comments:

Member Tuzman asked whether Mountain View is planning to make part of Castro Street a permanent pedestrian Plaza and if so, how does that impact that flow of traffic getting to Shoreline. Mr. Lightbody responded that the city approved converting it to a pedestrian area starting at Evelyn and with the project, there would still be a through traffic movement along Evelyn. Member Tuzman then asked whether there are potential big changes compared to the conceptual design to the temper expectations. Mr. Piano responded that the main, basic elements would not change and plans to achieve in the final design.

Member Brandt asked about the design that showed a tunnel underneath the train tracks. Mr. Lightbody explained that it might not move forward and explained that there is a lot of further planning still needed for the rest of the Transit Center Redevelopment Project. Lastly, member Brandt requested more safety measures for pedestrians and bikes at pedestrian crossings. Mr. Lightbody responded that they are working through those concerns.

Member Flautt was impressed with the design and suggested Caltrain use that approach for future Caltrain stations. Mr. Lightbody mentioned that there will be a short video that will include flythroughs next month on the project website. Member Flautt recommended they work with the Social Media department to educate the public. Mr. Navarro agreed to connect Mr. Lightbody with the Social Media department through the CAC Secretary.

Chair Shaw agreed that the Mountain View Transit Center Grade Separation is a model for other Caltrain stations.

Member Kutler is pleased with the station design not dividing the station into two sides and looks forward to future stations adopting this model.

Member Brandt asked about funding for this project. Mr. Lightbody shared the funds that have already been allocated and explained that there are still decisions to be made about the priorities for funding.

Member Tuzman asked about the experience with working with the city of Mountain View. Mr. Lightbody explained that from his experience, although there was turnover in the Council, they had good political leadership to support some of the issues.

Public Comments:

Roland Lebrun, San Jose, via Zoom Q&A, stated that the expectation with reducing train noise will not happen if trains travel on the track that is immediately adjacent to the platform and said that the solution is a four-track station. He then talked about Measure A and Measure B funding.

Jeff Carter, Millbrae, via Zoom Q&A, expressed his satisfaction with the presentation and requested for further details to be shared. He then suggested Palo Alto mirror what is being done in Mountain View with the grade separation project. He then asked whether this would allow Caltrain to expand to four tracks.

Drew, via Zoom Q&A, appreciated the great job with the presentation.

STAFF REPORT UPDATE

Joe Navarro, Deputy Chief, Rail Operations reported (The full report can be found on caltrain.com):

On-time Performance (OTP) –

- **January:** The January 2022 OTP was 94.4% compared to 86.9% for January 2021.
 - **Trespasser Strike** – There was one trespasser strike on January 25.
 - **Vehicles on Tracks** – There was one day, January 15 with a vehicle on the tracks that caused train delays.
 - **Mechanical Delays** – In January 2022 there were 1411 minutes of delay due to mechanical issues compared to 144 minutes in January 2021.
- **December:** The December 2021 OTP was 91.1% compared to 95.3% for December 2020.
 - **Vehicle Strikes** – There were three vehicle strikes on December 1, 2 and 29.

- **Trespasser Strike** – There was one trespasser strike on December 2.

Mr. Navarro reported that TASI has been doing a great job with the schedule changes going from 42 trains to 70 trains to 104 trains through staffing issues and have not had to cancel trains or service due to COVID. He then reported that trainset number three will be delivered to San Jose.

Committee Comments:

Member Tuzman asked about the increase with mechanical delays and Joe responded that with the new trains on their way, there are less investments being made to the Gallery cars.

Member Brandt asked for the status of the vaccine with TASI and then asked about ridership. Mr. Navarro shared the ridership slides. Member Brandt recommended staff to focus on the last slide. Regarding the vaccine rollout, Mr. Navarro stated that staff is working on a plan and will share further details once it is solidified.

Public Comments:

Jeff Carter, Millbrae, via Zoom Q&A, applauded Mr. Navarro, and his staff for all their hard work with keeping service going during the COVID crisis.

Roland Lebrun, San Jose, via Zoom Q&A, agreed that running 104 trains is wonderful, however stated that low ridership is very concerning and is not sustainable moving forward. He then stated that regarding maintenance of the Gallery trains, they should have been removed from service a while ago. He then asked what will happen with the Gallery sets, once the EMUs arrive. Lastly, he agreed with Member Brandt that the last slide on the ridership presentation is what staff should be focusing on and should be part of the monthly staff report.

JPB CAC Work Plan

March 16, 2022

- Caltrain Marketing Campaign
- Applications for Conductor iPhones
- Flow of Customer Information / Website Design

April 20, 2022

- Constant Warning
- Code of Conduct
-

May 18, 2022

-
-

June 15, 2022

-
-

Suggested Items:

- Go Pass cost per ride factors – requested by Chair, Brian Shaw on 6/19/19
- San Mateo County Climate Action Plan – requested by Member Rosalind Kutler on 10/16/19
- MTC Means-Based Discount Fare program update
- Caltrain connections with other agencies – requested by Member Rosalind Kutler on 12/18/19
- Update on grade crossing pilot six months after installation – requested by Member, Patrick Flautt on 12/18/19
- Operating Costs – requested by Member Adrian Brandt on 2/13/20
- Rail Corridor Use Policy – requested by Member Anna Dagum on 10/21/20
- Industry Safe Functionality
- Blue Ribbon Task Force
- Clipper Data Availability
- Construction Obstacles
- Wireless Solution Technology – requested by Member Adrian Brandt on 12/8/21
- Redwood City Station Development - requested by Member Adrian Brandt on 12/8/21
- Dual speed check installation/Constant Warning, Downtown Extension, elevated four track station, future Dumbarton Rail extension and the Google campus being planned at the Diridon station, PCEP project wireless overlay system and level boarding and the status of fully vaccinated staff - requested by Member Adrian Brandt on 12/15/21
- Transit Oriented Development & historic station preservation outreach - requested by Member Patricia Leung on 12/15/21
- Equity evaluation on the most recent schedule change and Go Pass qualification requirements - requested by Member Rosalind Kutler on 12/15/21
- Staffing structure, Governance Update, Visual Messaging Display rollout plan, Equity Plan implementation/update and periodic updates from Government Affairs regarding funding sources and how infrastructure bills may impact Caltrain - requested by Member David Tuzman on 12/15/21
- Caltrain Wayfinding improved, specifically with single tracking - requested by Member Jean-Paul Torres on 12/15/21
- Conductor's communication tools and how they may interface with the public. Regional trip planning and availability for riders that do not have access to mobile devices - requested by Alternate Member Melody Pagee on 12/15/21
- Regional connections between transit agencies - requested by Alternate Member Rob Jaques on 12/15/21

- Distance-based fares on Caltrain. Deep dive on it from a practical standpoint - requested by Chair, Brian Shaw on 12/15/21

DATE, TIME, AND LOCATION OF NEXT REGULAR MEETING:

The next meeting will be March 16, 2022, at 5:40 pm, San Mateo County Transit District Administrative Building, 2nd Floor Bacciocco Auditorium, 1250 San Carlos Avenue, San Carlos, CA.

Adjourned at 8:11 pm.

DRAFT



Memorandum

BOARD OF DIRECTORS 2022

STEVE HEMINGER, CHAIR
CHARLES STONE, VICE CHAIR
DEVORA "DEV" DAVIS
CINDY CHAVEZ
JEFF GEE
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MICHELLE BOUCHARD
ACTING EXECUTIVE DIRECTOR

Date: February 23, 2022
To: Board of Directors
From: Michelle Bouchard, Acting Executive Director
Subject: March 3, 2022, JPB Board Meeting Executive Director's Report

- **On-time Performance**

Through February 22: The February 2022 OTP was 92.6% compared to 92.5% for February 2021.

- **Trespasser Strike** – There was two trespasser strikes on February 14 and 22..
- **January:** The January 2022 OTP was 94.4% compared to 86.9% for January 2021.
 - **Trespasser Strike** – There was one trespasser strike on January 25.

- **Temporary Weekday Service Schedule** – The temporary train schedule will be in effect on March 14, 2022 through April 1, 2022.
 - Midday, evening and weekend schedules will not change.
 - Peak service will be reduced: a total of three different limited trains will operate each hour per direction.
 - No local service during peak hours.
 - Baby Bullet service will be suspended
 - 88 trains will operate each weekday (down from current 104).

On April 4, 2022 Caltrain will return to its regular revenue schedule.

Trains will single-track at Broadway, Burlingame, San Mateo, Hayward Park and Hillsdale stations.

Customer Outreach Efforts will include:

- Landing page on caltrain.com
- Organic Social (Twitter, FB, IG, Nextdoor, Tiktok)
- Paid Digital and Print Ads
- Station Ambassadors
- Email Blasts
- Mobile App Alerts
- Visual Messaging Signage at Stations
- Onboard and Station Announcements
- Press Release
- Amplified message via elected officials, cities, counties,
- Updates to key stakeholders, business groups

Caltrain will offer 50% off fares, excluding GO PASS for the month of April 2022.

- **Postponement of Fare Increases Approved at the September 2019 Board Meeting** – At its June 2021 meeting, the JPB agreed to postpone fare increases approved at the September 2019 Board meeting due to the pandemic. Pursuant to the authority previously granted by the Board, the Acting Executive Director authorized a promotional fare reduction further delaying the previously approved fare increases to alleviate the continuing economic effects of the COVID-19 pandemic on riders, incentivize Caltrain ridership and potentially increase overall fare revenue. Staff will present a proposal to revise scheduled fare increases to the Board in the Spring of 2022.
- **COVID-19 Policy** – Staff is in the process of implementing an administrative COVID-19 safety policy requiring employees of contractors working on property owned or operated by the JPB, including stations or trains, to provide proof of vaccination or submit to weekly testing. Drafts have been shared with major contractors, including TASI. Implementation of the policy will begin on March 17, 2022.
- **CAC Meeting** – The Citizens Advisory Committee met on Wednesday, February 16, via teleconference. Anna Myles-Primakoff, Olson Remcho, LLP provided a presentation on RR funding. Brian Fitzpatrick, Director – Real Estate & Development provided an update on property that Caltrain

owns. Ted Burgwyn, Director – Rail Network & Operations Planning and Brent Tietjen, Government & Community Relations Officer provided an update on PCEP. Alvin Piano, Project Manager – Capital Project Delivery, Jim Lightbody from the City of Mountain View provided a presentation on the Mountain View Castro Grade Sep & Access Project. Joe Navarro, Deputy Chief – Rail Operations, provided the Staff Report. The next CAC meeting is scheduled for Wednesday, March 16, via teleconference or San Carlos.

- **BATAC Meeting** – The next Bicycle & Active Transportation Advisory Committee is scheduled for Thursday, March 17, via teleconference or San Carlos.
- **Special Event Service**

Services Performed:

The April Executive Director's Report will include the February special events ridership.

- **San Francisco 49ers** – The 49ers hosted one game in January. Total ridership alighting and boarding at Mountain View station was 865, an increase of 7% compared to the average ridership per game during December 2021. Season total ridership is 7,848, a decrease of 55% compared to 2019.
- **Golden State Warriors** – The Warriors hosted nine games in January. The total additional ridership for January was 2,278. The average ridership per game was 253, a decrease of 33% compared to December 2021. Year-to-date additional ridership is 8,689, a decrease of 35% compared to 2019 (13,388).

The Warriors hosted five games in February.

- **San Jose Sharks** – The Sharks hosted five games in January. Total post game additional riders boarding at San Jose Diridon was 289. The average ridership per game for January was 58, a decrease of 29% compared to December 2021 (82). Year-to-date additional ridership is 1,690, a decrease of 72% compared to 2019 (6,110).

The Sharks hosted six games in February.

Services Scheduled:

- **San Jose Sharks** – The SJ Sharks will host six regular season games in March. Staff will continuously monitor service with SAP Center.
- **Golden State Warriors** – The Warriors will host six regular season games in March. Staff will continuously monitor service with Chase Center.

- **Capital Projects**

The Capital Projects information is current as of February 11, 2022 and is subject to change between February 11 and March 3, 2022 (Board Meeting).

- **South San Francisco Station Improvements:** This project replaces the existing side platforms with a new centerboard platform, construction of a new connecting pedestrian underpass to the two new plazas in downtown South San Francisco to the west and the shuttle area to east. Upon completion, the hold-out rule at this station will be removed that currently impacts overall system operational efficiency.

Ramps, West Plaza and the pedestrian underpass were opened to passengers on January 13, 2022. Shuttle service was moved from the parking lot to its new permanent location on Poletti Way on January 24, 2022. The parking lot was patched, resealed and re-stripped. The ribbon cutting ceremony planned for January 13, 2022, was postponed until Spring 2022 due to COVID precautions. Minor “punchlist” work items remain which will be completed over the next two months which will close out the project.

- **Burlingame Broadway Grade Separation Project:** This project will grade separate the railroad alignment at Broadway, between Carolan and California Avenues, in the City of Burlingame and remove the current at-grade crossing. As a part of this project, the Broadway Station will become elevated and the hold-out rule at this station will be eliminated impacting operational efficiency. Currently this project is funded for the design phase through local funds (San Mateo County Transportation Agency Measure A and the City of Burlingame). The City of Burlingame is the project sponsor with Caltrain acting as the lead agency for implementation.

An agreement was reached between Caltrain and the City of Burlingame to proceed with the design and construction of a center-boarding platform and incorporate certain value engineering designs, particularly related to the structural design, which will reduce overall project cost. A project update was presented to the City of Burlingame City Council on February 7, 2022.

The current schedule forecasts advertisement for the construction contract by late-2023. Construction scheduled to occur from early 2024 to mid-2027.

Advance utility relocations are expected to begin in late 2022. The Team is evaluating the potential use of the Construction Manager/General Contractor, or “CM/GC” project delivery approach, to address project risk and site constraints.

- **Guadalupe River Bridge Replacement:** JPB proposes to replace the MT-1 railroad bridge and extend the MT-2 railroad bridge over the Guadalupe River in the City of San Jose, Santa Clara County, California. The proposed project is located just north of Willow Street and east of State Route (SR) 87 between Tamien & Diridon stations.

The total project cost is estimated at \$45 million has reached 100% design completion. Bid advertisement expected in April 2022 with expected Board award in Summer, 2022.

The primary issue facing this project is the resolution of scope and budget issues with UPRR. Per the Trackage Rights Agreement, a binding arbitration hearing was held in December 2021. The final ruling is scheduled for March 7, 2022. Resolution of these issues may alter the bid advertisement date and construction schedule.

- **Rengstorff Avenue Grade Separation:** JPB in partnership with the City of Mountain View propose to grade separate the existing at-grade Caltrain tracks from the roadway crossing at Rengstorff Avenue in the City of Mountain View. This project will help improve public safety for pedestrians, cyclists, vehicles, and trains while improving the overall traffic flow and travel reliability.

The project entails constructing a new full depressed intersection, major grading work, new paving & bicycle lanes with special barriers, retaining walls, new elevated railroad tracks & pedestrian bridges, utility relocation, drainage & pump station facilities, and landscaping.

The project is currently in preliminary design and had expected 35% design submittal in late 2021. However, submittal delivery has been delayed to March 2022 due to additional geotechnical investigation and traffic studies. In addition, the county continues to review the geometric design layout for sight and stopping distances, and the transition grades. The preliminary total budgeted estimate is approximately \$280 million. Most of the funds will come from the City of Mountain View (thru VTA-Measure “B” sales tax), State, Federal, local, and other grants.

Currently construction is expected to start in early 2025, pending securing funds and complete in late 2027.

- **Ticket Vending Machine (TVM) Rehabilitation:** This project will upgrade existing TVM Server and retrofit and refurbish existing TVM machines to so that the machines can perform the functions planned for the current Clipper program. The new machines will be able to dispense new Clipper cards (excluding discount Clipper cards that require verification of eligibility) and have the ability to increase the cash values of existing Clipper cards. In addition, the scope of the original contract was increased to include upgrades to the credit card reader and database.

Phase 1 was completed in October 2020 to develop a prototype Clipper TVM. Phase 2 for the retrofitting of 12 additional TVM's was completed in March 2021. The agreement for the award of Phase 3 for upgrading another 21 TVM's was executed in late September. The completion of Phase 3 is expected by early 2022. Phase 4 for the upgrading of another 27 TVM's will be added to the project as the approved FY21 capital funding has just recently become available. Phase 5 funds to upgrade the remaining 27 TVM's (contained in the FY22 Capital Budget) are not yet available. In February 2022, the JPB Board approved an increase in the contract authority of the Information Technology Board Resolution that allows for the award of the Phase 4 upgrade to proceed.

- **Clipper Next Gen Validators Site Preparation:** This project will prepare the stations with electrical power for the installation of the Clipper Next Gen Validators to be installed by MTC/Cubic. An award of a contract was made to BECI at the February, 2022 JPB Board meeting to perform this work. Construction is scheduled to commence in March 2022 and reach completion in October 2022.
- **Mary and Evelyn Avenue Traffic Signal Preemption Project:** This project will perform upgrades to train approach warning systems at Mary Avenue and Evelyn Avenue crossings in Sunnyvale. Project will improve vehicle safety at the at-grade crossings by increasing traffic signal advance warning times for approaching trains in order to clear vehicles at the crossings. Project will mimic the 2014 completed traffic signal preemption project in Redwood City, Palo Alto, and Mountain View. This project is being funded through the State of California Public Utilities Commission Section 130 program to eliminate hazards at grade crossings.

The Notice to Proceed for construction was issued to the Caltrain contract operator, TASI, in February 2021. TASI completed the installation of new traffic signal preemption equipment and advance signal preemption was successfully cutover and tested in July 2021. Integrated testing with the City

of Sunnyvale's traffic controller is pending the City's construction completion that is forecasted for early 2022.

- **Churchill Avenue Grade Crossing Improvements:** This project will improve safety, pedestrian and bicycle access to the Churchill Avenue crossing in the City of Palo Alto. The project scope includes widening sidewalks, associated relocation of pedestrian gates, and installing new vehicle pavement markings and markers. This project is coordinated with the City of Palo Alto's own design for the crossing.

The project began in December 2019. The 100% design was received in October 2021. JPB's Issue for Bid documents are awaiting the California Public Utilities Commission (CPUC) approval of the City of Palo Alto's portion of the contract documents so that advertisement for bids can proceed. Construction is forecast to occur from mid-2022 to mid-2023.

- **Broadband Wireless Communications:** This project will provide wireless communication systems to enhance railroad operations and maintenance capabilities and provide Wi-Fi capability for passengers. This project is funded through a Transit and Intercity Rail Capital Program (TIRCP) grant.

Proposals were received at the end of December 2021 and were reviewed by an Evaluation Committee at Caltrain and followed by interviews with shortlisted proposers. System demonstrations of their proposed systems within the Caltrain corridor are being scheduled to be followed by contract negotiations, and contract award in the spring/summer of 2022. Design and Construction is planned from mid-2022 until June 2024..

- **Bayshore Station Bridge Painting:** This project will perform rehabilitation of the coatings of the existing steel pedestrian overpass bridge at the Bayshore Station in Brisbane. The bridge's paint coatings are in need of rehabilitation with surface rust that needs to be addressed along with a complete repainting of the bridge to bring the structure to a state of good repair.

The project completed finalizing the Issue for Bid construction bid documents and the contract was advertised for bids on December 10, 2021. Bids were received on Friday, January 14, 2022 and are being evaluated. Award of the construction contract is currently planned for April 2022. Construction is expected to commence in Spring/Summer 2022 and complete in the Winter of 2022.

- **Mountain View Transit Center Grade Separation and Access:** The purpose of the Mountain View Transit Center (MVTC) Grade Separation and

Access Project is to improve safety at Castro Street in the city of Mountain View by replacing the existing at-grade crossing at Castro Street with a grade-separated pedestrian and bicycle underground crossing.

JPB Environmental Planning group is working to obtain environmental clearance through the California Environmental Quality Act (CEQA). A board action for CEQA adoption will be done concurrently with approval and award of the Final Design Contract in mid-2022. Issuance of the Request for Proposal for Final Design occurred on January 12, 2022, with the award of the design contract in Summer 2022. The planned schedule is to issue an Invitation for Bids (IFB) for construction by the end of 2024.

The project team has worked with the “Technical Working Group” (TWG) that is comprised of JPB, City of Mountain View, and VTA staff for the review of the final design Request for Proposal (RFP) deliverables as required in the executed Cooperative Agreement. In addition, the team is evaluating the potential use of alternative contract delivery methods to address project risk and site constraints.

- **Watkins Avenue Grade Crossing Improvements:** This project includes the design and construction of four quadrant (“quad”) gates at the Watkins Avenue Grade crossing located in Atherton, California. This project is related to the executed Memorandum of Understanding (MOU) regarding the ‘Town of Atherton Station Closure’ between the Town and Caltrain.

In July 2021, a work directive was issued to the design consultant to complete the final design activities. JPB Staff including Engineering and Maintenance conducted a kick-off meeting with Town of Atherton staff regarding scope, schedule, and input for the conceptual design. In addition, JPB Staff conducted a field diagnostic meeting with the California Public Utilities Commission (CPUC) and the Town of Atherton to obtain the necessary information and requirements from CPUC for the final design. The 35% design for the safety improvements at the grade crossing has been completed and reviewed. The 65% design is now in progress.

The current schedule forecast reflects a construction period from January 2023 to December 2023, which complies with executed MOU.

- **San Mateo Grade Crossings Improvements:** This project will install quad gates at the grade crossings at 4th and 5th Avenues in San Mateo. The 100% is complete; awaiting the City of San Mateo to finish their design in April 2022. Procurement is then scheduled to begin in May 2022 with construction planned to commence in December 2022 and scheduled for completion by December 2023.

- **MP-36 Locomotive Mid-Life Overhaul Project:** Perform mid-life overhaul of six MP-36-3C Locomotives. The mid-life overhaul includes complete disassembly of the main diesel engine, overhauling by reconditioning reusable main frame components and re-assembly with new engine components and replacement of Separate Head-End Power (SEP-HEP) unit and all electrical components of the SEP-HEP compartment. All areas of the locomotive car body, trucks, wheels and electrical components shall be reconditioned to like-new condition or replaced with new material. The project work is occurring off-site at the contractor's facility location. The 6 locomotives to be overhauled are Locomotive #'s 923, 924, 925, 926, 927 & 928. In order to maintain daily service, only 1 to 2 of these locomotives are released at a time for overhaul work that is expected to take approximately 8 months per locomotive. Due to this restriction, the overall completion of this work is expected to take approximately 4 years.

The first vehicle #927 was shipped to the vendor's (Alstom) facility at Mare Island (Vallejo) in July 2020 for overhaul. Its return to Caltrain was delayed from early-2021 until the end of December 2021 due to COVID-19 related impacts to the vendor's supply chain, availability of testing staff due to travel restrictions, and an increase in the scope of needed repairs. Vehicle #927 is currently undergoing acceptance testing by Alstom and TASI at CEMOF in San Jose. Vehicle #924 was shipped to the vendor's facility in November 2020 and is currently 18% completed, it has been completely stripped, and both the main and HEP engines are being over-hauled. Vehicle # 925 is being prepared and inspected at CEMOF for delivery to Alstom's facility in Mare Island for overhaul. The 925 has arrived at the Alstom facility in Mare Island and is ready to begin its over-haul.