

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

MINUTES OF DECEMBER 2, 2021

MEMBERS PRESENT: C. Chavez, D. Davis (Chair), J. Gee, S. Heminger (Vice Chair), G. Hendricks, D. Pine (arrived 9:02am), C. Stone, S. Walton, M. Zmuda

MEMBERS ABSENT: None

STAFF PRESENT: M. Bouchard, D. Hansel, S. Petty, J. Harrison, A. Myles-Primakoff, K. Yin, P. Shrestha, A. Brandt, D. Santoro, C. Fromson, S. Bullock, C. Mobley-Ritter, R. McCauley, A. Simmons, R. Barnard, R. Cheung, D. Seamans, S. Wong

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Dev Davis called the meeting to order at 9:01 am and led the pledge of allegiance.

2. ROLL CALL

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

3. GENERAL COUNSEL REPORT – CLOSED SESSION:

- a. **Closed Session: Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One case**
- b. **Closed Session: Conference with Legal Counsel – Anticipated Litigation. Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4): One potential case**

Roland Lebrun, San Jose, commented on the long term implications of the lack of mechanical independence between north and southbound designs.

4. GENERAL COUNSEL REPORT – REPORT OUT FROM ABOVE CLOSED SESSION

*The Board convened in closed session at 9:00 am
The Board reconvened in regular session at 11:00 am*

General Counsel James Harrison stated that there were no reportable actions.

5. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Aleta Dupree, Oakland, commented on long closed sessions, hearing public commenters, and new officers welcoming the public.

Roland Lebrun, San Jose, commented on a simultaneous BART (Bay Area Rapid Transit) meeting and two speed check.

Richard Mehlinger commented on restoring baby bullet service to Sunnyvale, calling it a major employment and business hub with bi-directional baby bullets being essential.

Jeff Carter, Millbrae, commented on the length of the closed session and needing public comment time.

Vaughn commented on the opportunity to listen to another meeting, high speed trains in China carrying more than airlines in China and North America combined, trains carrying less than 10 percent of the traffic between Alameda and Santa Clara, and the need for better rail coordination.

6. CONSENT CALENDAR

- a. Approve Regular Meeting Minutes of November 4, 2021 and Special Meeting Minutes of October 22, 2021**
- b. Renew Resolution Finding a Proclaimed State of Emergency, Recommendation 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 – October 2021**
- d. Authorize Execution of a Contract with CDW Government LLC for Caltrain Rail Network Virtualization Project**
- e. Report of the Chief Financial Officer (CFO)**
- f. Accept Statement of Revenues and Expenses for the Period Ended October 31, 2021**
- g. Award of Contract with Hobbs Investments, Inc. dba Am-Tran to Provide Mail Courier Services**
- h. Declaration of Intent of the JPB (Financing Reimbursement)**
- i. Fuel Hedging Update**
- j. State and Federal Legislative Update**
- k. San Francisco Railyards Preliminary Business Case (PBC) - Project Update**
- l. Capital Projects Quarterly Status Report – 1st Quarter Fiscal Year 2022**
- m. 2022 Draft Legislative Program**
- n. 22nd Street Station Americans with Disabilities Act (ADA) Access Improvement Feasibility Study**
- o. Metropolitan Transportation Commission (MTC)/Regional Update**

Public Comment

Aleta Dupree, Oakland, commented on the 22nd Street presentation and acting sooner rather than later.

Jeff Carter, Millbrae, commented on the 22nd Street ADA, station usage and building these ramps.

Motion/Second: Hendricks/Zmuda

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

Noes: None

Absent: None

7. UPDATE ON CALTRAIN GOVERNANCE

Michelle Bouchard, Acting Executive Director, clarified that while this item was agendized as a motion, in the event the Board may want to provide additional direction to staff.

Sebastian Petty, Deputy Chief of Planning, provided the presentation which included the following:

- Staff Activities to solicit feedback and input from Board members and JPA partner agencies' staff with final feedback to be received by December 8th
- Feedback on Draft Straw Proposal language, including appoint of the Executive Director and direct services
- Details of Right of Way (ROW) repayment
- Next steps included using the January 6 meeting for discussion and potential action

Public Comment

Adina Levin, Friends of Caltrain, commented on resolving governance issues, managing capital projects, elevating the customer experience, and equity strategies.

Aleta Dupree, Oakland, commented on principles, owing money, and paying back debt.

Vaughn commented on finishing governance, completing projects, getting half the population off the freeways, and needing a modern rail system.

Jeff Carter, Millbrae, commented on moving ahead with governance, have the JPB select the executive director, supported by SamTrans staff, and wanting to see the railroad electrified.

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

- Electrification work on Caltrain is important and continuing
- Reaching out to members, before the December 8th deadline

8. REPORTS

a. Report of the Citizens Advisory Committee (CAC)

Adrian Brandt, member, reported on the following topics:

- Appointing a nominating committee and making a recommendation at the next meeting

- Menlo Park Rail Committee reviewing draft language on the request for proposal for a quiet zone study for the entire city
- Public comment on quad gates, trains still needing to sound their horns, and 22nd Street ADA access
- Receiving Brown Act training and having public meetings in safe space
- Metropolitan Transportation Commission (MTC) implementing Clipper 2.0
- Incentives for transit agencies that do not participate

b. Report of the Chair

Chair Davis announced the Nominating Committee for 2022 Officers as Directors Zmuda, Pine, and Hendricks.

c. Report of the Transbay Joint Powers Authority (TJPA)

Director Jeff Gee reported that the Federal Transit Administration (FTA) is currently reviewing the TJPA's application for the New Starts Program and the Executive Director would be appointed next week.

d. Report of the Executive Director

i. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report – October, including Change Management Board Process Overview

Michelle Bouchard, Acting Executive Director, reported on the following:

- Holiday train returning Dec 4 and 5th with the opportunity to give donations and reminded everyone to wear face coverings
- Free rides after 8 pm on New Year's Eve and special late night service from San Francisco
- Staff strategizing on the Infrastructure bill passed this year
- November 14th emergency preparedness with a full-scale drill simulating an electrified environment

Luis Zurinaga, CMB (Change Management Board) Chair, provided updates, which included the following:

- Change Management Board membership and overview
- Funding partners MOU (Memorandum of Understanding)
- Topics reviewed monthly
- Action on changes over \$200,000
- Scope, quantity, and work directive change examples

Pranaya Shrestha, CalMod Chief Officer, provided updates, which included the following:

- Construction updates on Segment 4- used for testing trains (critical segment), Overhead Contact System (OCS), and traction power facilities
- Electric trains and two speed check
- Signal optimization (wireless) and electric locomotive tests
- Safety campaign and schedules with key milestones and project costs
- Top risks included contractual issues, outstanding change orders, part delays
- Seeking funding, next steps, and general project update

ii. Update on Effect of Public Employees' Pension Reform Act (PEPRA) on Federal Funding for Caltrain Agencies

James Harrison, General Counsel, provided the report, which included the following:

- 2013 PEPRA affected the way benefits were calculated for employees to participate in the public pension programs and California transit agencies that did not comply with federal labor laws were not having their applications certified.
- Determination was made that Caltrain was not affected by PEPRA (Public Employees' Pension Reform Act) because it does not have its own employees
- The Department of Labor confirmed that Caltrain applications are currently being processed by FTA (Federal Transit Administration)

Public Comment

Aleta Dupree, Oakland, commented on finishing foundations, the paint schemes, and having to "stay on hard construction", including electrical substations wires and power generation.

Jeff Carter, Millbrae, commented on progress, other parts of the world getting this done faster, cheaper, advocated for electrification, and completion before September 2024.

Roland Lebrun, San Jose, commented on the PCEP presentation, Mayor Ricardo not funding cost overrun and asked for confirmation for a special meeting on December 6.

Vaughn asked about a backup strategy for electric power, the age and makeup of the workforce, including the number of engineers and potential shortage of plumbers and electricians to do the work.

9. CORRESPONDENCE

Correspondence was available online.

10. BOARD MEMBER REQUESTS

There were none.

11. DATE/TIME OF NEXT REGULAR MEETING:

Thursday, January 6, 2022 at 9:00 am via Zoom (additional location, if any, to be determined).

12. ADJOURN

The meeting adjourned at 12:13 pm

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