



JPB Board of Directors
Meeting of November 4, 2021

Correspondence as of November 4, 2021

Subject

1 Item 3.a Anticipation of litigation

From: [Roland Lebrun](#)
To: [Board \(@caltrain.com\)](#)
Cc: [Steve Stamos, Clerk of the Board](#); [MTC Commission](#); [Baltao, Elaine \[board.secretary@vta.org\]](#); [SFCTA CAC](#); [cacsecretary \[@caltrain.com\]](#)
Subject: Item 3.a Anticipation of litigation
Date: Thursday, November 4, 2021 4:15:01 AM
Attachments: [Item 5f Electrification RFP.pdf](#)
[item #7 \(d\) CHANGE ORDER FOR INSTALLATION OF INSULATED JOINTS.pdf](#)

ATTENTION: This email came from an external source. Do not open attachments or click on links from external senders.

Dear Caltrain Board,

Here is a list of items for your consideration during this morning's closed session:

1. Further to my email of 8/5/2020 (below), please ask Mr. Harrison to review Section 9.6.4 (attached) of the electrification RFP and advise the Board as to which party is financially responsible for undergrounding utilities below 30KV.
2. **Consider severing signaling from the PCEP contract and directing staff to issue a competitive RFP as recommended in my email of 8/1/2018** (attached), specifically to address the issues with the current 2SC implementation as proposed by the SamTrans consultants: <https://www.caltrain.com/Assets/PCEP+Update+PPT.pdf> (slide 12).

[CALTRAIN ELECTRIFICATION UPDATE](#)

• Caltrain Electrification • San Francisco to San Jose (Tamien Station) • 51 miles • Updated Project Cost: \$2.31B • Update Revenue Service: Sept. 2024

www.caltrain.com

3. **Significant exposure to litigation if item 9 (\$80 million of revenue from Fiscal Year 2022 Measure RR revenue) on today's agenda is approved prior to a successful resolution of the Governance issue** which currently caps annual RR expenditure to **\$40M** (item #7 on your agenda).

Respectfully submitted for your consideration.

Roland Lebrun

CC

SFCTA Commissioners
MTC Commissioners
VTA Board
SFCTA CAC
Caltrain CAC
VTA PAC
VTA CAC

From: Roland Lebrun
Sent: Wednesday, August 5, 2020 2:34 AM
To: board@caltrain.com <board@caltrain.com>
Cc: SFCTA Board Secretary <clerk@sfcta.org>; MTC Info <info@bayareametro.gov>; Caltrain CAC Secretary <cacsecretary@caltrain.com>; SFCTA CAC <cac@sfcta.org>
Subject: Item 5f Balfour Beatty breach of contract

Dear Chair Pine and Board members,

Please be aware of serious issues with the staff report which states that "*shunt wires are required to protect the safety of the public and rail or utility facilities in case the utility lines crossing the Overhead Contact System (OCS) should fall and make contact with the OCS*", when the real reason for this \$9.5M change order is a **flagrant breach of contract by Balfour Beatty**, not new CPUC safety requirements.

Background

Utility clearances are covered in Section 9.6 of Volume III of the RFP (attached).

Section 9.6.4 deals with overhead utilities and specifies the following:

"Where electrical lines with voltage less than 30 kV and communication lines cannot be accommodated in an overpass structure, they shall be relocated underground"

Recommendation

Please consider initiating a full investigation into how overhead utilities ended up getting raised instead of undergrounded and make the responsible parties accountable for their actions as continued mismanagement of this project will result in cost escalations into the **hundreds of millions of dollars in excess of remaining contingency**.

Thank you in advance for your consideration

Roland Lebrun

CC

SFCTA Commissioners

MTC Commissioners

VTA Board of Directors

Caltrain CAC

SFCTA CAC

A level of service equivalent to the existing service shall be maintained for adjacent properties, residents, and businesses throughout construction by supporting utilities in place, diverting if necessary, interruption of existing utilities service shall be minimized. Service shall not be interrupted without the prior written consent of utility owners.

9.6 Utility Clearances

The minimum requirements for utility clearances shall be as defined by the CPUC GOs as applicable, Caltrans HDM and PDPM, AREMA, utility owner's requirements, and these Design Criteria. The Design-Builder shall use the most stringent and conservative clearance requirements as determined from these documents. These requirements apply to Caltrain Systems related facilities as well as those owned by others. In addition, High Risk and Low Risk utilities shall comply with the following requirements:

9.6.1 High Risk and Low Risk Utilities

High-risk utilities include: fiber optic cable, utilities conducting toxic or flammable gases or liquids, pressurized greater than 60 psi normal operating pressure or in pipelines greater than 6 inches in diameter, and underground electrical supply lines that have potential to ground more than 300 volts, either directly buried or in a duct bank or conduit which do not have concentric grounded or effectively grounded metal shields or sheath.

All other utilities are considered Low Risk utilities.

9.6.2 High Risk Utilities

- Maintain 5 feet minimum horizontal separation from other Low Risk utilities
- Maintain 5 feet minimum horizontal separation from non-load carrying and load carrying structural elements, including OCS pole foundations and down guys

9.6.3 Low Risk Utilities

- Maintain 3 feet minimum horizontal separation from other Low Risk utilities
- Maintain 5 feet minimum horizontal separation from load carrying structural elements, including OCS pole foundations and down guys, and 3-foot minimum horizontal separation from other structures
- Maintain 3 feet minimum vertical separation from drainage pipes
- The above clearances are minimum requirements. Where such condition is impractical, a design variance shall be submitted to the Authority.

Electrical and communication lines within the Authority's right-of-way must comply with the above requirements except that a concrete encased duct bank can be used in lieu of steel casing pipe. All underground electrical utilities and supporting facilities within the planned construction area must meet the minimum clearance requirements as defined in CPUC GOs.

9.6.4 Overhead Utilities

Overhead utilities shall cross the tracks at local, street, or highway overpasses. Such utilities shall either be contained within the overpass structure, or if attached to the outside of the overpass

structure, shall be encased in a steel casing sleeve, which shall be grounded and bonded in accordance with the Grounding and Bonding Requirements chapter. Where electrical lines with voltage less than 30 kV and communication lines cannot be accommodated in an overpass structure, they shall be relocated underground per clearance requirements established in this chapter. Clearances for overhead electrical lines with voltage higher than 30 kV shall be governed by CPUC GO No. 95 or wire to wire clearance requirements, whichever is more stringent, and shall be modified to a higher class of construction.

9.7 Miscellaneous Utilities and Supporting Facilities

9.7.1 Railroad Utilities

Signals and communication lines belonging to railroad companies may be affected by construction of the Caltrain Electrification Project. The design and rearrangement of such utilities and supporting facilities that conflict with Caltrain Electrifications Project may be performed by the Design-Builder or by the facility owner in accordance with owner's standards.

Where Caltrain utilities and supporting facilities impact railroad utility facilities or where rearrangement of other utility facilities will impact or potentially affect the operation of railroad utility facilities, the Design-Builder shall coordinate its work with the Authority so that adequate data can be furnished to the railroad to complete its work. The Design-Builder shall include the rearrangement of railroad utilities in the utilities plan.

9.7.2 Street Lights and Traffic Control Devices

Traffic control devices and street lighting facilities belonging to municipal agencies may be affected by construction. Any facility affected or impacted by the construction shall be replaced in-kind, unless otherwise indicated in the agreement between the Authority and the affected agencies.

9.7.3 Fire Alarm and Police Communication Systems

Protection, relocation, and support-in-place of the fire alarm and police communication systems within construction limits shall be in strict conformance with the current standards of the governing agency or municipality.

The Design-Builder shall indicate which emergency communication lines is to be maintained complete in-place, removed, protected and supported, temporarily relocated and replaced after construction is complete. The lines to be abandoned or are already abandoned shall also be indicated.

9.7.4 Vaults

Private vaults surrounding the project area that do not conflict with the proposed shall be protected in place. Vaults that are found to be in conflict with the proposed construction shall be subject to demolition and/ or relocation.

END OF CHAPTER

item #7 (d) CHANGE ORDER FOR INSTALLATION OF INSULATED JOINTS

Roland Lebrun <ccss@msn.com>

Wed 8/1/2018 5:12 AM

To: Caltrain Board board@caltrain.com

Dear Chair Bruins and Members of the Caltrain Board of Directors,

The only known device capable of supporting Constant Warning Time (CWT) in electrified territory does not require insulated rail joints:

*"The PSO 4000 couples to the track with a bandpass, low impedance connection—**you don't have to have insulated rail joints on the track.**"*

http://download.siemens.com.au/index.php?action=filemanager&doc_form_name=download&folder_id=5633&doc_id=17039

Please consider deferring your vote on item #7 (d) **CHANGE ORDER FOR INSTALLATION OF INSULATED JOINTS** until after confirming the requirement for insulated rail joints with VTA signal engineers (the VTA purchased a PSO 4000 for \$38,688.32 last year).

On a related note, Balfour Beatty continue to experience difficulties at RTD in Denver and are now in arbitration after requesting a \$40M 599-day contract extension.

<http://www.cpr.org/news/story/rtd-and-contractor-battle-over-blame-for-n-line-commuter-train-delays>

[RTD And Contractor Battle Over Blame For N Line Commuter ...](http://www.cpr.org/news/story/rtd-and-contractor-battle-over-blame-for-n-line-commuter-train-delays)

www.cpr.org

The Regional Transportation District and a private contractor are in the midst of a dispute over which party is responsible for construction delays on the \$343 million N Line commuter train line from Denver to Thornton. The disagreement is laid out in Denver District Court documents filed earlier ...

Recommendation:

Decouple all resignaling from the DB electrification contract and reach out to Siemens (and Wabtec) for a Constant Warning Time solution for electrified territory.

Sincerely,

Roland Lebrun

cc

Metropolitan Transportation Commission
VTA Board of Directors
SFCTA Board of Directors
High Speed Rail Authority Board of Directors