

Revised Mon 5/23 1:30 pm



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

Work Program – Legislative – Planning (WPLP) Committee Meeting

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

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

Directors, staff, and the public may participate remotely via Zoom at <https://zoom.us/j/99768901849?pwd=VmVSSEJFZHhyNzhIR212RURzODNndz09> or by entering Webinar ID: **997 6890 1849**, Passcode: **609602**, in the Zoom app for audio/visual capability or by calling 1-669-900-6833 (enter webinar ID and press # when prompted for participant ID) for audio only. The video live stream will be available after the meeting at <https://live-smctd-2021.pantheonsite.io/caltrain/video-board-directors>

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 <https://live-smctd-2021.pantheonsite.io/caltrain/about-caltrain/meetings>.

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

May 25, 2022 - Wednesday

3:00 pm

1. Call to Order / Pledge of Allegiance

2. Roll Call
3. Public Comment on Items not on the Agenda
Comments by each individual speaker shall be limited to three (3) minutes. Items raised that require a response will be deferred for staff to reply.
4. Approve Meeting Minutes of April 27, 2022 Motion
5. 50 Percent Off Promotional Campaign Update Informational
6. State and Federal Legislative Update Informational
7. Award of Contract to HNTB Corporation for Mountain View Transit Center Grade Separation and Access Project, and Adoption of a California Environmental Quality Act (CEQA) Determination and Addendum to the Mitigated Negative Declaration Motion
8. Declare Cahill Extension Property as Exempt Surplus Land and Approve of Rail Corridor Use Policy Variance Motion
- ~~9. Caltrain Positive Train Control, Electrification Project Two Speed Check, and Crossing Optimization Overview – (removed)~~ Informational
- ~~10.~~9.Capital Projects Quarterly Status Report - 3rd Quarter Fiscal Year 2022 Informational
- ~~11.~~10.Update on Regional Fare Coordination and Integration Study Informational
- ~~12.~~11.Committee Member Requests
- ~~13.~~12.Date/Time of Next Regular WPLP Committee Meeting: Wednesday, June 22*, 2022 at 3:00 pm via Zoom (additional location, if any, to be determined)
- ~~14.~~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 WPLP Committee: Two Wednesdays before the Board meeting, 3:00 pm. The date, time, and location of meetings may be changed as necessary. Meeting schedules for the Board and committees are available on the website.

Location of Meeting

Due to COVID-19, the meeting will only be via teleconference as per the information provided at the top of the agenda. The Public may not attend this meeting in person. *Should Zoom not be operational, please check online at <https://live-smctd-2021.pantheonsite.io/caltrain/about-caltrain/meetings> 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 <https://live-smctd-2021.pantheonsite.io/caltrain/about-caltrain/meetings>.

Oral public comments will also be accepted during the meeting through Zoom or the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM. Each commenter will be automatically notified when they are unmuted to speak for three minutes or less. The Board Chair shall have the discretion to manage the Public Comment process in a manner that achieves the purpose of public communication and assures the orderly conduct of the meeting.

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
Work Program – Legislative – Planning Committee (WPLP)
1250 San Carlos Avenue, San Carlos CA**

Draft Minutes of April 27, 2022

MEMBERS PRESENT: S. Heminger, C. Stone (Chair)

MEMBERS ABSENT: C. Chavez

STAFF PRESENT: M. Bouchard, J. Harrison, C. Fromson, D. Santoro, A. Simmons, J. Wasilco, N. Fogarty, D. Seamans, S. Wong

1. Call to Order/Pledge of Allegiance

Chair Stone called the meeting to order at 3:00 p.m. and led the Pledge of Allegiance.

2. Roll Call

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

3. Public Comment For Items Not On The Agenda

There were no public comments.

4. Approve Meeting Minutes of March 30, 2022

Motion/Second: Heminger/Stone

Ayes: Heminger, Stone

Noes: None

Absent: Chavez

**5. State and Federal Legislative Update and Approval of Legislative Proposal: Support
Assembly Bill (AB) 1944 (Lee)**

Casey Fromson, Government Community Affairs Manager, provided an update which included the following:

- Submittals for electrification on the House side and transit agency and supplier support
- Federal Railroad Administration (FRA) upcoming grant application
- Upcoming appropriations process and communicating with the delegation
- Updates from the Governor coming in May on negotiations for transportation projects and any surplus

Jadie Wasilco, Government Community Affairs Manager, provided an update which included staff recommendations for support on the following:

- Assembly Bill (AB) 1944 (Lee) – currently being monitored, it would affect Brown Act requirements for public meetings, and suspend the disclosure of the private addresses of members of a local legislative body during teleconferences.
- Senate Bill (SB) 917 (Becker) –the “Seamless Transit Transformation Act” has been assigned to the Senate Transportation Committee and is awaiting a hearing; it would establish the Metropolitan Transportation Commission (MTC) as the regional agency to take the lead on forming a more coordinated system.

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

- Whether AB 1944 needs a quorum to approve
- Whether SB 917 will be brought to the full Board for a position
- If funding are not found, would the public would have to back the funding

Motion/Second: Heminger/Stone

Ayes: Heminger, Stone

Noes: None

Absent: Chavez

6. Diridon Development Update

Brian Fitzpatrick, Real Estate & Development Director, provided an overview of the project.

Nadine Fogarty, Deputy Director Transit Oriented Development and Real Estate, provided a presentation, which included the following:

- Site & Project overviews - connection between Diridon and downtown San Jose with two towers separated by a plaza and one million square feet of office space
- Rail Corridor Use Policy (RCUP) – goals, objectives, and policy goals
- Diridon Station Area Plan (DSAP) – significant increases, allowable heights & densities, and Caltrain parcels continue to be designated “employment/commercial”
- Land Use Balance & Development Caps
- Affordable Housing Implementation Plan - 25 percent overall affordability target and \$12 million for affordable housing development
- Diridon Integrated Station Concept (DISC) Plan and changing area development over time
- Real Estate Process - secure planning entitlements, assess market requirements, obtain Board input, engage the private sector, enter lease, collect ground lease, and so on

Aaron Akin, Urban Planner AICP, provided a presentation, which included the following:

- Site Plan - Cahill Street closed to automobile traffic

- Key Changes Based on Preliminary City Feedback - concerns regarding Google events, detailed plaza design, and re-oriented and reduced height of South Building
- Public Plaza and Gateway to Station with 1.3 acres of public open space and a podium terrace
- Street character - close some streets, key bicycle route, and work with bus accessibility
- Community Engagement – outreach and stakeholder meetings
- Timeline & next steps - city preliminary review complete, city formal review second quarter 2022), and proceed with real estate process second quarter 2023

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

- Where the transportation facilities are and how the station connects to other transportation providers
- Whether Valley Transportation Authority (VTA) goes underneath the station and stops at the Diridon station
- Iteration with housing built instead of commercial leases
- Estimate lease income
- Building more tenant space and building out

7. Downtown Extension Update

Michelle Bouchard, Acting Executive Director, provided an overview of the project. She stated it is unique to Caltrain's portfolio, as Caltrain is partially funding it. She noted the momentum behind the project as a regional investment.

Adam Van de Water, Executive Director, Transbay Joint Powers Authority, provided a presentation, which included the following:

- A regional project providing direct connection to downtown San Francisco and beyond
- This is a generational opportunity and natural extension of the electrification project
- Project elements - 2.4 miles of construction and 1.5 miles of tunnel from Fourth and Townsend to Salesforce Transit center
- Current structure & activities – re-branding rail program, funding plan, ridership analysis, and project delivery
- Schedule and key milestones - construction in 2025 and ready for service in 2031
- DTX project costs between \$4.4 and \$5 billion and working to get it as accurate as possible
- Funding Milestones – in February 2023, they will need 30 percent of non-federal funds committed to enter engineering

Michelle Bouchard, Acting Executive Director, provided a presentation, which included the following:

- Caltrain's DTX engagement and the Master Cooperative Agreement (MCA) – long lasting agreement formalizing Caltrain & Transbay Joint Powers Authority's (TJPA) roles

- Points of Negotiation and next steps to include returning to the Board a few more times in 2022 with an authorized MCA for execution 4th quarter of 2022

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

- Whether there would be MCAs for all involved parties or just with Caltrain
- Why Caltrain needs an MCA while other parties do not
- Whether Caltrain will be contributing funding and how much

Public comment

Jeff Carter, Millbrae, commented on joining from the new web page, trains scheduled per hour, having a higher capacity per train, and making better connections between systems.

8. Committee Member Requests

Director Heminger requested that the Diridon Development Update be brought back in the future when all three Board Committee Members can be present.

- 9. Date/Time of Next Regular WPLP Committee Meeting:** Wednesday, May 25, 2022 at 3:00 pm via Zoom (additional location, if any, to be determined).

10. Adjourn

The meeting adjourned at 4:17 p.m.

**Peninsula Corridor Joint Powers Board
Staff Report**

To: JPB Work Program-Legislative - Planning Committee
Through: Michelle Bouchard
Acting Executive Director
From: Casey Fromson
Chief Communications Officer
Subject: **50 Percent Off Promotional Campaign Update**

Finance Committee
Recommendation

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Action

This item is information only.

Significance

The Caltrain 50% Off Promotion launched in April 2022. The attached presentation highlights the Marketing and Communications insights from the campaign.

Budget Impact

None

Background

Caltrain discounted all fares by 50% for the month of April. With many people returning to the office and weekday and weekend events increasing, Caltrain offered this incentive so customers can travel where they need to go conveniently and affordably. **The price reduction applied to all fares except the Go Pass.*

Prepared By: Robert Casumbal Director, Marketing and Market 650-508-6280
Research

**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**



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

Significance

The 2022 Legislative Program establishes the principles that will guide the legislative and regulatory advocacy efforts. Based on those principles, staff coordinates closely with our Federal and State advocates on a wide variety of issues that are considered in Congress and the State legislature. The attached reports highlight the recent issues and actions that are relevant to the Board.

Prepared By: Jadie Wasilco
Government & Community Affairs Manager

650.465.6301



May 13, 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 – June 2022**

General Update

The Legislature passed a critical legislative milestone on April 29 – the policy committee deadline. The Legislature will now turn to the fiscal committee deadline, a point in the legislative process where we see a narrowing of the number of active bills continuing to advance. This is due to the Appropriations Suspense hearing, where the Senate and Assembly Appropriations Committees will hear and decide the fate of hundreds of bills at once in order to meet the May 20 deadline for bills in their first house.

After the fiscal committee deadline, each house will have until May 27 to pass bills off the floor and out of the house they were introduced in.

2022-23 State Budget Update

The Governor released his May Revision of the 2022-23 State Budget today. Among its provisions, the budget maintains the same transportation funding package that was in his January budget proposal. He also proposes \$750 million towards incentive grants for transit and rail agencies to provide three months of free public transportation (with grant allocations based on 2019 fare revenues) as well as \$500 million in additional funds for the Active Transportation Program.

Following the presentation of the May Revision, the budget process will ramp up and subcommittees will meet to review the Governor's proposed budget and each house's competing budget proposals. The Legislature must adopt a final budget by June 15.

Last week, Caltrain staff held their quarterly debrief with the legislative staff for Caltrain delegation members to provide an overview of the status of PCEP including cost updates, project benefits, outstanding needs and the state and federal budget asks.

Bills with Action Taken

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

This bill has not yet been set for hearing.

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

The bill passed out of the Assembly Local Government Committee on May 4 and is pending on the Assembly Floor.

SB 922 (Wiener) – CEQA Exemptions for Transit. This bill would permanently extend statutory exemptions from the CEQA requirement for clean transportation projects, including charging and facilities for zero-emission rail, station-area improvements, and first/last mile connections for bike and ped. This bill is a follow up to SB 288 (Wiener, 2020) which Caltrain supported. *Support.*

The bill is now in the Assembly.

SB 942 (Newman) Low Carbon Transit Operations Program: Free or Reduced Fare Transit Program. This bill would provide California public transit agencies with the flexibility to use Low Carbon Transit Operations Program funds for free or reduced-fare transit programs on an ongoing basis. This flexibility will ensure the long-term sustainability and benefits of free youth ridership programs that expand access to public transit and create lifelong riders. *Support.*

The bill is now in the Assembly.

Bills of Interest

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

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

The bill will be heard next in the Assembly Appropriations Committee on the Suspense File.

AB 2441 (Kalra) – Local Public Transit Agencies: New Technologies. This bill would add requirements for public transit employers relating to the introduction of new technologies the create new products, services, type of operation or eliminate jobs or job functions of the workforce. The bill would require a public transit employer to provide notice to the exclusive employee representative of its intention to

begin procuring, acquiring or deploying such technologies no less than 12 months in advance. The bill would also require these subjects be mandatory subjects of collective bargaining, including creating plans to train and prepare the affected workforce to fill new positions created by the technology.

The bill is in the Senate and was referred to the Senate Labor, Public Employment and Retirement Committee.

AB 2357 (Ting) – Surplus Land. This bill would change provisions of the Surplus Lands Act (SLA) regarding public noticing and penalties, and require the Department of Housing and Community Development (HCD) to maintain on its internet website a listing of all entities, including housing sponsors, that have notified HCD of their interest in surplus land for the purpose of developing low- and moderate-income housing.

The bill will be heard next in the Assembly Appropriations Committee on the Suspense File.

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, establish open data standards, requires the region’s transit agencies to comply with the established programs, requires MTC to indicate what steps are needed to comply, and if a transit agency does not comply and does not qualify for an exemption, makes that transit agency ineligible to receive a portion of state transit funding in an amount determined by MTC.

The bill will be heard next in the Senate Appropriations Committee on the Suspense File.

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.

Guidelines: Found [here](#)

Status: Funding cycle closed. Project applications were due March 3, 2022. CalSTA award announcement is expected in June 2022.

Applications Received: TIRCP received [50 applications](#) with all funding requests totaling \$3,949,662,335.

The CTC recently hosted a [series of workshops](#) 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. The [2022 STIP](#), adopted in March 2022, includes \$796 million in new STIP funding capacity. 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

Item #6.
5/25/2022

May 13, 2022

PRIORITY BILLS			
Bill Number (Author)	Summary	Location	Position
AB 2197 (Mullin D) Caltrain Electrification: Funding	Existing law provides for the creation of the Peninsula Corridor Joint Powers Board, which operates Caltrain as the commuter rail service along the San Francisco Peninsula commute corridor. This bill would appropriate \$260,000,000 from the General Fund to the Transportation Agency for allocation to the Peninsula Corridor Joint Powers Board for the purpose of completing the Caltrain Electrification Project. Introduced: 2/15/2022	Assembly Transportation	Supported 3/3/2022
SB 922 (Wiener D) California Environmental Quality Act: exemptions: transportation-related projects.	The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA, until January 1, 2030, exempts from its requirements bicycle transportation plans for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles under certain conditions. This bill would specify that the requirement that the bicycle transportation plan is for an urbanized area or urban cluster, as designated by the United States Census Bureau. The bill would extend the exemption to an active transportation plan or pedestrian plan in an urbanized area or urban cluster. The bill would define “active transportation plan” and “pedestrian plan.” The bill would specify that individual projects that are a part of an active transportation plan or pedestrian plan remain subject to the requirements of CEQA unless those projects are exempt by another provision of law. This bill contains other related provisions and other existing laws. Amended: 5/11/2022	Assembly Desk	Supported 4/7/2022
SB 942 (Newman D) Low Carbon Transit	Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board as part of a market-based compliance mechanism to be deposited into the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law	Assembly Desk	Supported 4/7/2022

<p>Operations Program: Free or Reduced Fare Transit Program</p>	<p>continuously appropriates specified portions of the annual proceeds in the fund to various programs, including 5% for the Low Carbon Transit Operations Program, which is administered by the Department of Transportation and provides operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility. Existing law requires each of those transit agencies to demonstrate that each expenditure of program moneys allocated to the transit agency reduces the emissions of greenhouse gases and does not supplant another source of funds, to use those moneys to provide transit operating or capital assistance, to use at least 50% of those moneys to benefit disadvantaged communities, and to submit specified information to the department before seeking a disbursement of those program moneys, as specified. This bill would authorize a transit agency that uses program moneys to fund a free or reduced fare transit program and that demonstrates compliance with the above-described requirements in its initial program application to continue to use those moneys to maintain that program on an ongoing basis without demonstrating continued compliance with those requirements. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 2/8/2022</p>		<p>Item #6. 5/25/2022</p>
<p>AB 1944 (Lee D) Local government: open and public meetings.</p>	<p>Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely. The bill would also require an updated agenda reflecting all of the members participating in the meeting remotely to be posted, if a member of the legislative body elects to participate in the meeting remotely after the agenda is posted. This bill would authorize, under specified circumstances and upon a determination by a majority vote of the legislative body, a member to be exempt from identifying the address of the member's teleconference</p>	<p>Assembly Third Reading</p>	<p>Supported 5/5/2022</p>

	<p>location in the notice and agenda or having the location be accessible to the public, if the member elects to teleconference from a location that is not a public place. This bill contains other related provisions and other existing laws.</p> <p>Amended: 4/18/2022</p>		Item #6. 5/25/2022
<p>SB 917 (Becker D) Seamless Transit Transformation Act.</p>	<p>Existing law creates the Metropolitan Transportation Commission, as a local area planning agency and not as a part of the executive branch of the state government, to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma. This bill would require the commission to develop and adopt a Connected Network Plan, adopt an integrated transit fare structure, develop a comprehensive, standardized regional transit mapping and wayfinding system, develop an implementation and maintenance strategy and funding plan, and establish open data standards, as specified. The bill would require the region’s transit agencies, as defined, to comply with those established integrated fare structure, regional transit mapping and wayfinding system, implementation and maintenance strategy and funding plan, and open data standards, as provided. This bill contains other related provisions and other existing laws.</p> <p>Amended: 4/18/2022</p>	Senate Appropriations Suspense File	Watch
<p>AB 1919 (Holden D) Free Youth Transit Pass Pilot Program: Eligibility for State Funding</p>	<p>Existing law declares that the fostering, continuance, and development of public transportation systems are a matter of state concern. Existing law authorizes the Department of Transportation to administer various programs and allocates moneys for various public transportation purposes. Under the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, revenues from a 1/4% sales tax in each county are available, among other things, for allocation by the transportation planning agency to transit operators, as specified. Existing law establishes the State Transit Assistance Program for the purpose of providing a source of state funding to eligible public transportation operators and other transportation agencies in order to support their local and regional transit operating and capital needs. Existing law establishes the Low Carbon Transit Operations Program to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility. Existing law conditions transit funding from certain programs on achieving specified ratios of fare revenues to operating costs. This bill would require local authorities, school districts, and colleges to maintain their funding for free or reduced fare youth transit as provided in the 2018-19 fiscal year. By imposing new transit funding requirements on local entities, the bill would impose a state-mandated local program. The bill would require transit agencies to offer free youth transit passes to all persons 25 years of age and under with California residency, regardless of</p>	Assembly Appropriations Suspense File	Watch

	<p>immigration status, in order to be eligible for state funding under the Mills-Deddeh Transit Development Act, the State Transit Assistance Program, or the Low Carbon Transit Operations Program, subject to a determination by the Controller that a legislative appropriation and the funding from local authorities, school districts, and colleges is sufficient to cover the lost farebox revenue as a result of offering free youth transit passes, as provided. These free youth transit passes would count as full-price fares for purposes of calculating the ratio of fare revenues to operating costs. This bill contains other related provisions and other existing laws.</p> <p>Amended: 4/6/2022</p>		<p>Item #6. 5/25/2022</p>
--	--	--	-------------------------------

OTHER LEGISLATION

<p>AB 1938 (Friedman D)</p> <p>Transit and Intercity Rail Recovery Task Force</p>	<p>Existing law establishes the Transportation Agency, which consists of various departments and state entities, including the California Transportation Commission and the Department of Transportation. Under existing law, the agency is under the supervision of an executive officer known as the Secretary of Transportation, who is required to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, and coordinated planning and policy formulation in the matters of public interest related to the agency. Existing law provides for the funding of public transit and intercity rail, including under the Transportation Development Act. This bill would require the secretary, on or before July 1, 2023, to establish and convene the Transit and Intercity Rail Recovery Task Force to include representatives from the department and various local agencies, academic institutions, and nongovernmental organizations. The bill would require the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit and intercity rail ridership and improve transit and intercity rail operations for users of those services. The bill would require the secretary to prepare and submit a report of findings based on the task force’s efforts to the appropriate policy and fiscal committees of the Legislature on or before January 1, 2025. The bill would require the report to include a detailed analysis of specified issues and recommendations on specified topics. The provisions of the bill would be repealed on January 1, 2028. This bill contains other existing laws.</p> <p>Amended: 3/7/2022</p>	<p>Assembly Appropriations Suspense File</p>	<p>Watch</p>
<p>AB 2061 (Ting D)</p> <p>Transportation electrification: electric vehicle charging</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</p>	<p>Assembly Appropriations</p>	<p>Watch</p>

<p>infrastructure.</p>	<p>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 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 an entity that receives an incentive funded by a state agency or through a charge on ratepayers to install, own, or operate a charging station, in whole or in part, to report charging station uptime, as defined, to the Energy Commission. The bill would require the Energy Commission, in consultation with the PUC, to develop a formula to calculate uptime to provide consistent, standardized reporting of information. This bill contains other existing laws.</p> <p>Amended: 4/18/2022</p>		<p>Item #6. 5/25/2022</p>
<p>AB 2237 (Friedman D)</p> <p>Transportation planning: regional transportation improvement plan: sustainable communities strategies: climate goals.</p>	<p>Existing law establishes the Strategic Growth Council in state government. Existing law requires the council to develop and administer the Affordable Housing and Sustainable Communities Program to reduce the emissions of greenhouse gases through projects that implement land use, housing, transportation, and agricultural land preservation practices to support infill and compact development and that support related and coordinated public policy objectives, as specified. Existing law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning organization. Existing law requires the council, by January 31, 2022, to submit a report to the relevant policy and fiscal committees of the Legislature that includes, among other things, an overview of those sustainable communities strategies, an assessment of how implementation of those sustainable communities strategies will influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified</p>	<p>Assembly Appropriations Suspense File</p>	<p>Watch</p>

	<p>funding programs, including the Affordable Housing and Sustainable Communities Program. This bill would require the council, in consultation with the State Air Resources Board, the Department of Housing and Community Development, and the Transportation Agency, to convene a task force to review the roles and responsibilities of metropolitan planning organizations and to define “sustainable community.” This bill contains other related provisions and other existing laws.</p> <p>Amended: 4/18/2022</p>		<p>Item #6. 5/25/2022</p>
<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 before disposing of the land or participating in negotiations to dispose of the land with a prospective transferee, particularly that the local agency send a notice of availability to specified entities that have notified the Department of Housing and Community Development of their interest in surplus land, as specified. Under existing law, if the local agency receives a notice of interest, the local agency is required to engage in good faith negotiations with the entity desiring to purchase or lease the surplus land. Existing law defines “exempt surplus land,” for which a local agency is not required to follow the requirements for disposal of surplus land, except as provided, as, among other things, surplus land that is subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited, as specified. This bill would also require the department to maintain on its internet website a listing of all entities, including housing sponsors, that have notified the department of their interest in surplus land for the purpose of developing low- and moderate-income housing. This bill contains other related provisions and other existing laws.</p> <p>Amended: 4/5/2022</p>	<p>Assembly Appropriations Suspense File</p>	<p>Watch</p>
<p>AB 2438 (Friedman D) Transportation Funding: Alignment with State Plans & GHG Emissions Reduction Standards</p>	<p>Existing law provides for the funding of projects on the state highway system and other transportation improvements, including under the state transportation improvement program, the state highway operation and protection program, the Solutions for Congested Corridors Program, the Trade Corridor Enhancement Program, and the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Partnership Program. This bill would require the agencies that administer those programs to revise the guidelines or plans applicable to those programs to ensure that projects included in the applicable program align with the California Transportation Plan, the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency, and specified greenhouse gas emissions reduction standards. This bill contains other related provisions and other existing laws.</p>	<p>Assembly Appropriations</p>	<p>Watch</p>

	Amended: 3/21/2022		Item #6.
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	Senate L., P.E. & R.	5/25/2022 Watch
AB 2449 (Rubio D) Open Meetings – Local Agencies: Teleconferences	Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law. This bill contains other related provisions and other	Assembly Third Reading	Watch

	existing laws. Introduced: 2/17/2022		Item #6. 5/25/2022
<u>ACA 1</u> (Aguiar-Curry D) Local Government Financing Affordable Housing & 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	Supported 2021
<u>SB 1121</u> (Gonzalez D) State & Local Transportation System: Needs Assessment	Existing law requires the California Transportation Commission to adopt and submit to the Legislature an annual report summarizing its prior-year decisions in allocating transportation capital outlay appropriations, and identifying timely and relevant transportation issues facing the state. Existing law authorizes the report to also include a discussion of any significant upcoming transportation issues anticipated to be of concern to the public and the Legislature and requires the report to include specific, action-oriented, and pragmatic recommendations for legislation to improve the transportation system. This bill would require the commission to prepare a needs assessment of the cost to operate, maintain, and provide for the necessary future growth of the state and local transportation system for the next 10 years, as provided. As part of the needs assessment, the bill would require the commission to forecast the expected revenue, including federal, state, and local revenues, to pay for the cost identified in the needs assessment, any shortfall in revenue to cover the cost, and recommendations on how any shortfall should be addressed. The bill would require the commission to submit the needs assessment to the Legislature on or before January 1, 2024, and biennially thereafter. Amended: 4/6/2022	Senate Appropriations Suspense File	Watch
<u>SB 1161</u> (Min D) Transit operators:	Existing law creates various transit districts throughout the state, with specified powers and duties relative to providing public transit service. Existing law provides various provisions applicable to all public transit and transit districts. This bill would require the University of	Senate Appropriations	Watch

<p>street harassment plans.</p>	<p>California Institute of Transportation Studies to, on or before June 30, 2023, develop and make available to transit operators, as defined, a survey for the purpose of promoting consistency in the collection of specified survey data. The bill would require transit operators to, on or before June 30, 2025, develop and implement a plan to reduce the street harassment experienced by its riders, as specified, and to consider the safety concerns and needs of riders impacted by street harassment when planning, designing, and operating their systems. The bill would require transit operators to, on or before June 30, 2024, collect survey data for the purpose of informing the plan. The bill would require the plan to be developed in consultation with certain riders, and would require those transit operators to conduct outreach in multiple languages in order to reach limited-English-proficient persons impacted by street harassment, as specified. The bill would authorize these plans to include changes to policies, design, operations, or other aspects of transit systems, as specified. The bill would require the Transportation Agency to, on or before January 1, 2027, produce and submit a report containing certain information related to the implementation of these provisions to the Legislature and the Governor. To the extent the bill imposes additional duties on a local agency, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p>Amended: 5/2/2022</p>		<p>Item #6. 5/25/2022</p>
<p>SB 1410 (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. CEQA requires the Office of Planning and Research to prepare and develop proposed guidelines for the implementation of CEQA by public agencies and requires the Secretary of the Natural Resources Agency to certify and adopt those guidelines. CEQA requires the office to prepare, develop, and transmit to the secretary for certification and adoption proposed revisions to the guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas, as defined, that promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Existing law requires the office to recommend potential metrics to measure transportation impacts, as specified. CEQA authorizes the office to adopt guidelines establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit</p>	<p>Senate Appropriations</p>	<p>Watch</p>

	<p>priority areas. This bill would require the office, by January 1, 2025, to conduct and submit to the Legislature a study on the impacts and implementation of the guidelines described above relating to transportation impacts. The bill would require the office, upon appropriation, to establish a grant program to provide financial assistance to local jurisdictions for implementing those guidelines. This bill contains other existing laws.</p> <p>Amended: 5/2/2022</p>		<p>Item #6. 5/25/2022</p>
--	--	--	-------------------------------

Caltrain Federal Report As of May 18, 2022

Office of Management and Budget Releases "Buy America" Guidance for Bipartisan Infrastructure Law

- On April 18, Office of Management and Budget (OMB) Director Shalanda Young issued a [memorandum](#) on Buy America provisions in the Infrastructure Investment and Jobs Act (IIJA). The guidance outlines the requirements for the procurement of materials used for infrastructure projects authorized under the new law. Under the act, eligible projects must utilize domestic sources for specific materials.
- The Buy America preference refers only to the materials used to build infrastructure projects, not tools, equipment, and supplies. Eligible goods covered under Buy America provisions are iron, steel, manufactured products, and construction materials.
- The head of a federal agency may choose to waive the Buy America requirement if applicants demonstrate that products cannot be sourced domestically. Specifically, applicants may present up to three waivers:
 - Public Interest Waiver - Sourcing domestic goods would be inconsistent with the public interest.
 - Non Availability Waiver - No domestic supply for materials needed to complete a project.
 - Unreasonable Cost Waiver - The use of steel, iron, and other manufactured goods will raise the project's cost by more than 25 percent.

Federal Judge Overturns Travel Mask Mandate

- On April 18, U.S. District Judge Kathryn Kimball Mizelle vacated the nationwide mask mandate for planes and trains. In her ruling, she ordered the CDC to remove the policy, allowing airlines and train operators to set their masking policies.
- Once the ruling was issued, all major airlines announced that they would no longer mandate the use of masks for domestic flights. In addition, Amtrak will not require passengers or employees to wear facial coverings but will continue to encourage their use.
- The Biden Administration announced that it would appeal Judge Mizelle's ruling, as they believe the CDC has the legal authority to issue the travel mask mandate. The CDC had previously extended the mask mandate until May 3, as it collected data from new variants.

Council on Environmental Quality Issues New NEPA Requirements

- On April 19, the White House Council on Environmental Quality (CEQ) announced the finalization of new National Environmental Policy Act (NEPA) regulations. The first tranche of regulations will be the first in several revisions to Trump-era CEQ orders, with additional guidance expected soon.
- NEPA applies to various issues, including approving projects with environmental impacts. Most notably, NEPA requires the completion of environmental impact reports for federal projects.
- The "Phase 1" regulations give agencies new authority over infrastructure projects. The regulations include three distinct segments:
 - Federal agencies must evaluate all relevant environmental impacts of the decisions they make. This includes considering direct, indirect, and cumulative effects on the environment.
 - Full authority is given to federal agencies to collaborate with communities on projects that minimize environmental and public health impacts. This rule would allow agencies to determine the "purpose and need" of a proposed project and any suitable alternatives. The previous rule prevented agencies from investigating alternative approaches to a project objective.
 - CEQ's regulations will be treated as a baseline for environmental review standards. This allows federal agencies to customize their procedures to accurately address the needs of their workers, the public, and stakeholders.

DHS Preparedness Announcement Includes Transit Security Funds

On May 13, Secretary of Homeland Security Alejandro Mayorkas announced \$1.6 billion for eight FY 2022 preparedness grant programs. These programs provide funding to help state and local officials prepare for, prevent, protect against, and respond to acts of terrorism and other hazards. The public safety programs are outlined in the public safety section below.

--Transit Security Grant Program: Competitive grant, exact awards to be announced later this year; \$93 million to owners and operators of public transit systems to protect critical surface transportation and the traveling public from acts of terrorism and to increase the resilience of transit infrastructure.

FTA Publishes Apportionments

- On April 28, the Federal Transit Administration (FTA) published their Apportionments notice in the [Federal Register](#) for Fiscal Year 2022. California's apportionment is \$1,968,211,766.
- These announcements detail changes that have been made to FTA programs that have been required or allowed by law such as the Bipartisan Infrastructure Law. They also specify how the FTA plans to administer these programs in FY 2022, as well as guidance on the administration of Community Project Funding.

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202-955-3000 | F 202-955-5564
Holland & Knight LLP | www.hklaw.com

Round-Up of Open Grant Opportunities

- [INFRA Grants](#): \$1.5 billion available. All applications due by May 23, 2022.
- [Rural Grants](#): \$300 million available. All applications due by May 23, 2022.
- [Mega Grants](#): \$1 billion available. All applications due by May 23, 2022.
- [Safe Streets for All](#): \$1 billion available. All applications due by September 15, 2022.

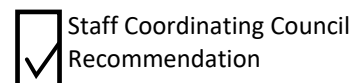
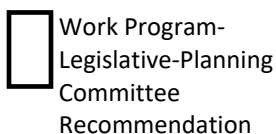
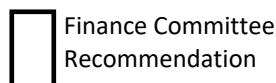
**Peninsula Corridor Joint Powers Board
Staff Report**

To: Work – Program – Legislative – Planning Committee

Through: Michelle Bouchard
Acting Executive Director

From: Grace Martinez
Acting Chief Financial Officer

Subject: **Award of Contract to HNTB Corporation for Mountain View Transit Center Grade Separation and Access Project, and Adoption of a California Environmental Quality Act (CEQA) Determination and Addendum to the Mitigated Negative Declaration**



Action

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

1. Award a contract to HTNB Corporation of Oakland, California (HNTB) to provide (a) final design services (Services) for the Mountain View Transit Center Grade Separation and Access Project (Project) for a not-to-exceed amount of \$9,093,991 over a two-year base term, and (b) performance of Design Support During Utilities Relocation/Right of Way for a not-to-exceed amount of \$496,917 at the negotiated cost plus fixed fee.
2. Authorize the Acting Executive Director or designee to execute a contract with HNTB in full conformity with the terms and conditions set forth in the solicitation documents and negotiated agreement, and in a form approved by legal counsel.
3. Authorize the Acting Executive Director or designee to exercise options for HNTB to perform additional services for a total not-to-exceed amount up to \$3,654,451, as funding becomes available and if deemed in the best interest of the JPB.
4. Adopt the California Environmental Quality Act (CEQA) Determination and Addendum to the Mitigated Negative Declaration for the Project.

Significance

The Project will close the Caltrain grade crossing at Castro Street in Downtown Mountain View to vehicles, re-direct vehicular traffic from Castro Street to Shoreline Boulevard via a ramp from

West Evelyn Avenue, and modify traffic movements at the Central Expressway/Moffett Boulevard intersection. The Project will also provide new access to/from the Mountain View Transit Center and downtown Mountain View via a shared use pathway and vertical circulation for pedestrians and bicycles under the tracks and Central Expressway.

Construction will be confined to the railroad, City of Mountain View, Central Expressway rights-of-way and may require temporary construction easements to enter onto private property as required. Accommodations to maintain Caltrain service and traffic movements, including on Central Expressway, will be provided during staged construction of the Project.

Approval of the above actions will provide the JPB with a qualified firm to complete the final design, including plans, specifications, and estimates, for the Project. In addition, the actions would authorize the Acting Executive Director (or designee) to exercise options for HNTB to perform additional services, as funding becomes available and if deemed in the best interest of the JPB. The initial contract not-to-exceed amount will include funding for Design Support During Utilities Relocation/Right of Way, which was included as an option in the Request for Proposals (RFP). Other optional tasks which the JPB may add to the scope of work via task order are listed below.

Base Contract and Options	Services and Tasks	Not-To-Exceed Amounts
Base Contract	Final Design and Design Support During Utilities Relocation/Right of Way	\$9,590,908
	Base Contract	\$9,590,908
Option	Renderings	\$99,678
Option	Design Support During Procurement	\$250,381
Option	Design Support During Construction	\$2,161,166
Option	Construction Manger General Contractor Approach Design Support	\$1,143,226
	Subtotal Options	\$3,654,451
	Total Contract with Base plus all Options	\$13,245,359

The original project scope included a second Caltrain undercrossing, as well as an installation of a cycle track along West Evelyn Avenue. Those components have been removed from the augmented 35% design by the City of Mountain View and are not included in the HNTB scope of work.

Budget Impact

The Project was approved in Fiscal Year 2022 with a Board authorized amount of \$11.2 million and funding from the Santa Clara Valley Transit Authority (VTA).

Background

On January 11, 2022, the JPB issued an RFP, solicitation number 22-J-P-008, for the Services and advertised it a newspaper of general circulation and on the JPB procurement website. Staff held a pre-proposal video conference and 23 potential proposers attended. Five firms submitted proposals as follows:

1. AECOM Technical Services, Inc., Oakland, CA
2. HNTB Corporation, Oakland, CA
3. Kimley-Horn and Associates, Inc., San Jose, CA
4. Mott MacDonald Group Inc., San Jose, CA
5. PGH Wong Inc., San Francisco, CA

In accordance with federal and state law governing the procurement of architecture and engineering services, proposals were evaluated, scored and ranked solely on qualifications, with price being negotiated only with the highest-ranked firm. A Selection Committee, composed of qualified staff from JPB’s Capital Program Delivery and Engineering Departments, with staff from the City of Mountain View serving as advisors, reviewed and scored the proposals in accordance with the following weighted criteria:

Company Qualifications, Experience & References	10 Points
Qualifications and Experience of Key Personnel	25 Points
Understanding the Required Scope of Work	30 Points
Project Management Plan	15 Points
Quality Management Plan	20 Points
Small Business Enterprise (SBE) Preference	5 Points

After the initial scoring of the technical proposals, the Committee determined HNTB to be the highest-ranked firm with the most qualified proposal and approach for the Services. The firm possesses the requisite experience and qualifications as defined in the solicitation documents. HNTB and its key subconsultants have experience with grade separation projects throughout California including: 1) San Bruno Grade Separation and Pedestrian Undercrossing; 2) South San Francisco Station Underpass; and 3) Santa Clara Pedestrian Underpass.

Staff successfully negotiated the prices with HNTB, conducted a cost analysis for the base contract and option services, and determined the prices to be fair, reasonable, and consistent with those paid by other public agencies in the Bay Area for similar services. The Office of Civil Rights assessed SBE preference submissions from all four firms. HNTB committed to utilizing SBEs for 25.98% of the required Services. HNTB received 3 points out of the 5 preference points in accordance with its level of SBE utilization. Staff will provide Project updates to the Board at future meetings and present Project construction contracts for approval following the requisite competitive processes.

To comply with the California Environmental Quality Act (CEQA), the City of Mountain View prepared an Initial Study and Mitigated Negative Declaration (MND) for the Project and filed a Notice of Determination for the Mountain View Transit Center Grade Separation and Access Project with the State Clearinghouse in 2019 (SCH Number 2019109063). Since that time, the City of Mountain View has prepared an augmented 35 percent design.

The JPB, as the lead agency for the final design and construction of the Project and the owner of the right-of-way, analyzed the augmented 35 percent design and made its own determination of environmental impacts. The JPB prepared the CEQA Determination and Addendum to the MND in conformance with CEQA Guidelines Section 15164 to determine whether and to what extent the previous MND remains sufficient to address the potential impacts of the Project. The Addendum addresses only the reduction in project scope from the MND adopted in 2019.

The CEQA Determination and Addendum to the MND demonstrated that there are no substantial changes proposed to the Project or in the circumstances in which the project will be undertaken that require major revisions of the MND. The CEQA Determination and Addendum to the MND concluded that the Project's effects can be mitigated so that that the Project will not have a significant effect on the environment. The CEQA Determination and Addendum to the MND are not required to be circulated for public review.

Prepared By:	Patrick Ng, Procurement Administrator II	650.622.8018
Project Managers:	Alvin Piano, Consultant, Capital Project Delivery	650.508.6447
	Hilda Lafebre, Deputy Director, Capital Projects and Environmental Compliance	650.622.7842

Resolution No. 2022 –

**Board of Directors, Peninsula Corridor Joint Powers Board
State of California**

* * *

Awarding a Contract to HNTB Corporation for Mountain View Transit Center Grade Separation and Access Project Final Design Services for a Total Not-To-Exceed Amount of \$9,590,908 for a Two Year Term, and Adopting a CEQA Determination and Addendum to the Mitigated Negative Declaration

Whereas, on January 11, 2022, the Peninsula Corridor Joint Powers Board (JPB) issued a Request for Proposals (RFP), solicitation number 22-J-P-008, for Final Design Services for the Mountain View Transit Center Grade Separation and Access Project (Project); and

Whereas, in response to the RFP, the JPB received five proposals; and

Whereas, a Selection Committee (Committee) scored and ranked the proposals according to the qualifications-based evaluation criteria set forth in the RFP; and

Whereas, the Committee completed its evaluation process, and determined that HNTB Corporation of Oakland, California (HNTB) is the highest-ranked proposer and possesses the necessary qualifications and requisite experience to successfully perform the scope of services defined in the solicitation documents; and

Whereas, staff completed cost negotiations with HNTB, conducted a cost analysis for the base contract and optional services, and determined that HNTB has agreed to perform the specified services at fair and reasonable prices; and

Whereas, HNTB has pledged 25.98% Small Business Enterprise (SBE) participation, which has been verified by the Office of Civil Rights; and

Whereas, staff and legal counsel have reviewed HNTB's proposal and have determined that it complies with the requirements of the solicitation documents; and

Whereas, staff recommends that the Board of Directors (Board) award a contract to HNTB for the Project Final Design Services, including exercising the option for Design Support During Utilities Relocation/Right of Way at a total cost not-to-exceed \$9,590,908, and authorize the Acting Executive Director to exercise options for additional services at a total cost not-to-exceed \$3,654,451, if in the best interest of the JPB; and

Whereas, pursuant to the California Environmental Quality Act (CEQA), the City of Mountain View prepared an Initial Study and Mitigated Negative Declaration (MND) for the Project in 2019; and

Whereas, the City of Mountain View filed a Notice of Determination for the Project with the State Clearinghouse on December 17, 2019 (SCH Number 2019109063); and

Whereas, the City of Mountain View has prepared an augmented 35 percent design of the Project; and

Whereas, the JPB, as lead agency for final design and construction of the Project and the owner of the right-of-way, must analyze the augmented 35 percent design and make its own determination of environmental impacts; and

Whereas, a second Caltrain undercrossing and the cycle track along West Evelyn Avenue were analyzed in the MND for the Project but are not included in the augmented 35 percent design; and

Whereas, the JPB prepared a CEQA Determination and Addendum to the MND in conformance with CEQA Guidelines Section 15164 to determine whether and to what extent the MND remains sufficient to address the potential impacts of the Project; and

Whereas, the CEQA Determination and Addendum demonstrated that: (a) there are no substantial changes proposed to the Project or the circumstances in which the Project will be undertaken that require major revisions of the MND due to new or substantially increased significant environmental effects; (b) the proposed revisions do not require preparation of a new subsequent or supplemental MND; (c) the Project is consistent with the MND and would involve only minor changes; and (d) there has been no discovery of new information of substantial importance that would trigger or require major revisions of the MND due to significant environmental effects; and

Whereas, the CEQA Determination and Addendum concluded that the Project's effects can be mitigated to the extent that the Project would not have a significant effect on the environment; and

Whereas, the CEQA Determination and Addendum to the MND are not required to be circulated for public review.

Now, Therefore, Be It Resolved that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a contract for the Mountain View Transit Center Grade Separation and Access Project Final Design Services to HNTB Corporation of Oakland, California for a total not-to-exceed amount of \$9,590,908, including exercising the option for Design Support During Utilities Relocation/Right of Way, for a two year term; and

Be It Further Resolved that the Board authorizes the Acting Executive Director or designee to execute a contract with HNTB Corporation in full conformity with the terms and conditions of the RFP and negotiated agreement, and in a form approved by legal counsel; and

Be It Further Resolved that the Board authorizes the Acting Executive Director or designee to exercise options for HNTB to perform additional services for a total not-to-exceed amount up to \$3,654,451, as funding becomes available and if deemed in the best interest of the JPB; and

Be It Further Resolved that the Board:

1. Hereby finds that, in light of the public safety imperative to replace the implement a grade separation of the Caltrain tracks and Castro Street at the intersection of Castro Street / Moffett Boulevard / Central Expressway, it is necessary to proceed with the Mountain View Transit Center Grade Separation and Access Project, with the understanding that the mitigation measures described in the MND will be implemented to avoid any significant effects on the environment; and
2. Hereby finds and declares that, based upon its independent judgment following review of the CEQA Determination and Addendum to the MND and consideration of the record of the Mountain View Transit Center Grade Separation and Access Project as a whole, there is no evidence before the Board that the proposed Mountain View Transit Center Grade Separation and Access Project will have a significant effect upon the environment; and
3. Hereby adopts the CEQA Determination and Addendum to the MND; and

Be It Further Resolved the JPB Secretary is directed to file a Notice of Determination promptly with the County Clerk of Santa Clara County and the State Clearinghouse; and

Be It Further Resolved the record of this action shall be maintained by the JPB Secretary at 1250 San Carlos Avenue in San Carlos, CA.

Regularly passed and adopted this 2nd day of June, 2022 by the following vote:

Ayes:

Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

JPB Secretary

Mountain View Transit Center Grade Separation and Access Project



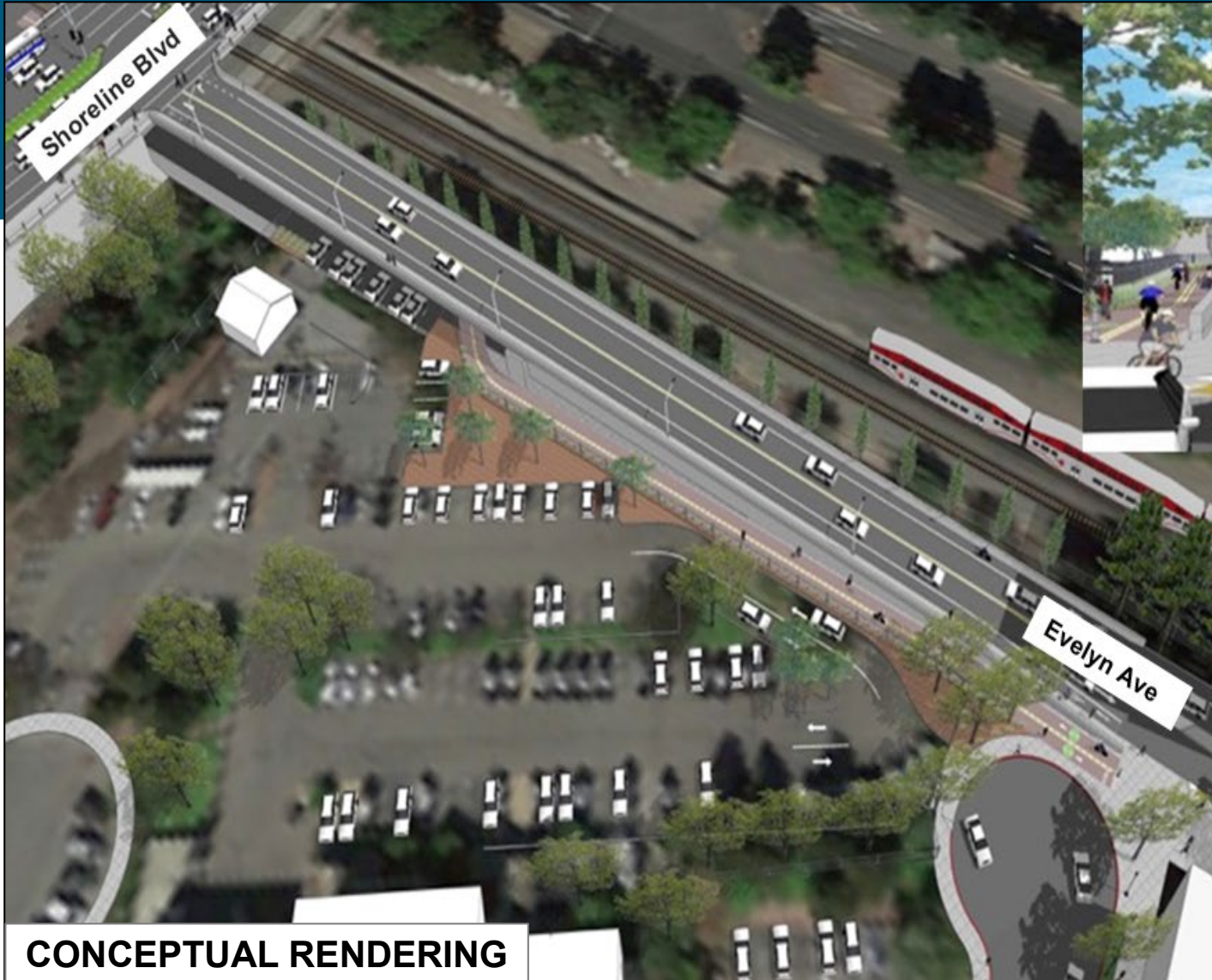
Project Location



Project Scope

- Evelyn Ave. ramp to Shoreline Blvd.
 - Reroutes traffic and allows vehicle closure at tracks
- Pedestrian and bicycle under crossings
 - Castro St. entrance and Evelyn Ave. intersection
 - Track undercrossing and concourse
 - Central Expressway under crossings to Stierlin Rd. and Adobe building
- Moffett Blvd.
 - Improvements and new shuttle loading

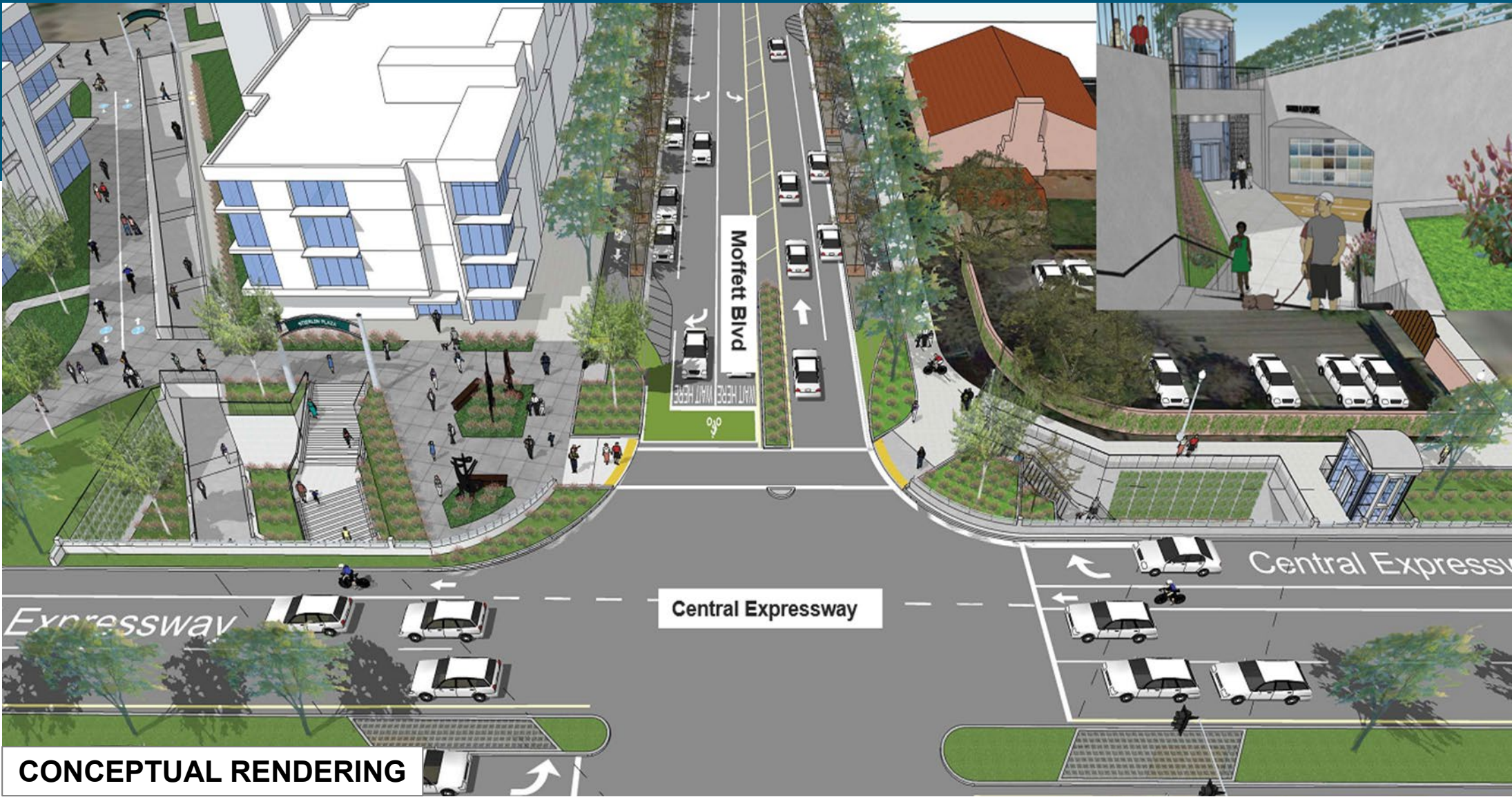
Evelyn Ramp to Shoreline



Undercrossing



Stierlin and Adobe Entrances



Schedule

Dates	Activity
June 2022	Board approval of Final Design Contract
July 2022 – June 2024	Final Design
July 2024 – Jan 2025	Bidding
Feb 2025 – August 2027	Construction
November 2027	Closeout

Contract Delivery Analysis

Status

- Evaluation of delivery models **complete** (Design-Bid-Build vs. Construction Manager/General Contractor)
- Development of Alternative Project Delivery Decision Report **in process**
- **Preparing** briefings for funding partners' consideration (VTA, Mountain View)
- **Preparing** written findings for JPB Board consideration

If Approved

- **Amend** existing Cooperative Agreement for additional funding
 - Pre-construction services
 - HNTB Optional Services and JPB Staff
- **Issue RFP** for CM/GC pre-construction services
- **Award CM/GC contract** concurrent with 65% Design – **June 2023**

Budget Summary

Base Contract and Options	Services and Tasks	Not-To-Exceed Amounts
Base Contract	Final Design	\$9,093,991
	Design Support During Utilities Relocation/Right of Way	<u>\$496,917</u>
	Base Contract	\$9,590,908
	Fiscal Year 2022 Board Authorized	\$11,200,000*
Future Options		
	Renderings	\$99,678
	Design Support During Procurement	\$250,381
	Design Support During Construction	\$2,161,166
	Construction Manager General Contractor Approach Design Support	<u>\$1,143,226</u>
	Subtotal Future Options	\$3,654,451
	Total if all options selected	\$13,245,359



***Sufficient funds to proceed; *10M for JPB; *\$1.2M for City of MV**



Environmental Review Process

- California Environmental Quality Act (**CEQA**)
- **City of Mountain View** Adopted a Mitigated Negative Declaration (MND) for the Project in 2019
- Peninsula Corridor Joint Powers Board (**JPB**) is the **lead agency** for final design and construction and must make its own CEQA Determination
- **JPB prepared** a CEQA Determination and Addendum to the MND analyzing the Augmented 35% Design
- **No significant impacts were identified**

Staff Recommendations

- **Authorize contract award** to HNTB Corporation of Oakland, CA for
 - Final design services
 - Design support during Utilities Relocations and ROW
- **Authorize options** to perform additional services
- **Adopt** CEQA Determination and Addendum to the Mitigated Negative Declaration

Questions



FOR MORE INFORMATION

WWW.CALTRAIN.COM



**Peninsula Corridor Joint Powers Board
Staff Report**

To: Work Program – Legislative – Planning Committee

Through: Michelle Bouchard, Acting Executive Director

From: Brian W. Fitzpatrick, Director
Real Estate & Development

Nadine Fogarty
Deputy Director, TOD & Real Estate Planning

Subject: **Declare Cahill Extension Property as Exempt Surplus Land and Approve Rail Corridor Use Policy Variance**



Finance Committee
Recommendation



Work Program-
Legislative-Planning
Committee
Recommendation



Staff Coordinating
Council Reviewed



Staff Coordinating Council
Recommendation

Action

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

- 1) Approve a Rail Corridor Use Policy (RCUP) variance for use of property for a City of San Jose roadway extension.
- 2) Declare the property “exempt surplus land” for the purposes of the Surplus Land Act.

Significance

The JPB has been approached by the City of San Jose about its interest in acquiring a small strip (less than 5,000 square feet) of JPB-owned property (“Property”) for the purpose of a roadway extension. The proposed roadway extension is required to implement access and circulation improvements identified as part of the City of San Jose’s Diridon Station Area Plan (DSAP), adopted in May 2021. It will also facilitate development of Downtown West, a major mixed-use development project planned by the City of San Jose (City) and Google near the Diridon Station. Under the proposed transaction, the Property would be transferred directly from JPB to the City of San Jose, and the roadway would be constructed by Google and dedicated to the City of San Jose.

JPB’s RCUP, adopted by the Board in February 2020, governs use of JPB-owned property for non-railroad purposes. Under the policy, sale of property for a roadway does not qualify as a “compatible use” in this (or any) location along the Caltrain corridor, and thus requires Board approval of a RCUP Use Variance to proceed.

In addition, the Surplus Land Act of California governs the disposal of surplus land by local agencies, including the JPB (Gov. Code § 54220 *et seq.*). Transfer of property from one agency to another for the agency's use is considered "exempt surplus land" under Surplus Land Act requirements. The Board is required to send a notice of exemption determination for any land that has been declared "exempt surplus land" to the California Department of Housing and Community Development (HCD) at least 30 days prior to disposition of the property. Staff have confirmed with HCD that the Property qualifies as "exempt surplus land" because the JPB proposes to transfer the property to another local, state, or federal agency for that agency's use (§ 54221(f)(1)(D)).

Budget Impact

No budget impact. If the Board subsequently authorizes sale of the property to the City, it will be sold at fair market value.

Background

As described above, the City would like to purchase a small strip of JPB-owned property for the purpose of a roadway extension of Cahill Drive (see Exhibit A). The Property is needed to extend Cahill Drive from its current terminus at West San Fernando Street to Park Avenue. The 4,612 square foot parcel is located at the edge of a parking lot for customers at the Diridon Caltrain Station and will impact 13 parking spaces.

The proposed roadway extension is required to facilitate development of Downtown West, a major mixed-use development project planned by the City and Google as part of the DSAP. DSAP envisions a multi-modal public circulation network throughout the area and enhanced connections to surrounding neighborhoods. The extension will provide improved access to Diridon Station and new development proposed as part of Google's Downtown West.

Under the proposed transaction, the property would be transferred directly from JPB to the City of San Jose, and the roadway and utility improvements would be constructed by Google and dedicated to the City of San Jose.

RCUP Use Variance

The RCUP guides use of JPB property in support of Caltrain's Long-Term Service Vision. It provides a policy framework for considering and approving the range of proposed uses of JPB-owned property, to ensure their compatibility with the railroad's current and future needs. The RCUP outlines a process to identify which properties are needed to support operations and future growth of the railroad, and which properties could potentially have other uses located on it, such as potential community or development project uses.

Under the RCUP, the Property is designated Property Use Zone 4 (Special Study Area), which includes property subject to an ongoing planning effort. In addition, it is included within the Service Vision Capital Project Overlay, which is an overlay applied on top of the various Property Use Zones to designate areas that may be needed for potential future capital projects to support achievement of Caltrain's Long-Term Service Vision. In this case, the property is

within the DSAP boundaries, as well as within the area studied as part of the Diridon Integrated Concept Plan.

The RCUP process requires a determination whether a proposed use is “compatible” or “not compatible” with the railroad’s current and future needs. Under the policy, sale of property for a roadway does not qualify as a “compatible use”, and thus requires a RCUP Use Variance to proceed. The Board may approve, approve with conditions, or reject the Use Variance. In this case, staff recommend approval of the Use Variance because it will aid in implementation of the DSAP and enhance access to Diridon Station from surrounding development. Moreover, construction of a roadway is not expected to preclude future implementation of DISC or Caltrain’s Long-Term Service Vision.

Surplus Land Act Exemption

The Surplus Land Act applies to local agencies generally, including joint powers authorities. Pursuant to the Act, local agencies generally must take steps to ensure that park districts, public school districts, or housing developers have the first opportunity to purchase agency-owned land before selling to another buyer. Before the JPB may take any action to dispose of land, consistent with existing policies or procedures for doing so, the Board of Directors must declare the land “surplus land” or “exempt surplus land” and make written findings regarding why the land meets the criteria in the Act.

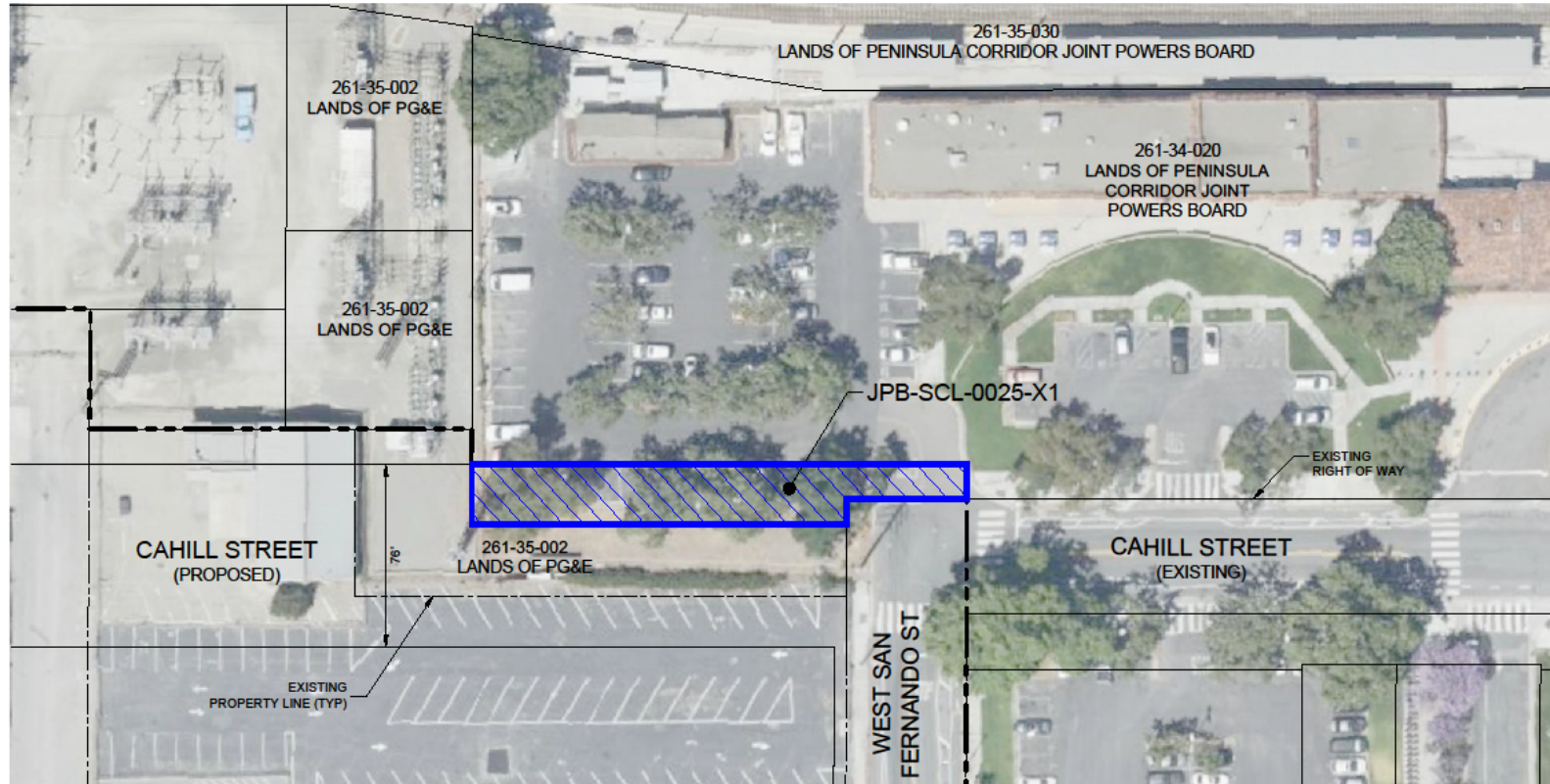
In this instance, the Property meets the criteria in the Act for exempt surplus land because the JPB proposes to transfer the parcel to another local government agency, in this case the City, pursuant to Government Code section 54221(f)(1)(D). HCD has reviewed the draft determination and confirmed that the Property meets the criteria for this exemption if transferred for this purpose.

Next Steps

If the Board approves the RCUP Use Variance and declares the property exempt surplus land, staff will provide the required notice to the HCD and proceed with negotiations with the City of San Jose. The final terms of sale of the Property will be subject to approval by the Board.

Prepared By:	Brian W. Fitzpatrick	Director, Real Estate & Property Development	(650) 508-7781
	Nadine Fogarty	Deputy Director, TOD & Real Estate Planning	(650) 208-6574

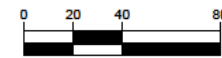
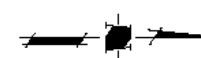
Exhibit A



JPB-SCL-0025-X1



PROPOSED STREET DEDICATION
FEE TITLE TRANSFER TO CITY OF SAN JOSE
±4,700 SF



1 INCH = 40 FEET

Downtown West
APN 261-34-020

CAHILL EXTENSION

HMH#5719.00 | Drawn: DM | Review: TG | Scale: 1" = 40' | Date: 05.02.22

PLOTTED: 5/3/2022 11:18 AM S:\PROJECTS\571900\PLEXHIBITS\20220502 571900 CAHILL CALTRAIN.DWG



1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Resolution No. 2022-

**Board of Directors, Peninsula Corridor Joint Powers Board
State of California**

* * *

**Authorize Approval of a Use Variance for Property Needed for the Cahill Street Extension in
San Jose**

Whereas, the Peninsula Corridor Joint Powers Board (“JPB”) owns property currently used as a parking lot adjacent to the Diridon Caltrain Station; and

Whereas, the City of San Jose (“City”) and Google are planning to develop Downtown West, a major mixed-use development project adjacent to the Diridon Station and consistent with the Diridon Station Area Plan (“DSAP”) adopted by the City; and

Whereas, the City has requested that Google construct a roadway extension to Cahill Drive which will require a small strip of JPB property (“Property,” as shown on Exhibit A); and

Whereas, the proposed roadway extension will facilitate improved circulation and access to Diridon station as envisioned in the DSAP; and

Whereas, the proposed property transfer was reviewed for compatibility with the Caltrain Rail Corridor Use Policy (“RCUP”) and found to be initially “incompatible” with the RCUP thus requiring additional detailed review through the RCUP’s Use Variance process; and

Whereas, the RCUP’s Use Variance review process determined that sale of the Property is compatible with current and future rail needs, including Caltrain’s Long-Term Service Vision; and

Whereas, Staff recommend approval of the Use Variance because it will aid in implementation of the DSAP and enhance access to Diridon Station from surrounding

development, and moreover, construction of a roadway is not expected to preclude future implementation of the Diridon Integrated Station Concept or Caltrain's Long-Term Service Vision;

Now, Therefore, Be It Resolved that the Peninsula Corridor Joint Powers Board hereby approves a Use Variance that will allow sale of the Property to the City of San Jose for use as a roadway extension.

Regularly passed and adopted this 2nd day of June, 2022 by the following vote:

Ayes:

Noes:

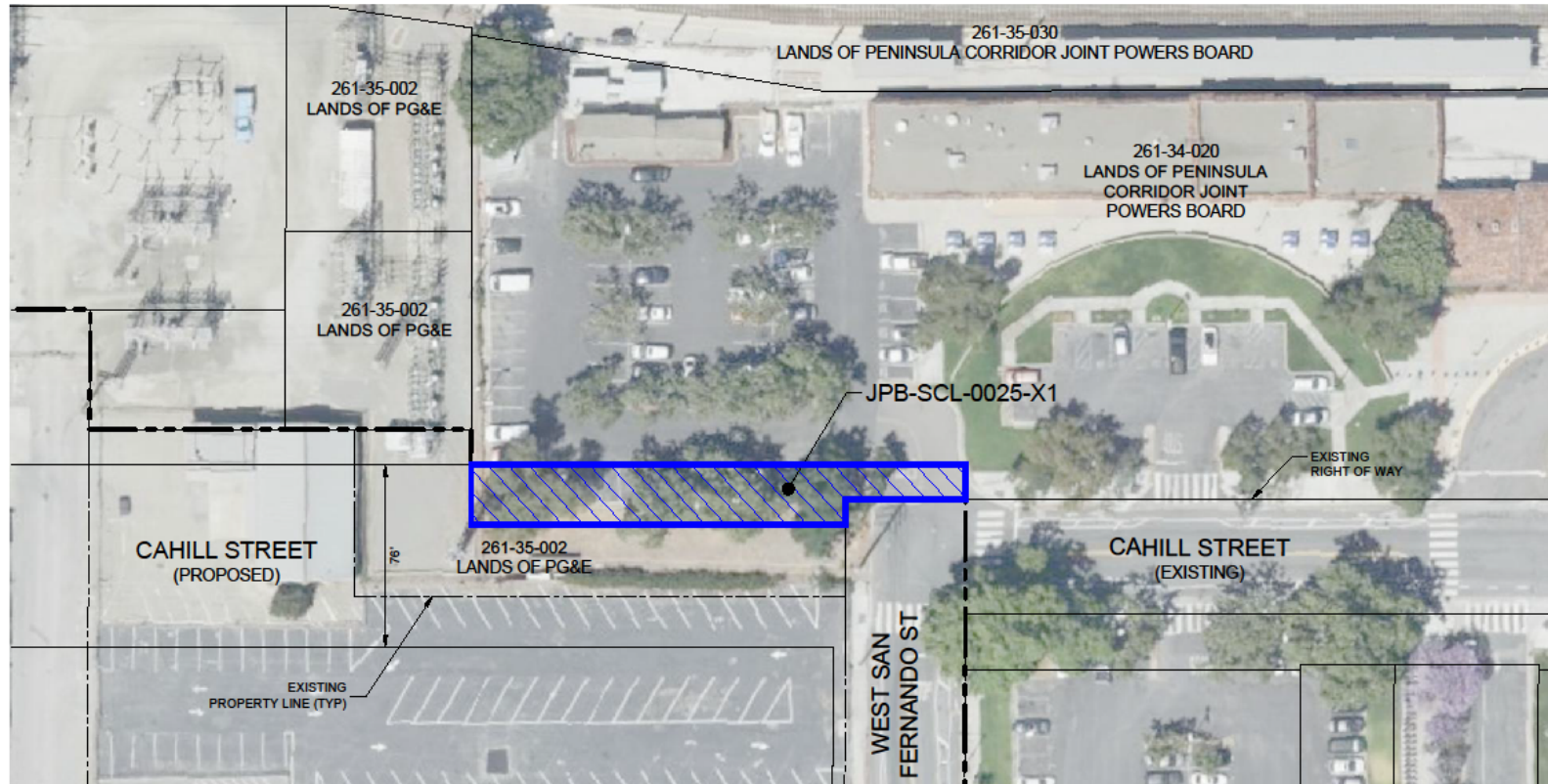
Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

JPB Secretary

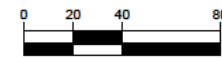
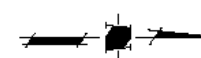
Exhibit A



JPB-SCL-0025-X1



PROPOSED STREET DEDICATION
FEE TITLE TRANSFER TO CITY OF SAN JOSE
±4,700 SF



1 INCH = 40 FEET

Downtown West
APN 261-34-020

CAHILL EXTENSION

HMH#5719.00 | Drawn: DM | Review: TG | Scale: 1" = 40' | Date: 05.02.22

PLOTTED: 5/3/2022 11:18 AM S:\PROJECTS\571900\PLEXHIBITS\20220502 571900 CAHILL CALTRAIN.DWG

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Resolution No. 2022-

**Board of Directors, Peninsula Corridor Joint Powers Board
State of California**

* * *

**Declaring Certain Real Property Located at Diridon Station Exempt Surplus
Land Pursuant To The Surplus Land Act**

Whereas, the Peninsula Corridor Joint Powers Board (“JPB”) owns property currently used as a parking lot adjacent to the Diridon Caltrain Station; and

Whereas, the City of San Jose (“City”) and Google are planning to develop Downtown West, a major mixed-use development project adjacent to the Diridon Station consistent with the Diridon Station Area Plan (“DSAP”) adopted by the City; and

Whereas, the City has requested that Google construct a roadway extension to Cahill Drive which will require a small strip of JPB property (“Property,” as shown on Exhibit A),

Whereas, the Property will be transferred directly to the City; and

Whereas, JPB has determined via the Rail Corridor Use Policy (RCUP) process that the Property is not needed for railroad use and has agreed to allow a use variance allowing for sale of the property for use as a roadway extension (Resolution No. 2022-XX); and

Whereas, pursuant to the Surplus Land Act (Government Code Section 54220, et. seq.) “surplus land” is land owned in fee simple by any local agency for which the local agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use; and

Whereas, pursuant to the Surplus Land Act, land shall be declared either “surplus land” or “exempt surplus land,” as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency’s policies and procedures; and

Whereas, pursuant to the Surplus Land Act, Government Code Section 54221(f)(1)(D), “exempt surplus land” includes surplus land that a local agency is transferring to another local, state, or federal agency for the agency’s use, or to a federally recognized California Indian tribe.”

Now, Therefore, Be It Resolved that the JPB hereby finds that the JPB-owned Property is exempt surplus land pursuant to Government Code Section 54221(f)(1)(D) because it is not needed for railroad use and will be transferred to the City for use as a roadway extension.

Be It Further Resolved that the JPB directs the Acting Executive Director or designee to transmit a copy of this Resolution to the California Department of Housing and Community Development no later than thirty (30) days prior to the disposition of the property and take any other actions as necessary to give effect to this resolution.

Regularly passed and adopted this 2nd day of June, 2022 by the following vote:

Ayes:

Noes:

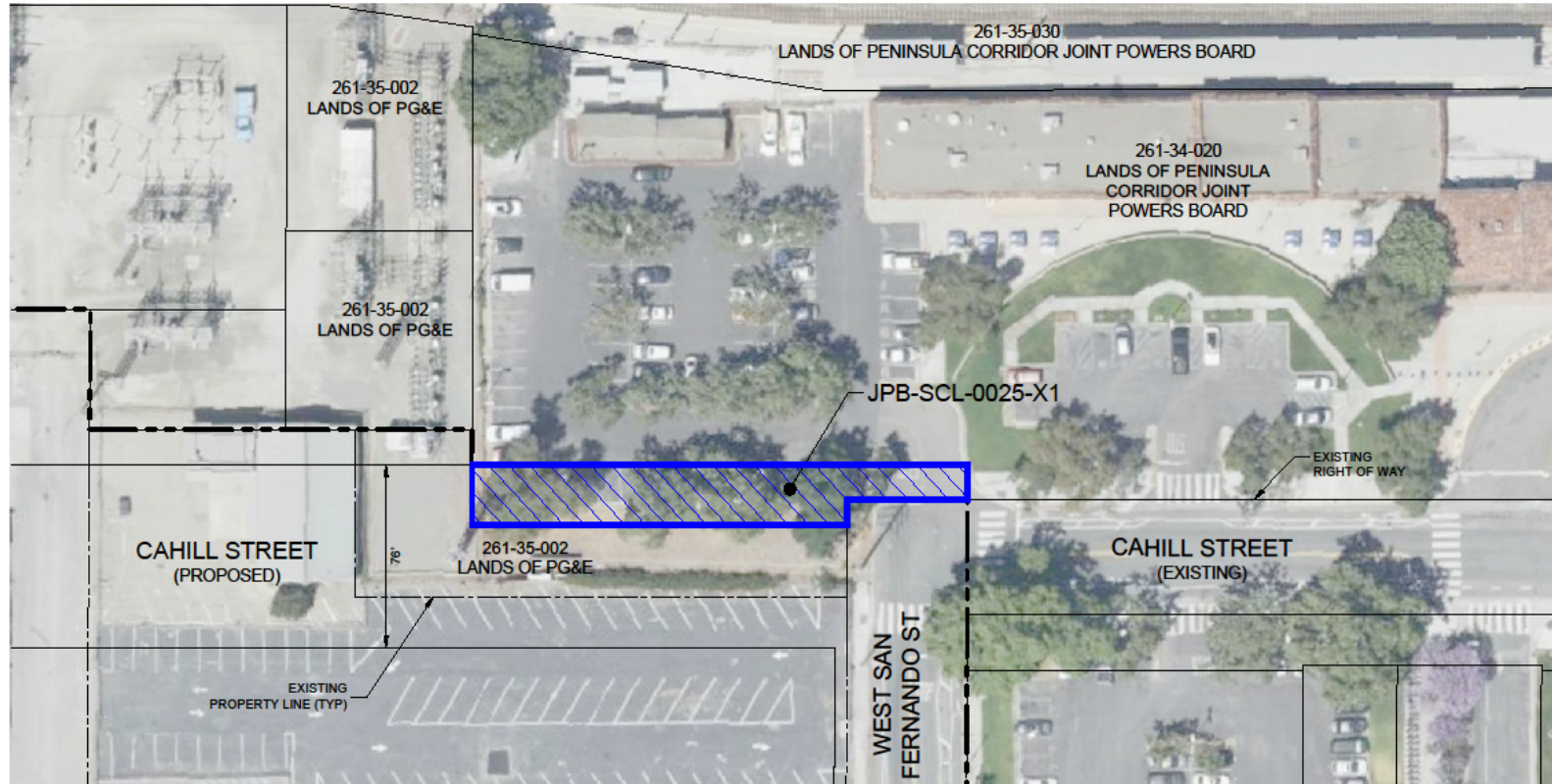
Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

JPB Secretary

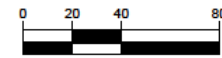
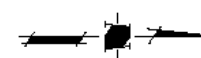
Exhibit A



JPB-SCL-0025-X1



PROPOSED STREET DEDICATION
FEE TITLE TRANSFER TO CITY OF SAN JOSE
±4,700 SF



1 INCH = 40 FEET

Downtown West
APN 261-34-020

CAHILL EXTENSION

HMH#5719.00 | Drawn: DM | Review: TG | Scale: 1" = 40' | Date: 05.02.22

PLOTTED: 5/3/2022 11:18 AM S:\PROJECTS\571900\PLEXHIBITS\20220502 571900 CAHILL CALTRAIN.DWG



1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMH.ca.com

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Work – Program – Legislative – Planning Committee

Through: Michelle Bouchard
Acting Executive Director

From: Robert Barnard, Deputy Chief
Rail Development

Subject: **Capital Projects Quarterly Status Report – 3rd Quarter Fiscal Year 2022**

Finance Committee
Recommendation

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Action

Staff Coordinating Council recommends the Board receives the Capital Projects Quarterly Status Report. The report is in the following link:

<https://www.caltrain.com/about-caltrain/statistics-reports/quarterly-capital-program-status-report>

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 – Q3



Revised Capital Program

- Re-tooling Project Delivery
- Capital Program Quarterly Report: FY22 – Q3
- Focus Project Report: Guadalupe River Brides Replacement and Extension

Re-Tooling Project Delivery

- Goal
 - Stabilize rail organization to ensure appropriate resources are in place to **deliver the service vision**
 - Rebuild and strengthen team to create the technical capacity and capability to design, build and manage work with **excellence**

Re-Tooling Project Delivery

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

Revised Capital Program




- Re-tooling Project Delivery
- **Capital Program Quarterly Report: FY22 – Q3**

Revised Capital Program Quarterly Report: FY22 – Q3

- Caltrain's Rail Development Team is currently managing **25 capital projects**
 - 14 in **Design**
 - 4 in **Bidding**
 - 6 in **Construction**
 - 1 in **Closing**

Revised Capital Program Quarterly Report: FY22 – Q3




- Key Performance Indicator Summary

Status Light	Safety	Schedule	Budget	Funding
 Green	100.0%	51.7%	96.6%	82.8%
 Yellow	0.0%	6.9%	3.4%	13.8%
 Red	0.0%	41.4%	0.0%	3.4%

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

Revised Capital Program Quarterly Report: FY22 – Q3

- Key Performance Indicator Summary

Status Light	Safety	Schedule	Budget	Funding
 Green	100.0%	51.7%	96.6%	82.8%
 Yellow	0.0%	6.9%	3.4%	13.8%
 Red	0.0%	41.4%	0.0%	3.4%

(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 – Q3

- Program Trend Summary for Projects in Planning, Design, or Construction

Status Changes	Projects	Pct. Projects
All green	8	27.6%
Improved	4	13.8%
Got worse	8	27.6%
Stayed the same (except all green)	9	31.0%
Total Projects	29	

Revised Capital Program Quarterly Report: FY22 – Q3

- Program Trend Summary for Projects in Planning, Design, or Construction

Status Changes	Projects	Pct. Projects
All green	8	27.6%
Improved	4	13.8%
Got worse	8	27.6%
Stayed the same (except all green)	9	31.0%
Total Projects	29	

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

Revised Capital Program Projects with **Mitigation Plans**

Project	Planned Date	Description
Ticket Vending Machine Rehabilitation	On-going	Recover from supply chain delays
Clipper Next Generation Validator Site Preparation	On-going	Recover from contractor submittal delays
San Mateo Replacement Parking Track	6/28/2023	CTC allocation of Caltrain's FY23 LPP funding

Revised Capital Program

Projects to Re-Baselined: Near Term

Project	Planned Date	Description
Guadalupe River Bridge Replacement - Extension	April 2022	Update schedule and budget for construction
25 th Avenue Grade Separation	April 2022	Update schedule for extended closeout period
Automatic Passenger Counter 4 th and King Station	May 2022	Update schedule for closeout
Burlingame Broadway Grade Separation	May 2022	Implement Value Engineering
Churchill Ave Grade Crossing	May 2022	Update schedule: City's design approved by CPUC
San Francisquito Creek Bridge Replacement	June 2022	Adopt alternative analysis recommendation
San Mateo Grade Crossing Improvements	June 2022	Completion of city led final design package
Broadband Wireless Communication System	August 2022	Update schedule/budget at contract award

Revised Capital Program Projects to Re-Baselined: Future

Project	Planned Date	Description
CCF BCCF Virtualization	TBD	FY23 Construction funding approval?
Rengstorff Grade Separation	TBD	Approval of Cooperation Agreement for final design
Whipple Avenue Grade Separation	TBD	Approval of next phase by local jurisdiction

Revised Capital Program Projects in **Closeout** with Variances

Project	Planned Date	Description
South San Francisco Station Improvements	NA	Extended closeout period – nearing completion
Marin and Napoleon Bridge Replacement	NA	Extended closeout period – nearing completion
Mary Avenue Traffic Signal Preemption	NA	Delayed supply chain material arrived – nearing completion

Next steps:

- Final Phase/Gate approval from Management Committee - report on project metrics
- Conduct lessons learned
- Remove project from Quarterly Report

Revised Capital Program Quarterly Report: FY22 – Q3

- Individual Project KPI Status (Portion shown)

Table S3. Individual Projects

Project Number	Title	Safety		Schedule		Budget		Funding		Page
		Q2	Q3	Q2	Q3	Q2	Q3	Q2	Q3	
CONSTRUCTION PHASE										
Grade Separations										
002088	25th Avenue Grade Separation	●	●	●	●	●	●	●	●	7
Stations										
002146	South San Francisco Station Improvement	●	●	●	●	●	●	●	●	12
ROW Communications & Signals										
100278	Mary Avenue Traffic Signal Preemption	●	●	●	●	●	●	●	●	18
Fare Collection										
100240	Ticket Vending Machines (TVM) Rehab	●	●	●	●	●	●	●	●	22
Miscellaneous										
100430	CCF BCCF Virtualization		●		●		●		●	27
100445	Automatic Passenger Counters at San Francisco 4th & King Station	●	●	●	●	●	●	●	●	30

Revised Capital Program

- Re-tooling Project Delivery
- Capital Program Quarterly Report: FY22 – Q3
- **Focus Project Report – Guadalupe River Brides Replacement, Extension**

Guadalupe River Bridges Replacement and Extension

Executive Summary

Caltrain - Quarterly Status Report









January-March 2022

Guadalupe River Bridges Replacement and Extension

Project No. 002113

Table 1. Status Summary and Total Project Performance

Project Phase: Final Design

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

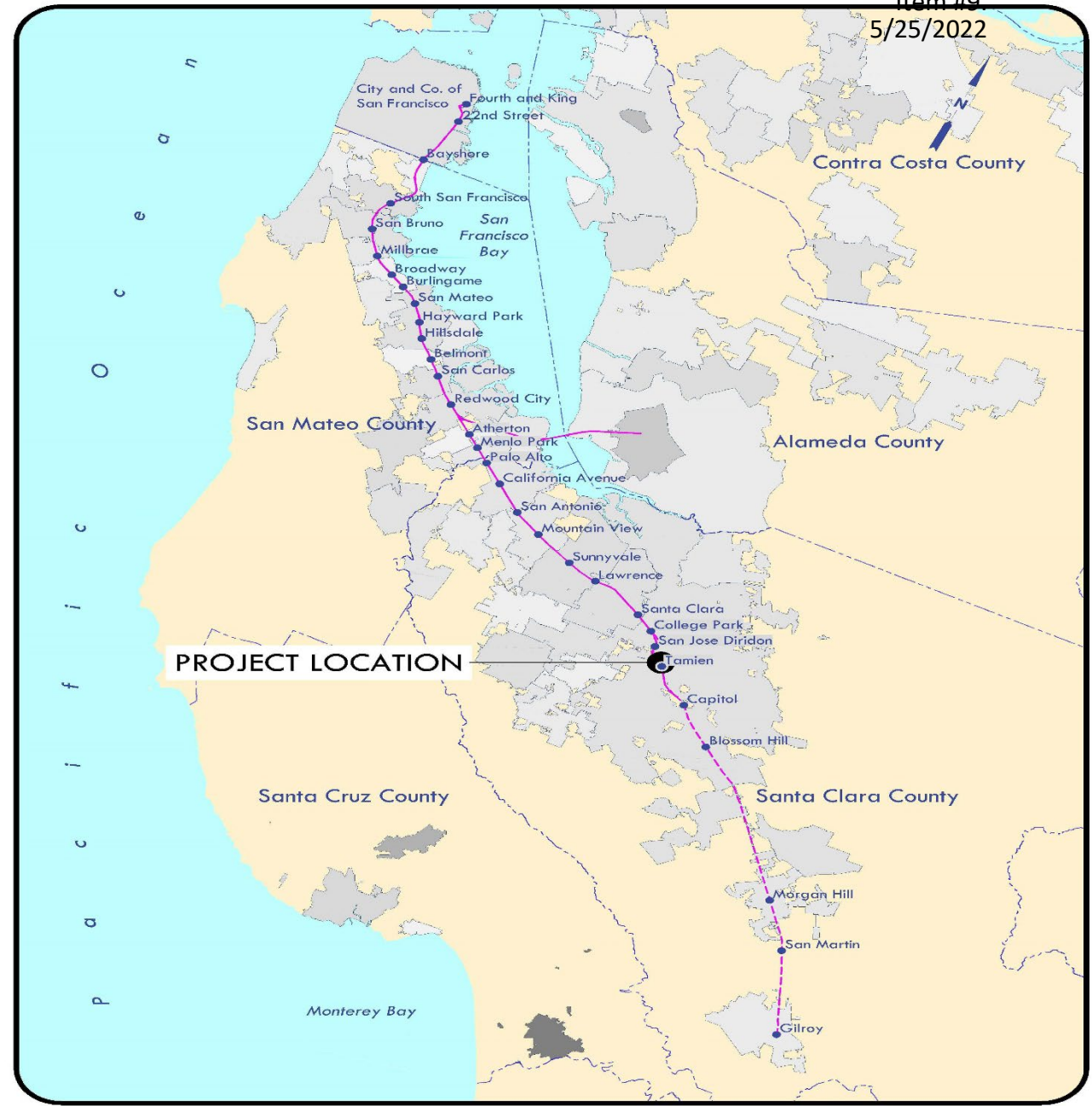
Progress (%)	Change Prev. Qtr.	EAC/Budget
15.6%	2.66%	100%

1. Schedule delay is due to arbitration, prolonged IFB process, as well as design issues related to grading revisions required by the environmental team to address permitting agencies' requirements. Arbitration was held & concluded between 12/13/21 - 12/16/21. Final ruling was scheduled for 3/7/22. PM is requesting approval of IFB (permission to advertise in May) for construction phase and an associated rebaseline at April 2022 Management Committee meeting.

2. Identified sources of funds cover the estimated final design and early construction portions of the project costs, but not the entire project costs. Agency has not received and/or activated the entire fiscal year 2022 appropriation by the JPB Board. The reminder of the funds will be activated in June 2022.

 Issue and planned mitigation

Guadalupe River Bridges Replacement and Extension Project



Guadalupe River Bridges Replacement and Extension

Purpose and Need (per 2/4/21 JPB Resolution)

- 1935 MT1 Bridge is **structurally deficient, seismically vulnerable**, and has been damaged by **multiple fires** making it in need of immediate replacement
- Guadalupe River channel in the vicinity of MT1 and MT2 exhibits **geomorphic instability and erosion problems**, resulting in multiple emergency repairs to address **bank failures** adjacent to the bridges
- **Widening the Guadalupe River channel and lengthening the southern end of MT2** required to address the **geomorphic instability and risk** it poses to the bridge structures

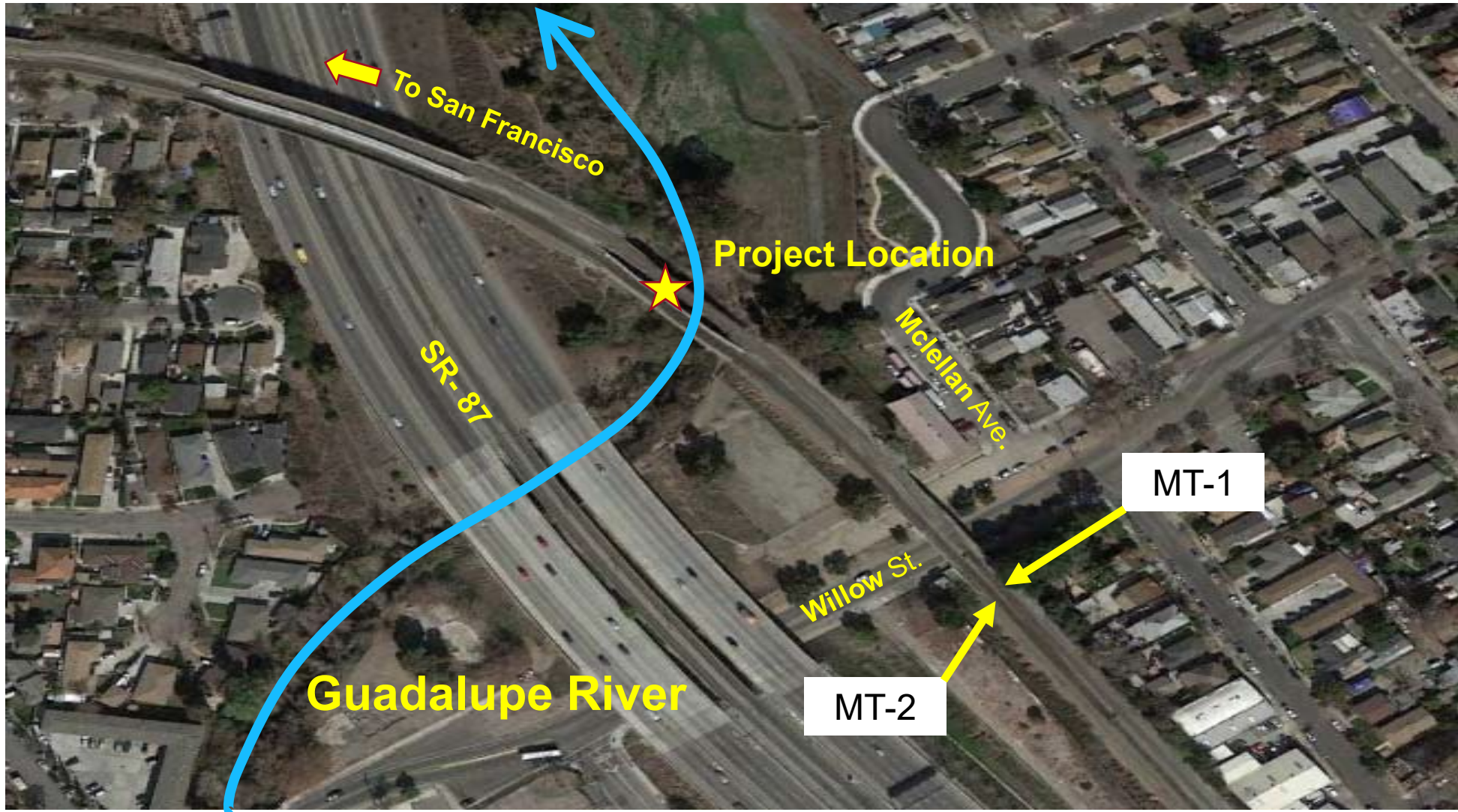
Guadalupe River Bridges Replacement and Extension

Item #9.
5/25/2022



Guadalupe River Bridges Replacement and Extension

Item #9.
5/25/2022



Need for MT-1 Replacement



- Deteriorating structural condition of 1935 trestle exacerbated by **bank failures and fire**
- Structure does not meet **seismic criteria**

Need for MT-1 Replacement and MT-2 Extension



MT-1 Bank Failure



MT-2 Bank Failure

- **High flow velocity** and associated bank failures during storm events **threaten the integrity of the bridges**
- **Multiple emergency repair/stabilization** projects since 2008 to address bank failures threatening to undermine abutments at MT-1 and MT-2
- Project will **reduce flow velocity** and erosion

Guadalupe River Bridges Replacement and Extension

Item #9.
5/25/2022



MT-1 (1935)



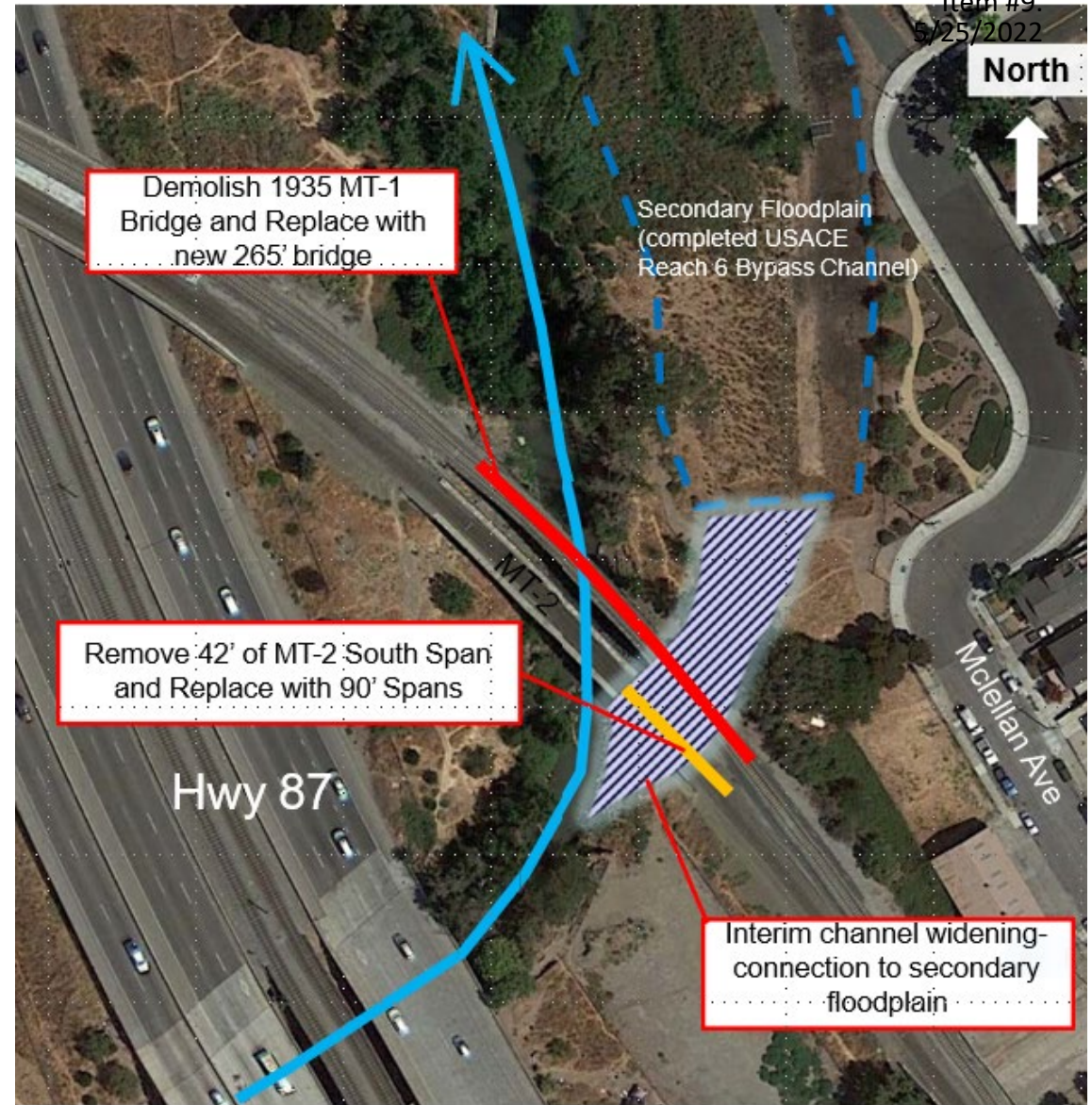
MT-2 (1990)



MT-1 (1935)

Scope

- **Replace MT-1** with new longer bridge (265 ft)
- **Remove 42' of existing MT-2** span and south abutment, and extend it to 90-foot spans
- Interim **channel widening** to reduce scour and risk to bridge structures
- **Current Board authority** for design and initial construction: **\$16.4m**
- **Total Project cost: \$52.2m**



Change Order planned with Electrification project for OCS removal and replacement on MT2



Schedule

Date	Activity
May 2022	Issue Bid Advertisement
May – Sept 2022	Finalize UPRR, ACE, LPP, and local funding plan amounts
Sept 2022	Board action to award construction contract and supplemental funding
October 2022	Issue Limited Notice to Proceed
Dec 2022	Start Construction
2023	MT-2 Construction (finish before PCEP grand opening)
2024	MT-1 Construction
Early 2025	Project closeout

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: Grace Martinez
Acting Chief Financial Officer

Subject: **Update on Regional Fare Coordination and Integration Study**



Finance Committee
Recommendation



Work Program-
Legislative-Planning



Staff Coordinating
Council Reviewed



Staff Coordinating Council
Recommendation

Action

This report is for information only. No Board action is required at this time.

Significance

The Regional Fare Coordination and Integration Study (FCIS) was launched by the Bay Area’s transit operators and the Metropolitan Transportation Commission (MTC) in 2020, with oversight from the Bay Area Fare Integration Task Force (FITF), to identify changes to the Bay Area’s transit fare policies as a way to improve the passenger experience and grow transit ridership. In November 2021, the FITF adopted a Policy Vision Statement for fare integration that stems from the recommendations of the FCIS and serves as a policy roadmap to improved fare integration in the Bay Area. The first action in the statement is the deployment of an all-transit agency institutional/employer pass demonstration pilot in 2022 with a focus on educational institutions, affordable housing properties, and employers of various sizes, pending available resources.

Each of the Bay Area’s public transit agencies are being asked to confirm their intent to participate in the pilot by June 30, 2022. Staff plans to confirm the JPB’s intent to participate in the pilot, pending Board ratification at the July meeting. Based on Board input, staff will return to the Board at the July meeting to request approval to modify the Fare Structure so that this new institutional pass fare product is accepted as valid fare media on the Caltrain system during the pilot period, which is slated to begin in August 2022 and last at least 12 months. Caltrain currently has funding for the pilot to last 12-24 months, and Staff recommends that the pilot continue for the period approved by the FTA as long as funds are available. Due to the scale and significance of this pilot, the project team is actively seeking a waiver from the Federal Transit Administration (FTA) to allow this fare pilot to last more than 6-months. If the pilot is

considered successful, the Board will need to approve a Title VI analysis, based on data from the pilot before approving a permanent successor program.

Budget Impact

There is no budget impact associated with receiving this report. Caltrain's revenue statistics associated with the pilot program are presented in the Background section of this staff report.

Background

The Clipper Executive Board established a Fare Integration Task Force (FITF) to oversee and manage all aspects of the Fare Coordination and Integration Study (FCIS). After an 18-month effort, the recommendations from the FCIS were finalized and compiled in a report, which was adopted in the form of a policy vision statement by the FITF in fall 2021. The first action identified in the policy vision statement is to advance the development of a pilot, all-agency, institutional pass.

The objective of the pilot is to evaluate the degree to which an institutional transit pass covering the fare of all operators may increase transit ridership and better meet the needs of users and institutions, as compared to their current passes. The pilot is therefore focused on institutions already participating in a transit pass program and is designed to evaluate the benefits of expanding access to all agencies and to collect data that could be used as the basis of a revenue model for a potential permanent program.

The pilot is proposed to be structured in two phases:

- Pilot Phase 1 (Target of 8/2022): Public educational institutions and affordable housing properties, including San Francisco State University, San Jose State University, UC Berkeley, Santa Rosa JC, and MidPen Housing (three San Mateo properties)
- Pilot Phase 2 (2023): Employers in transit-rich locations such as downtown San Francisco, Oakland, and San Jose

During phase 1 of the pilot, up to 50,000 all-agency passes would be layered on top of each participating institution's existing transit pass at no additional cost to the institution. The existing business relationship between each participating institution and the current transit agencies they hold passes for will remain unchanged. None of the proposed Pilot Phase 1 institutions are current Caltrain GoPass customers (Caltrain's institutional pass product) but several are located within the broader Caltrain service area.

The MTC has identified up to \$85M of regional funds for Transit Transformation Action Plan near-term priorities, including \$28M for fare integration activities. Of this amount, approximately \$6M is targeted toward this institutional/employer pilot project. This funding will be used to backfill any foregone revenue associated with newly generated trips taken on transit as a result of this pilot. Based on 2019 Clipper data from users of existing institutional

fare projects at partner institutions, potential foregone revenue associated with the pilot is \$1.9M per year or \$3.8M over 2 years across all Bay Area transit agencies. To offset these potential impacts, \$4.5M is budgeted to make all transit operators whole for any adverse revenue impacts associated with phase 1. These funds would be distributed in two steps:

- MTC will distribute \$2.2M of funding among operators up-front based on their share of regional fare revenue in FY 2018-19 (minimum of \$5,000 to each transit operator)
- MTC will hold an additional \$2.2M in reserve as a “top up” to distribute in year 2 of the pilot based on actual year 1 results and estimated year 2 results

Caltrain is expected to receive \$230,000 in the first distribution of funds.

MTC will serve as lead agency for the Title VI process for the pilot program. The pilot project will operate as a “pilot” under Title VI, which requires that the Board of Directors approve Title VI analyses before any permanent successor program is launched. As noted earlier in the staff report, MTC and BART are working with FTA now to request permission for an initial pilot period lasting a minimum of 12 months for all participating agencies. Data from the pilot will inform Title VI analysis of any extension beyond 12 months and/or permanent program.

Prepared by:

Bruce Thompson	Manager, Fare Program Operations	650-551-6106
Sebastian Petty	Director of Special Projects	650-790 8858

Fare Coordination and Integration Study Update: Regional Institutional Pass Pilot



Presentation Overview

- Fare Coordination and Integration Study
 - Study Objectives
 - Policy Vision Statement
- Regional Institutional Pass Pilot
 - Overview
 - Phasing Plan
 - Funding Plan
 - Title VI
 - Approval Process and Timeline
- Questions and Discussion

Fare Coordination and Integration Study (FCIS)-Objectives

- Developing goals for the regional fare system that will support an improved user experience, increased transit ridership and build on robust public outreach;
- Identifying barriers, especially barriers related to fares and the user experience, that are impeding increased ridership;
- Identifying opportunities to increase transit ridership by improving the regional fare system through regional fare coordination and integration strategies; and,
- Developing a detailed implementation plan, including funding plan, for recommended improvements.

Fare Coordination and Integration Study (FCIS)-Policy Vision Statement

- Adopted by the Fare Integration Task Force in Nov 2021
- Identifies four policy initiatives for advancement
 - **Deployment of an all-agency regional institutional pass product pilot in the current Clipper system (2022)**
 - Implement low-cost or no-cost transfers in Clipper 2.0 (2023)
 - Continue to develop the all-agency pass product in Clipper 2.0 (2023)
 - Continue to refine the vision of creating a common fare structure for regional services



Regional Institutional Pass Pilot-Pilot Objectives

- Evaluate the degree to which transit pass covering all operators may increase transit ridership and better meet the needs of individual and institutional customers, as compared to single-agency passes.
- Collect data that could be used as the basis to develop a longer term revenue and pricing model for a permanent all-agency pass program.

Regional Institutional Pass Pilot-Pilot Phasing Plan

- Phase 1 (Target of 8/2022): Public educational institutions and affordable housing properties
- Phase 2 (2023): Employers in transit-rich locations such as downtown San Francisco, Oakland, and San Jose
- Details will be finalized after the launch of Phase 1

Regional Institutional Pass Pilot-Phase 1 Detail

- Scale: Up to 50,000 participants
- Target launch date: August 2022, continuing for two years
- Cost to participants: None during the pilot. All agency pass layered onto existing pass product (Clipper)
- Phase 1 Partner Institutions:
 - San Francisco State University
 - San Jose State University
 - University of California, Berkeley
 - Santa Rosa Junior College
 - MidPen Housing (3 Peninsula properties)



Regional Institutional Pass Pilot-Funding Plan

- The MTC Commission has identified up to \$28M for fare integration activities, including \$6M targeted toward this pilot. The funding plan seeks to hold transit operators harmless for their participation.
- For pre-existing Phase 1 institution/agency pairs, business relationship will be unchanged.
- \$4.5M set aside to backfill fare revenue for new trips generated as a result of the pilot, half (\$2.2M) to be distributed up-front and half held as “top up” funds.
 - Caltrain to receive up to \$230k in up-front monies.



Regional Institutional Pass Pilot-Title VI

- MTC will serve as lead agency for pilot program Title VI process.
- MTC and BART are working with FTA now to request permission for an initial pilot period lasting a minimum of 12 months.
- Data from the pilot will inform the Title VI analysis of any extension beyond 12 months and/or permanent program.



Caltrain-Specific Considerations

- Caltrain has a robust existing institutional pass program (the GoPass).
- Regional all-agency pass provides a mechanism to build on the success of GoPass. If and when scale of program expands, regional pass could be a significant mechanism to bring new institutional riders and revenue to Caltrain
- No financial risk to Caltrain from current pilot, however ultimate selection of pricing and revenue model beyond pilot phase will be critical



Regional Institutional Pass Pilot-Timeline and Next Steps

- June – Information Item
- July – Action to amend the SamTrans' Fare Structure
 - FTA Title VI waiver received
- August – Pilot launch
- September and beyond – Pilot ridership data collection and evaluation
 - Survey of pilot participants
 - Finalize Phase 2 details



Questions?