

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

**Minutes of April 7, 2022**

**MEMBERS PRESENT:** C. Chavez (arrived 9:10 am), D. Davis, J. Gee, S. Heminger (Chair), G. Hendricks, D. Pine, C. Stone (Vice Chair), S. Walton (arrived 9:20 am), M. Zmuda

**MEMBERS ABSENT:** None

**STAFF PRESENT:** M. Bouchard, G. Martinez, S. Petty, J. Harrison, A. Myles-Primakoff, K. Yin, P. Shrestha, B. Shaw, C. Fromson, A. Timbers, L. Leung, J. Nogales-DeGuzman, J. Lipps, D. Seamans, S. Wong, K. Scribner

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

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

**2. Roll Call**

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

**3. Public Comments for Items Not on the Agenda**

Andy Chow, Redwood City, commented on the Caltrain collision and the inconvenience of the rescheduled trains clustered together, and having to leave 20 minutes earlier than needed.

*Chair Heminger announced that Items 4 and 6 would be considered together.*

**4. Adopt Findings to Hold Meetings via Teleconference for 30 Days Pursuant to Assembly Bill (AB) 361**

James Harrison, Legal Counsel, said Assembly Bill (AB) 361 needed updating every 30 days for the Board and committees to continue to meet remotely.

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

- Whether the public could be present in person or remote
- Attendance requirements for board members
- Rules for voluntary boards/committees
- Remote committee meetings
- Pending AB (Assembly Bill) 1944 legislation to modify Brown Act location requirements

Michelle Bouchard, Acting Executive Director, said they would work with legal and SamTrans regarding public commenters meeting live.

Motion/Second: Zmuda/Davis

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

Noes: None

Absent: None

#### Public Comment

Jeff Carter, Millbrae, commented on continuing hybrid meetings and not needing Brown Act access to a Board member's home if there is virtual access.

Item 6 was taken out of order along with Item 4.

#### **6. Approve Public Participation in Board and Committee Meetings via Teleconference**

James Harrison, Legal Counsel, stated this resolution would authorize members of the public to participate remotely once (hybrid) in person meetings resume.

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

- Support for remote public comment and whether supporting staff would be remote too
- Pausing this for 60 days and taking action after any updates from AB 1944 regarding Board members remote attendance and noticing requirements
- Clarifying attendance unless COVID positive and considering what other agencies are doing

#### Public Comment

Adina Levin, Friends of Caltrain, commented on AB 1944 and lobbying to support this provision so members can participate remotely without providing personal addresses.

Jeff Carter, Millbrae, commented on continuing with hybrid meetings.

Motion/Second: Gee/Stone **moved to continue this item to the next meeting, directed staff to craft a policy that allows the public to continue participating in person or remotely, and allow hybrid Board, committee and public participation.**

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

Noes: None

Absent: None

#### **5. Consent Calendar**

- Approve Regular Meeting Minutes of March 3, 2022 and Special Meeting Minutes of March 21, 2022**
- Receive Caltrain Key Performance Statistics – January 2022**
- Award of Contract for Bayshore Station Painting Project and Authorization to Received Funding and Amend the Project Budget from \$2,300,000 to \$6,870,000**

- d. **Amend and Increase the Fiscal Year 2022 Caltrain Capital Budget to \$156,862,394**
- e. **Award of Contract for On-Call Executive Recruitment Services\* (Gov. Code § 84308 applies)**
- f. **Authorize the Filing of Applications with the Metropolitan Transportation Commission for Programming of Federal Transit Administration Formula Funds for Caltrain Capital Projects**
- g. **Authorize the Application for and Receipt of Annual Cap and Trade Funding for the Peninsula Corridor Electrification Enhancement Project (PCEE)**
- h. **On-Call Transportation Planning and Consultant Support Services Update**
- i. **Authorize Execution of Change Orders for CEMOF Modification Contract and Tunnel Modification Contract\* (Gov. Code § 84308 applies)**
- j. **Report of the Acting Chief Financial Officer (CFO)**
- k. **Accept Statement of Revenues and Expenses for the Period Ended February 28, 2022**
- l. **State and Federal Legislative Update and Approval of Legislative Proposal: Support SB 922 (Wiener) and SB 942 (Newman)**
- m. **Metropolitan Transportation Commission (MTC)/Regional Update**
- n. **Accept 2021 Caltrain Sustainability Report**
- o. **Presentation of New Caltrain Website**
- p. **Arab American Heritage Month Resolution**

The Board members had a discussion and staff provided further clarification in response to the Board comments and questions regarding Item 5c (Bayshore Painting) which included the following:

- How the cost went from \$2 million to \$6 million and previous contingencies
- Provide earlier notice on large overruns in the future

*Director Monique Zmuda pulled Item 5d, Amend and Increase the Fiscal Year 2022 Capital Budget, from the consent calendar.*

#### Public Comment

Aleta Dupree, Oakland, commented on the Arab American Heritage Month Resolution.

Motion/Second: Stone/Pine moved to approve all items, except Item 5d

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

Noes: None

Absent: None

The Board members had a discussion on item 5d and staff provided further clarification in response to the Board comments and questions regarding the following:

- Costs increasing over time
- Proposed Board deferral related to the governance issue and member contributions
- Amendments from outside sources and current projects
- Agreements made relative to the term sheet and expediency
- Moving forward and not tying this to Measure RR discussions
- Concerns with speaking about additional member contributions
- Member agency contributions
- Other Transit Agency Board actions
- Consequences of not moving this forward and the effects on the schedule

#### Public Comment

Aleta Dupree, spoke in support of having to get work done, the budget is a forecast, and having reserves.

Adina Levin commented on the potential delay related to governance negotiations and spoke in support of a time when the Board would no longer be negotiating.

Motion/Second: Stone/Davis moved to approve Item 5d on the Fiscal Year 2022 Caltrain Capital Budget.

Ayes: Chavez, Davis, Gee, Hendricks, Pine, Stone

Noes: Walton, Zmuda, Heminger

Absent: None

#### **7. COVID-19 Policy Status Update**

Michelle Bouchard, Acting Executive Director, provided the updates which included progress by the Transit America Services, Inc. (TASI).

James Harrison, Legal Counsel, provided the presentation which included the following:

- Current policy for Caltrain employees and JPB contractors: require proof of vaccination or test weekly effective as of April 1, 2022
- JPB does not have broad authority but can require onsite safety protocols
- 66 percent of TASI employees are fully vaccinated
- TASI has been sending test kits and requiring test results online
- Other transit & rail policies and future policy considerations could include staff capacity issues, longer timeframe for implementation, and litigation risks

#### Public Comment

Adrian Brandt, San Mateo County, commented on the 1 in 3 vaccination rate, public facing employees requiring vaccines, and future strains.

Aleta Dupree, Oakland, commented about the 66 percent vaccination, airline vaccination rates, low vaccination rates compromising service, and daily testing not protecting employees going forward.

The Board members asked questions and staff provided further clarifications, which included the following:

- What action is needed from Board members besides this update and the legal basis for imposing vaccine mandates
- How often the vaccination percentages would be presented
- Public perception of vaccination rates and public facing staff need to be vaccinated
- Vaccine effects on reducing transmission and preventing death
- Compelling compliance upon TASI contract renewal

## **8. REPORTS**

### **a. Report of the Citizens Advisory Committee (CAC)**

Brian Shaw, CAC Chair, provided a report with updates on member and public comments on the train collision, train schedule, governance conclusion, marketing strategy, trip planner arrival times, and vehicle crossings. He noted the next meeting was April 20<sup>th</sup>.

### **b. Report of the Chair**

Chair Heminger reported on Governance Memorandum of Understanding from the term sheet, and discussions from a recent Governance ad hoc meeting to move these outlines along. Governance Ad Hoc members Director Davis and Director Gee expressed commented on their goals for progress, detailing pages, and the indemnity section.

*Director Shamann Walton left at 10:39 am.*

### **c. Report of the Local Policy Maker Group (LPMG)**

Director Gee reported on attendance, California high speed rail update, project status, much interest regarding grade separation funding, and a downtown extension update in April.

### **d. Report of the Transbay Joint Powers Authority (TJPA)**

Director Gee provided an update on the downtown extension, New START program participation, electrification, grade separation, and support efforts in the north-end and south-end.

### **e. Report of the Executive Director**

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

- 50 percent off fares campaign in April and coordinated return to office with increase of trains to 104 in April
- Reduction in service for three weeks due to cutovers
- South San Francisco ribbon cutting ceremony on April 8<sup>th</sup> at 9:30am
- 17 grade crossings electrification cutovers in San Mateo occurring in May
- Submitted final recovery plan to the Federal Transit Administration (FTA)

- Working with PG&E on a study to turn the system on
- Unveiling the new Caltrain website
- Ridership report at 18 percent of pre-pandemic baseline

The Board members asked questions and staff provided further clarifications regarding ridership levels of other transit agencies and filling up former commuter lines.

#### Public Comment

Adrian Brandt, San Mateo County, commented on branding at each of the bridges to remind the motoring public of the Caltrain line and retrofitting bridges

Jeff Carter, Millbrae, commented on branding at the bridges, the arrival of the new train, and displaying the new equipment.

Adina Levin, Friends of Caltrain, commented on BART, ferry ridership on the weekend, promotion of recreational activities, and getting ridership numbers for the Citizens Advisory Committee.

Paul Wendt commented on bridge branding.

#### **f. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report – January 2022**

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

- No change to the revenue service date and no change to project budget
- All foundation work completed and Segment 2 signal work (cutover) rescheduled to May
- Close coordination and related risk with PG&E
- Finalizing FTA and CHRSTA on remediation plan
- State & federal funding advocacy continues
- Key milestones included recovery plan submitted, March 20 the first two trains arrived, with Segment 4 to be completed in June
- Overhead contact system and traction power facilities
- Temporary train schedule from May 2 to May 20
- No change to mid-day, evening, and weekend schedules, and customer outreach
- 14 trainsets anticipated Fall 2023 and the 19<sup>th</sup> trainset anticipated in Fall 2024
- Program master schedule with revenue service Fall 2024
- Long wait time for equipment and looking throughout the country for batteries
- Program Budget - current budget, cost for the month, estimated cost for completion

Casey Fromson, Chief Communications Officer, reported on funding progress, Metropolitan Transportation Commission (MTC) strategies, and upcoming opportunities and support on the federal level, which included having positive conversations with Feinstein and legislators

*Director Jeff Gee left at 10:50am*

The Board members asked questions and staff provided further clarifications, which included the following:

- Electrification is on the critical path chart and adding interim milestones and tie in incentives
- Contractor field resources & equipment availability – items have been ordered now to prevent future issues
- Have a separate line item for allocated and unallocated Program Budget Details in the future
- Identifying resources for the \$200 million cashflow gap now

#### Public Comment

Aleta Dupree, Oakland, commented on laying out the supply train, going out of your way to get batteries, completion of sections 3 and 4, and selling electricity.

Adrian Brandt, San Mateo County, commented on using PowerPoint instead of Adobe for better visibility, progress reported by items remaining, fishing in the same pond, and hiring internationally.

Jeff Carter, Millbrae, commented on providing a link for electrification progress.

#### **9. CORRESPONDENCE**

Correspondence was available online.

#### **10. BOARD MEMBER REQUESTS**

There were none.

#### **11. DATE/TIME OF NEXT REGULAR MEETING:**

Thursday, May 5, 2022 at 9:00 am via Zoom (additional location, if any, to be determined).

How will we be meeting, bring another remote meeting resolution to the Board, and Board members are invited to participate in person at the May Board meeting.

#### **12. ADJOURN**

The meeting adjourned at 11:29 a.m.

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