

**JPB CAC**

**CORRESPONDENCE  
AS OF**

**September 15, 2020**

**Givens, Patrice**

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**From:** Roland Lebrun <ccss@msn.com>  
**Sent:** Saturday, August 22, 2020 2:24 PM  
**To:** Board (@caltrain.com)  
**Cc:** PRA; MTC-ABAG Info; SFCTA Board Secretary; VTA Board Secretary; cacsecretary  
[@caltrain.com]; SFCTA CAC; CHSRA Board  
**Subject:** Violation of Government Code Section 6253(c) (multiple counts)  
**Importance:** High

Dear Chair Pine,

Further to multiple failures by the San Mateo County Transit District (AKA "SamTrans") to comply with Government Code section 6253(c), please refer the matter to Caltrain Special Counsel for immediate compliance, specifically the release of every PCEP PMOC reports released by the FTA since December 2019.

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=6253.&lawCode=GOV](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6253.&lawCode=GOV)

Respectfully,

Roland Lebrun

CC

MTC Commissioners  
SFCTA Commissioners  
VTA Board of Directors  
CHSRA Board of Directors  
Caltrain CAC  
SFCTA CAC  
VTA CAC

---

**From:** Roland Lebrun <ccss@msn.com>  
**Sent:** Friday, July 24, 2020 12:20 AM  
**To:** Caltrain Board <board@caltrain.com>  
**Cc:** Caltrain Public Records <pra@caltrain.com>  
**Subject:** Re: PCEP March 2020 report

Dear Chair Pine,

Further to my email of May 22nd and pursuant to Government Code §6250 et seq., please provide a copy of FTA's March 2020 PCEP Program Management Oversight Committee (PMOC) report.

Thank you in advance for your prompt attention to this request.

Roland Lebrun

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**From:** Roland Lebrun  
**Sent:** Friday, May 22, 2020 2:26 AM  
**To:** Caltrain Board <[board@caltrain.com](mailto:board@caltrain.com)>  
**Cc:** Caltrain Public Records <[pra@caltrain.com](mailto:pra@caltrain.com)>  
**Subject:** PCEP March 2020 report

Dear Chair Pine,

Pursuant to Government Code §6250 et seq., please provide a copy of the March 2020 PCEP Program Management Oversight Committee (PMOC) report.

Thank you in advance for your prompt attention to this request.

Roland Lebrun



## GOVERNMENT CODE - GOV

**TITLE 1. GENERAL [100 - 7914]** ( *Title 1 enacted by Stats. 1943, Ch. 134.* )

**DIVISION 7. MISCELLANEOUS [6000 - 7599.2]** ( *Division 7 enacted by Stats. 1943, Ch. 134.* )

**CHAPTER 3.5. Inspection of Public Records [6250 - 6276.48]** ( *Chapter 3.5 added by Stats. 1968, Ch. 1473.* )

**ARTICLE 1. General Provisions [6250 - 6270.7]** ( *Article 1 heading added by Stats. 1998, Ch. 620, Sec. 1.* )

**6253.** (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or their designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of

public records.

(1) A requester who inspects a disclosable record on the premises of the agency has the right to use the requester's equipment on those premises, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in either of the following:

(A) Damage to the record.

(B) Unauthorized access to the agency's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the agency's electronic records.

(2) The agency may impose any reasonable limits on the use of the requester's equipment that are necessary to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly function of the agency and its employees. In addition, the agency may impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records.

(3) The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

(f) In addition to maintaining public records for public inspection during the office hours of the public agency, a public agency may comply with subdivision (a) by posting any public record on its internet website and, in response to a request for a public record posted on the internet website, directing a member of the public to the location on the internet website where the public record is posted. However, if after the public agency directs a member of the public to the internet website, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the internet website, the public agency shall promptly provide a copy of the public record pursuant to subdivision (b).

*(Amended by Stats. 2019, Ch. 695, Sec. 1. (AB 1819) Effective January 1, 2020.)*

## Givens, Patrice

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**From:** Roland Lebrun <ccss@msn.com>  
**Sent:** Thursday, August 27, 2020 11:44 AM  
**To:** Board (@caltrain.com)  
**Cc:** VTA Board Secretary; SFCTA Board Secretary; SFCTA CAC; cacsecretary [@caltrain.com]  
**Subject:** Transit unions blast looser Bay Area coronavirus safety plan

Dear Caltrain Board,

Further to Mr. Seamus Murphy's presentation to yesterday's WPLP committee <https://www.caltrain.com/Assets/2020-08-26+WPLP+Committee+draft+Agenda+-+redlined.pdf> and my subsequent remarks, I encourage you to learn more about what actually happened during yesterday morning's MTC Commission meeting

*Representatives from several transit employee unions lambasted the plan and the commission for recommending only 3-foot distancing between passengers as opposed to 6 feet, and for not mandating stricter measures.*

*James Lindsay, vice president of the Amalgamated Transit Union International, called the plan "outrageous" and said that five union members in California have died of COVID-19 in the past two months.*

*"Expect that we are going to turn around and we will fight every transit agency that decides to implement this plan and we will fight you," Lindsay told the commission. "And under our contracts, we have the right to shut the service down because of safety. Guaranteed that will happen."*

*Unions and transportation agencies called for the plan to include stronger measures such as specific passenger limits; supplying masks to all passengers; installing hand sanitizer in vehicles; hazard pay for employees; and stronger enforcement against agencies that do not adhere to the guidelines.*

*Several union representatives said the MTC's stance of not being a health and safety enforcer is shirking its responsibility to protect transit workers and employees.*

*"We refuse to continue to be your test subjects," said Yvonne Williams, president of the Amalgamated Transit Union Local 192 in Oakland.*

<https://www.marini.com/2020/08/26/transit-unions-blast-looser-bay-area-coronavirus-safety-plan/>

Sincerely,

Roland Lebrun

CC

VTA Board of Directors  
SFCTA Commissioners

SFCTA CAC  
Caltrain CAC

NEWS > LOCAL NEWS

# Bay Area transit plan: Reduce passenger distancing



A sign notifies people of the face covering requirement for bus riders at a bus stop along Highway 101 in San Rafael on Wednesday, April 29, 2020. (Alan Dep/Marin Independent Journal)

By **WILL HOUSTON** | [whouston@marinij.com](mailto:whouston@marinij.com) |

PUBLISHED: August 25, 2020 at 6:45 p.m. | UPDATED: August 25, 2020 at 6:47 p.m.





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A new coronavirus safety plan for Bay Area transit agencies recommends bus, train and ferry riders keep a minimum 3-foot distance from each other — half the distance recommended by state and federal health officials.

The 3-foot distancing is one of several guidelines in the [“Riding Together: Bay Area Healthy Transit Plan”](#) drafted this month by the Metropolitan Transportation Commission in conjunction with local transit agencies.

“The transit agencies’ call for minimum 3-foot distancing and 6-foot distancing where possible is based on guidance for 1-meter distancing from the World Health Organization and European transportation agencies, and by the experience of public transit operators in many western European and east Asian countries,” MTC spokesman John Goodwin wrote in an email.

A 6-foot separation is still recommended between bus drivers and passengers, with other measures such as rear-door boarding and installing shields on driver stations also advised to protect operators.

The plan outlines minimum coronavirus-related safety measures that all 27 transit agencies in the Bay Area are expected to follow, including mask mandates, vehicle sanitation, employee infection tracing and providing protective equipment.

Transit agencies are expected to submit monthly reports with data on mask-wearing compliance among passengers and staff, passenger counts and tracing of infected employees. MTC plans to publish the data on its website beginning next month.

The commission will discuss the plan at an online meeting at 9:45 a.m. on Wednesday.

The safety plan has come under scrutiny, especially among transit employee unions. They argue that it does not do enough to protect employees and riders or actively puts them at risk, such as the 3-foot distancing change.

“The MTC is trying to gut safety measures out of the blue. It just doesn’t seem right,” said Shane Weinstein, president of the Amalgamated Transit Union Local 1575, which represents Golden Gate Transit employees.

A letter sent to MTC earlier this month from four transit employee unions and two transportation organizations — Urban Habitat and TransForm — called for more extensive safety requirements, including mandated plastic barriers for drivers, increased hazard pay for essential workers, setting strict passenger limits and providing leave for employees.

Weinstein says the recommendation of 3 feet does not align with current federal and recently published state guidance of 6 feet separation between riders. The MTC plan states that while the U.S. Centers for Disease Control and Prevention recommends 6 feet, this distance was recommended before face coverings were recommended.

MTC staff have also cited Portland’s transit agency, TriMet, as a local adopter of the 3-foot distance protocol.

Marin County’s guidelines recommend 6-foot distancing between riders, though that is under discussion, according to Damon Connolly, MTC commissioner and Marin supervisor.

Agencies can still opt to require 6-foot distancing guidance under the plan. Connolly said the reduced distancing, in combination with safety measures such as masks, will allow for greater passenger capacity as riders return, and could address issues of riders being passed over at bus stops because of space restrictions.

“The goal, of course, is to get to a place where we can adequately accommodate transit-dependent riders, the essential workforce that are bus riders and, of course, ultimately attracting and facilitating the return of ridership overall with the safeguards in place,” Connolly said.

Marin Transit plans to continue its 6-foot distancing for the time being and limit capacity to nine passengers per bus, said Nancy Whelan, the general manager. While the agency has added more bus frequency to address an increasing trend of abandoned riders, it won't be able to sustain the added costs, especially with declines in tax and fare revenues, she said.

"When we're under a state watch order we probably don't expect to have something less than 6 feet," Whelan said. "But when we are not under the watch order and as people are wanting and needing the transit service, we want to be able to have more riders on the bus."

The Golden Gate Bridge, Highway and Transportation District also experienced sharp declines in bus and ferry passengers in recent months. While these transit services are largely subsidized by bridge toll revenue, transit dependence will increase again as the economy continues to open, district officials said.

"With enhanced cleaning measures, adherence to face covering requirements, and a minimum of 3 feet between passengers, public transit has been shown to be a safe form of travel that will be essential to the reopening of our economy," said Denis Mulligan, the district general manager.

Weinstein said the plan lacks guidance on the sanitization of bus driver cabins when drivers switch out. While this is occurring with Golden Gate Transit buses during weekday daytime hours, Weinstein said drivers are responsible for the sanitation outside those times without being provided training or compensation for their time.

"At this point, the district has told me straight up that they're not going to do that on weekends and nights," Weinstein said. "They're expecting the operators to do that."

Weinstein also criticized the district for not providing hand sanitizer dispensers on buses when other agencies do.

Other bridge district employees such as bridge patrol officers and tow truck drivers are also responsible for cleaning their stations between drivers. The district provides disinfecting wipes, said district spokesman Paolo Cosulich-Schwartz. Hand sanitizer is not being provided on buses at this time, he said, because of safety risks such as riders lingering around the driver area, the potential for passengers to slip and fire hazards from the sanitizers' high alcohol content.

At least five of the members of the local union have tested positive for COVID-19, Weinstein said. One member is suspected of dying from COVID-19 this month.

Cosulich-Schwartz confirmed the death of the driver, who was on medical leave and had not worked for the district for more than a year.

"We send our condolences to his family for this tragic loss," Cosulich-Schwartz wrote.

Julia Gonzales, communications manager for the Sonoma-Marín Area Rail Transit district, known as SMART, said their agency has already implemented most if not all of the measures in the plan.

In addition to twice-daily sanitation of train cars, touchless fares through Clipper and providing hand sanitizer on trains, engineer-conductors also carry extra masks in case passengers forget them, she said.

As for the 3-foot distancing guidance, Gonzalez said SMART "would adhere to whatever the recommendations are."

"But because of the length of the train, there is plenty of space for people to spread out and to meet or exceed that social distance space," she said.

The plan can be found online at [healthytransitplan.org](https://www.healthytransitplan.org). Information about the MTC meeting can be found at [mtc.ca.gov](https://www.mtc.ca.gov).

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Tags: **All readers**, **Coronavirus**, **Metropolitan Transportation Commission**, **newsletter**



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By Mazda



The 2020 Mazda CX-5 is truly in a class of its own. Check out the full review on Car and Driver.



**Will Houston**

NEWS > LOCAL NEWS

# Transit unions blast looser Bay Area coronavirus safety plan

By **WILL HOUSTON** | [whouston@marinij.com](mailto:whouston@marinij.com) |

PUBLISHED: August 26, 2020 at 2:39 p.m. | UPDATED: August 26, 2020 at 7:20 p.m.

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The Metropolitan Transportation Commission voted on Wednesday to advance a coronavirus safety plan for Bay Area transit agencies despite strong criticism by riders and unions.

Representatives from several transit employee unions lambasted the plan and the commission for recommending only 3-foot distancing between passengers as opposed to 6 feet, and for not mandating stricter measures.

James Lindsay, vice president of the Amalgamated Transit Union International, called the plan “outrageous” and said that five union members in California have died of COVID-19 in the past two months.

“Expect that we are going to turn around and we will fight every transit agency that decides to implement this plan and we will fight you,” Lindsay told the commission. “And under our contracts, we have the right to shut the service down because of safety. Guaranteed that will happen.”

The “Riding Together: Bay Area Healthy Transit Plan” outlines basic safety guidelines that all 27 transit operators in the region are expected to implement. The guidelines include mask mandates, sanitation and contact tracing for infected employees.



Transit agencies are also expected to adopt resolutions and commit to sending monthly reports to MTC on their health policies as well as data on mask-wearing compliance, passenger loads and contact tracing.

Officials from Golden Gate Transit, Marin Transit and the Sonoma-Marín Area Rail Transit, or SMART, say they are already complying with most if not all of the guidelines and will be adopting resolutions in the coming days and weeks.

Unions and transportation agencies called for the plan to include stronger measures such as specific passenger limits; supplying masks to all passengers; installing hand sanitizer in vehicles; hazard pay for employees; and stronger enforcement against agencies that do not adhere to the guidelines.

However, MTC staff and commissioners said these responsibilities are outside their agency's authority and that enforcement of the individual transit agencies should occur through counties and the state.

"We really shouldn't be involved in further discussions related to health and safety enforcement," said Jim Sperring, the commissioner who chaired the panel that drafted the safety plan. "It's really just taken up a lot of time in an area where really don't have any true authority."

That said, Sperring, a Solano County supervisor, and commission Chairman Scott Haggerty, an Alameda County supervisor, both suggested that the commission could withhold funding from agencies that fail to meet the standards. This enforcement provision was not included in the motion adopted by the commission in a 13-0-2 vote on Wednesday.

Commissioners Nick Josefowitz, a civic activist, and Libby Schaaf, the mayor of Oakland, abstained from the vote. Josefowitz questioned why MTC could not require agencies to have masks available for passengers. He also argued that some of the plan's guidelines are vague to the point that it would be "impossible" to determine if transit agencies are complying.

Schaaf said she had unanswered questions about the plan, but did not elaborate further.

Other commissioners stressed that the safety plan is just a first step and that the guidelines can change.

“This is not the end-all,” said commissioner Gina Papan, a Millbrae councilwoman. “We expect more and we expect it from those providers and those agencies. I don’t want them just to say, ‘We did what was in your plan.’”

Several union representatives said the MTC’s stance of not being a health and safety enforcer is shirking its responsibility to protect transit workers and employees.

“We refuse to continue to be your test subjects,” said Yvonne Williams, president of the Amalgamated Transit Union Local 192 in Oakland.

The plan is online at [healthytransitplan.org](http://healthytransitplan.org).

Tags: **Coronavirus, Golden Gate Transit, Marin Transit, Metropolitan Transportation Commission, newsletter, SMART Train, transit, transportation**



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### **Back-to-school dog takes the lead**

By Principal Pickles Canine Correspondent



It happened suddenly. What had felt like a chill summer with all the humans working or playing from home, with the...



**Will Houston**



## Givens, Patrice

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**From:** Roland Lebrun <ccss@msn.com>  
**Sent:** Wednesday, September 02, 2020 4:32 AM  
**To:** Board (@caltrain.com)  
**Cc:** SFCTA Board Secretary; VTA Board Secretary; MTC Commission; SFCTA CAC; cacsecretary [@caltrain.com]  
**Subject:** Unfunded \$11M Stadler EMU upper door reinstallation placeholder project

Dear Chair Pine,

Having recently authorized a \$736,013 change order for "*Plugging of High-Level Doorways*", it is unclear why Ms. Bouchard is proposing to introduce an "*Unfunded \$11M Board Authority placeholder project*" in the FY21 Capital Budget "*for the future reinstallation of the upper level doors in the event that these are required in the Electrical Multiple Units as requested by the funding partners of the electrification program's Change Management Board*".

Here is the timeline leading to the latest developments:

5/20/15 Caltrain Board workshop: Mr. Frank Banko informs the Board that SNCF designed the TGV to be compatible with 550mm (21.9 inches) platform heights.  
8/21/15 Caltrain issues an RFP for EMUs with two (upper and lower) sets of doors.  
7/7/16 Caltrain receives a single bid from Stadler  
9/22/16 Meetings with other potential bidders reveal that they did not want to deal with the complexity  
10/28/19 The PCEP Change Management Board approves a \$736,013 change order (STA-056-CCO-021) to Stadler for "*Plugging of High-Level Doorways*"  
8/24/20 Ms. Bouchard introduces an "*Unfunded \$11M Board Authority placeholder project*" in the FY21 Capital Budget "*for the future reinstallation of the upper level doors in the event that these are required in the Electrical Multiple Units as requested by the funding partners of the electrification program's Change Management Board*"

I will be writing a separate email to the Board going back to 2014 outlining how SamTrans continued a practice of "*fake expenses allowing the District to hide millions to be spent at the discretion of finance managers*" after the former Chief Executive was fired for maintaining two sets of books.

<https://www.nbcbayarea.com/news/local/former-samtrans-accountant-alleges-second-set-of-books-hid-millions/79709/>



### SamTrans Accused of Hiding Millions of Public Dollar – NBC Bay Area

SamTrans leaders decline to answer questions after insiders disclose a "second set of books" used to track how millions in public dollars were spent at the transit district. Vicky Nguyen ...

[www.nbcbayarea.com](http://www.nbcbayarea.com)

<https://www.nbcbayarea.com/news/local/whistleblower-lawsuit-alleges-samtrans-ignored-questions-of-fraud/88519/>



## Whistleblower Lawsuit Alleges SamTrans Ignored Questions of Fraud – NBC Bay Area

The San Mateo County Transit District, CEO Mike Scanlon, and a supervisor have been named as defendants in a federal whistleblower lawsuit. Former senior accountant Ling La says transit district ...

[www.nbcbayarea.com](http://www.nbcbayarea.com)

Sincerely,

Roland Lebrun

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SFCTA Commissioners

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COVERAGE

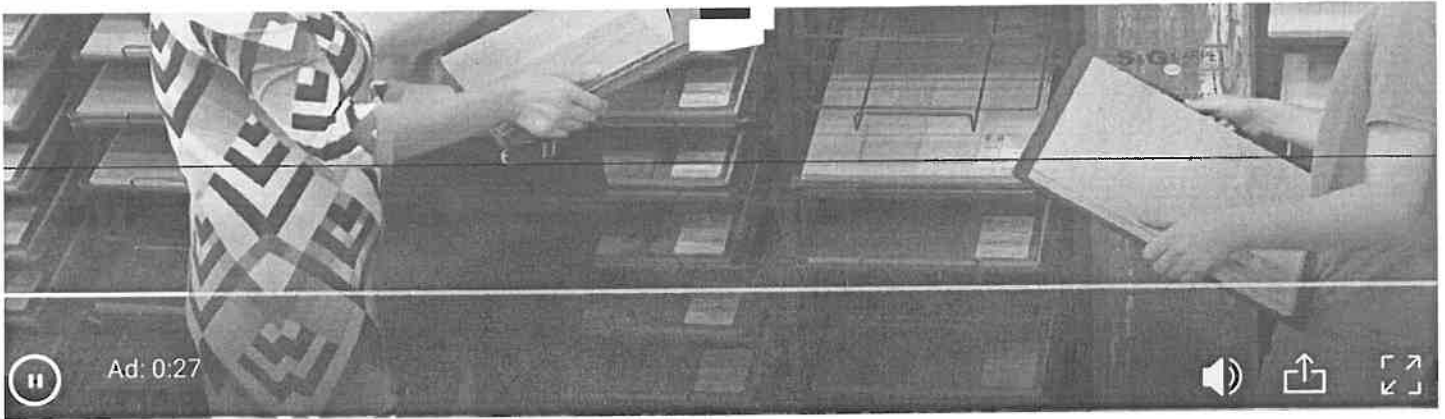
Air quality in the Bay Area is much improved. [Click here to track the air quality in your neighborhood.](#)

## SamTrans Accused of Hiding Millions of Public Dollars

SamTrans leaders decline to answer questions after insiders disclose a “second set of books” used to track how millions in public dollars were spent at the transit district.

By Vicky Nguyen, Kevin Nious and and Jeremy Carroll • Published February 11, 2014 • Updated on February 12, 2014 at 4:49 pm





SamTrans leaders decline to answer questions after insiders disclose a “second set of books” used to track how millions in public dollars were spent at the transit district. Vicky Nguyen reports in a story that aired February 11, 2014

A former SamTrans accountant has disclosed a second set of books he said the district used to hide millions of public dollars by logging fake and inflated expenses. The NBC Bay Area Investigative Unit filed a records request to verify these claims, and uncovered more than a million dollars’ worth of expenses that had no back up.

SamTrans handles the budgets for SamTrans buses, Caltrain, and the San Mateo County Transportation Authority. But the agency has gone silent in response to NBC Bay Area’s questions concerning how the transit district is handling public money.

“This is not telling the truth to the public,” former SamTrans accountant David Ramirez told NBC Bay Area. Ramirez worked for SamTrans from 2001-2012. He said he quit after getting “fed up” with finance managers ordering him to record transactions that he believed were fraudulent.

**Local**



10 HOURS AGO

Shooting in San Jose Leaves 2 Dead, 3 Injured



9 HOURS AGO

Holiday Planning During Coronavirus Pandemic

Ramires detailed how he, alongside finance managers, deliberately created fake and inflated expenses, which allowed Chief Financial Officer Gigi Harrington to hide those dollars in secret buckets.

“A million dollars was Gigi’s goal every year to get in budget money,” he recounted.

Ramires first came forward in order to expose problems at the district last summer, when insiders provided documents showing SamTrans paid for management coaches and consultants out of an account designated for insurance.

In September, SamTrans CEO Mike Scanlon admitted these were errors, however, denied any fraud, calling them “honest mistakes.”

But as the accountant who logged these transactions, Ramires claims that the improper payments, and now the second set of books, were part of a system that allowed finance leaders to spend money at their discretion and avoid public scrutiny.

To verify his claims, NBC Bay Area filed a records request for asking for invoices, checks, and back-up documents for expenses from 2011. This request reflected a portion of the expenses Ramires revealed as fake.

In their response, SamTrans’ claimed that the request cost the district “\$50,000 in public funds and countless staff hours,” to produce. Yet, the district could not provide invoices or checks for expenses that Ramires highlighted as inflated. Those expenses included \$118,242.50 for “Maze and Associates,” the auditing firm contracted by SamTrans to audit its accounts and find discrepancies. They also included \$1,692,341.41 accrued for Amtrak services, an amount for which SamTrans could only provide \$701,196.71 in backup.

DV.load("//www.documentcloud.org/documents/1017385-samtrans-expense-documents.js", { width: 650, height: 800, sidebar: false, container: "#DV-viewer-1017385-samtrans-expense-documents" }); SamTrans Expense Documents (PDF)  
SamTrans Expense Documents (Text)

Via email, the district was again forced to acknowledge that NBC Bay Area uncovered more

errors. However, instead of attributing an honest mistake, this time they blamed Ramires, citing an “action taken unilaterally by a former employee.” The district maintained that these expenses were appropriate and consistent with past practices.

NBC Bay Area asked Eugene Yano, a forensic auditor with 25 years of experience in government accounting, for his reaction to SamTrans’ reports and responses.

“Well I think the results speak for themselves,” Yano said of the expenses without backup.

Of particular concern to Yano, was SamTrans’ explanation that these erroneous expenses could have been recorded unilaterally, without anyone in management ever noticing.

“A unilateral action should not be possible in a big organization like this,” Yano said.

Despite weeks of requesting an interview with CFO Gigi Harrington, SamTrans reneged on their assurance to allow NBC Bay Area to speak with her for this report.

When NBC cameras caught up with her before a Caltrain board meeting to ask if she could explain how she was handling public dollars, Harrington said, “No, not today,” and walked into an employee-only office area.

Harrington later emerged flanked by public information officer Mark Simon, and security personnel. Simon wedged himself between Harrington and NBC cameras and tried to drown out questions by repeating, “if you wish to do an interview with anybody at this agency, you need to go through the public affairs office.”

While SamTrans declined to answer our questions concerning the inflated expenses and the second set of books, the agency did provide NBC Bay Area with a supplemental report conducted by Maze and Associates.

The auditor told NBC Bay Area they would not comment on the financials of a current client unless authorized by SamTrans, but in their report, they examined a sample of transactions

from the account where we found inflated expenses. In their report, the auditors uncovered more than a million dollars in expenses without backup. However, they ascribed these discrepancies to “estimates” made by staff, and did not view it as a problem the agency should address.

The supplemental report from the auditor goes on to state:

“We were not engaged to, and did not, conduct an audit, the objective of which would be the expression of an opinion on the specified elements, accounts, or internal controls. Accordingly, we do not express such an opinion. Had We performed additional procedures, other matters might have come to our attention that would have been reported to you.”

Meanwhile, San Mateo District Attorney Steve Wagstaffe has opened an inquiry into SamTrans after the first NBC Bay Area report aired. Investigators say their review is ongoing.

Ramires hopes the district attorney’s findings will result in major changes. “[These are] public funds,” he said. “Public money that’s supposed to be helping for the public interest and we know it’s not.”

Have a tip for the Investigative Unit? Email [Vicky@NBCBayArea.com](mailto:Vicky@NBCBayArea.com). You can also follow her on Twitter or connect on Facebook Call 888-996-TIPS (8477) or email the Unit at [TheUnit@nbcbayarea.com](mailto:TheUnit@nbcbayarea.com).





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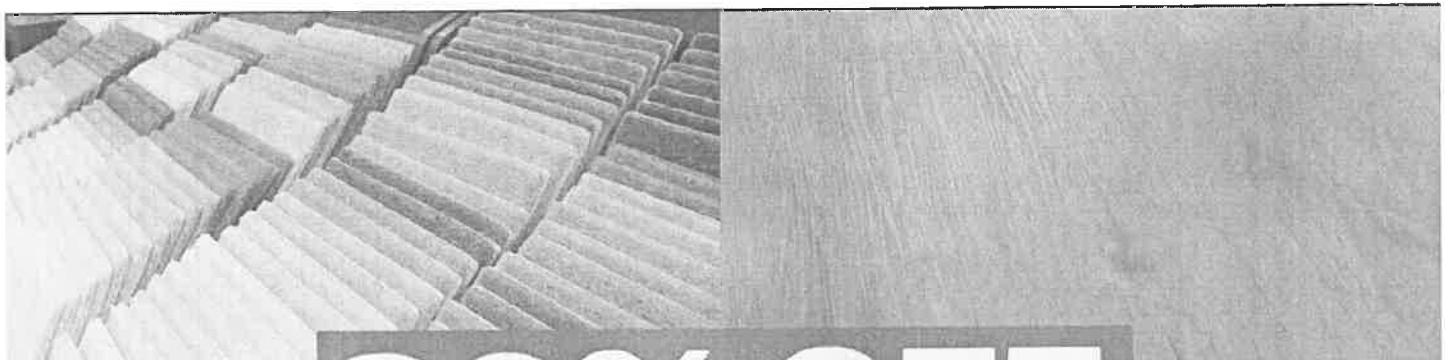
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**CONTINUING COVERAGE** Air quality in the Bay Area is much improved. [Click here to track the air quality in your neighborhood.](#)

In yet another high profile accusation, a former SamTrans accountant says she faced retaliation when she questioned how the district spent public money.

By Vicky Nguyen and Kevin Nious and Jeremy Carroll • Published April 23, 2014 • Updated on April 30, 2014 at 4:29 pm







The San Mateo County Transit District, CEO Mike Scanlon, and a supervisor have been named as defendants in a federal  
 ... [Read more](#)

The San Mateo County Transit District is under more scrutiny after a lawsuit filed last week alleged the transit agency retaliated against a former accountant when she questioned how public money was being spent.

Ling La worked as a senior accountant at SamTrans for 2 years. The transit agency manages the finances for CalTrain, SamTrans buses, and the San Mateo County Transportation Authority. La says she was fired after raising questions about a series of transactions she believed to be fraud.

“We as internal accountants, we saw a lot of things going on in there,” La told NBC Bay Area.

**Local**



10 HOURS AGO

Shooting in San Jose Leaves 2 Dead, 3 Injured



9 HOURS AGO

Holiday Planning During Coronavirus Pandemic

She is the second accountant to come forward with allegations the district is mismanaging

public money.

La alleges she uncovered a pattern of fake expenses and improper payments occurring at the district for years. However, when she notified SamTrans CEO Mike Scanlon and the Human Resources director, her discovery was not welcomed.

“It’s very tough because I got a lot of retaliation,” La said.

In her suit, the former senior accountant alleges she was “subject to a pattern of harassment and retaliation” and later terminated for raising concerns.

SamTrans spokesperson Jayme Ackemann vehemently denies the allegations, and told NBC Bay Area the district is prepared to fight the claim in court.

“We are prepared to vigorously and thoroughly defend ourselves against this lawsuit and we expect to be successful in its resolution,” Ackemann said.

Ackemann says the district hired independent investigator Allison West to review all of La’s personnel complaints and sided with the district.

“We’re confident in the work of the independent investigator. We believe the findings speak for themselves and we look forward to the opportunity to review them further in court,” Ackemann said.

The NBC Bay Area investigative Unit reviewed West’s findings and discovered the independent investigator was not asked to review La’s claims of fake expenses and improper payments.

Emails from La show that when she tried to bring them to West’s attention, she was told “The issue is beyond the scope of my investigation.”

An NBC Bay Area investigation looking into La’s claims found hundreds of thousands in improper payments that the district’s auditors found were “incorrectly coded,” but deemed immaterial.

Scanlon told NBC Bay Area the errors were an “honest mistakes.”

La is the second former SamTrans accountant to come forward with allegations the district is mismanaging public money. Former accountant David Ramirez revealed a second set of books he used to keep track of the fake and inflated expenses La alleges in her complaint.

He said these “fake expenses” allowed the district to hide millions to be spent at the discretion of finance managers, namely SamTrans CFO Gigi Harrington.

“If these numbers are going out to the public and they [SamTrans] cannot stand by them, there’s something wrong,” Ramirez said.

SamTrans acknowledges there are no invoices or proof for the expenses Ramirez pointed out as fake, but denies Ramirez was ordered to record them by his managers.

San Mateo County District Attorney Steve Wagstaffe says he is recommending an independent forensic audit on the accounts and transactions highlighted by David Ramirez and La, but so far an auditor has not been named.

SamTrans firmly denies any fraud is occurring and maintains that its auditors have found no problems with the internal controls. The district upholds that any irregularities exposed by NBC Bay Area were caused by the “unilateral actions” of a single employee.

If you have a tip for the Investigative Unit email [theunit@nbcbayarea.com](mailto:theunit@nbcbayarea.com) or call 888-996-8477.

Follow Vicky Nguyen on Twitter and Facebook.



## Givens, Patrice

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**From:** Roland Lebrun <ccss@msn.com>  
**Sent:** Wednesday, September 02, 2020 5:30 AM  
**To:** Board (@caltrain.com)  
**Cc:** SFCTA Board Secretary; VTA Board Secretary; SFCTA CAC; cacsecretary [@caltrain.com]  
**Subject:** MARIN STREET AND NAPOLEON AVENUE BRIDGE CLOSURE PROJECT  
**Attachments:** MARIN STREET AND NAPOLEON AVENUE BRIDGE CLOSURE PROJECT.pdf; FY2020-2021 CAPITAL BUDGET.pdf; FY2020-2021 CAPITAL BUDGET.pdf

Dear Chair Pine,

The intent of this email is to alert the Board to multiple discrepancies between:

- Agenda item #6c CAPITAL PROJECTS QUARTERLY STATUS REPORT – 4th QUARTER FISCAL YEAR 2020 [https://www.caltrain.com/Assets/ Finance/Quarterly+Capital+Program+Status+Report/JPB/Quarterly+Report+FY20+Q4.pdf](https://www.caltrain.com/Assets/Finance/Quarterly+Capital+Program+Status+Report/JPB/Quarterly+Report+FY20+Q4.pdf) and
- Agenda item #7 FISCAL YEAR 2021 CAPITAL BUDGET specifically:

1) The Capital Projects Quarterly Report (attached) lists the Marin and Napoleon bridges as a bridge closure project while the Capital Budget refers to the Marin and Napoleon Bridge Rehabilitation Project.

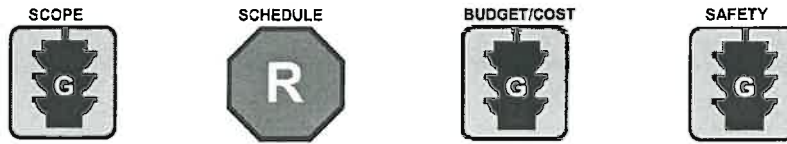
2) The Capital Projects Quarterly Report (attached) shows an approved budget of \$16,400,000 while the FY2020-2021 CAPITAL BUDGET (attached) shows an approved budget of \$9,696,000

Sincerely,

Roland Lebrun

CC  
SFCTA Commisioners  
VTA Board of Directors  
SFCTA CAC  
Caltrain CAC

**MARIN STREET AND NAPOLEON AVENUE BRIDGE CLOSURE PROJECT**



**SCOPE:** Marin Street and Napoleon Avenue bridges are located at MP 2.35 and MP 2.45 respectively in the City and County of San Francisco. Project Scope is for:  
 (1) Marin Street Bridge - Improve safety and security, maintain the bridge at a state of good repair, and improve worker safety.  
 (2) Napoleon Street Bridge - Improve safety and security, minimize future maintenance repairs, and replace deficient bridge components by removing the four short bridge spans not located over box culvert and replace with light weight fill, replacing the main center steel bridge with precast concrete girders and adding new wing walls.  
 (3) Additional trackwork to replace the rail on MT1 and MT2 from approximate MP 2.10 to MP 2.63 (optional work).

**Issues:** None.

**SCHEDULE:**

Activity ID	Activity Name	Start	Finish	2016		2017		2018		2019		2020		2021					
				Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
002080	Marin Street & Napoleon Bridge Closure	01-Dec-14 A	31-Oct-21																
	Preliminary Engineering	01-Dec-14 A	30-Apr-16 A																
	Engineering Design	01-May-16 A	31-Aug-19 A																
	Revised Final Design	06-Jan-20 A	15-Feb-20 A																
	Bid & Award	16-Feb-20 A	09-Jul-20																
	Construction	10-Jul-20	31-Jul-21																
	Project Close Out	01-Aug-21	31-Oct-21																

- (1) Revised Final Design is due to a change from recast concrete girders to steel girders to minimize risk of high loading on existing box culvert and also accommodate PCEP overhead wires is completed and C&P is reviewing the IFB package with legal.
- (2) The schedule will be rebaselined when we receive the approved construction schedule.

**Progress:**

- Apr - Jun 2020
- (1) Working with City of SF, Legal team regarding "major encroachment permit".
  - (2) IFB was advertised for construction contract. Worked on Addendum and Bidder Inquiries.
  - (3) Conducted pre-bid meeting and jobsite walk with potential bidders.
  - (4) Bid Opening was on 04/28/20 - Disney Construction was lowest bidder and Proven is 2nd lowest bidder. Disney Construction bids were rejected due to non-compliance with DBE (15% goals). Hearing to be held for Disney's filed protest
  - (5) Bid documents were reviewed by OCR for DBE compliance.

**Future Activities:**

- Jul - Sep 2020
- (1) Hearing for Disney Construction's protest regarding rejection of bids.
  - (2) Determination of responsive bidder.
  - (3) Work on Resolution and Staff Report.
  - (4) Award the construction contract at the board meeting.
  - (5) Begin Construction.

**Issues:**

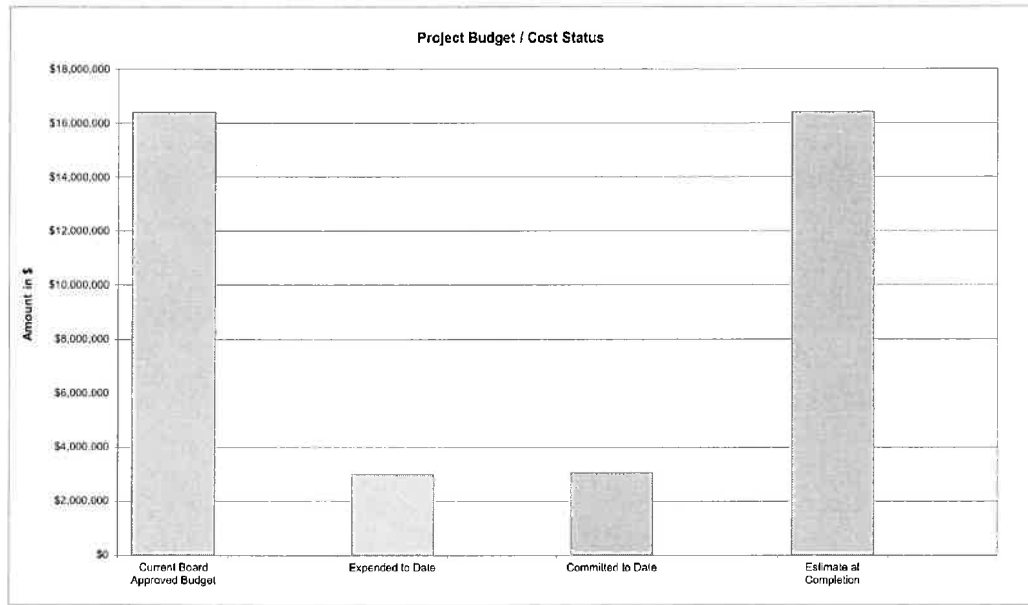
- Project schedule has been extended due to:
- (1) Existing box culvert coordination at Napoleon Street. - Closed, addressed in IFB package
  - (2) Crane - stage construction issue due to existing constraints. - Closed, addressed in IFB package
  - (3) Existing job site conditions - homeless and DPW on PCJPB right of way. - Ongoing coordination with DPW and Hanson Bridgett
  - (4) Major encroachment permit - requested by City of San Francisco. - Ongoing coordination with DPW and Hanson Bridgett
  - (5) Design modifications for incorporating PCEP OCS components. - Closed, addressed in IFB package

**MARIN STREET AND NAPOLEON AVENUE BRIDGE CLOSURE PROJECT**

**BUDGET:**



	(a)	(b)	(c)	(d)	(e) = (a - d)
	Current Board Approved Budget	Expended to Date	Committed to Date	Estimate at Completion	Variance at Completion
Total Project	\$16,400,000	\$2,993,552	\$3,064,606	\$16,400,000	\$0



**Issues:**

- (1) EAC has been increased this Quarter as per Project Manager latest cost estimate and is due to Risk Register Cost, Box culvert inspection, Permits, Weekend work, Soft cost etc., which were inadvertently missed in the original estimate.
- (2) FY2021 Capital Budget of \$9,696,000 approved at June board approved was added this quarter.

**SAFETY:**



No incidents reported this quarter.



FY2020-2021 CAPITAL BUDGET

PROJECT NUMBER	PROJECT NAME	PROJECT SPONSOR	PHYSICAL YEARS APPLIED	FY21 ADOPTED JUNE BOARD	AMENDMENT #1	PROPOSED FY21 CAPITAL BUDGET	FEDERAL FUNDS	STA FUNDS	STATE FUNDS	STA SOGR FUNDS	MEMBERS			OTHER FUNDS TOTAL	TOTAL PROPOSED FY21 CAPITAL BUDGET
											SF	SM	VTA		
<b>Right of Way</b>															
1	Wetlands and Marshes Area Studies	J/Nono	6/24/00	9,050,000		9,050,000	4,951,021		915,000	1,950,315		2,790,064	640,000	3,380,064	9,050,000
2	Wetlands and Marshes Area Studies	K/Adopt		950,000	385,000	2,500,000					315,000				2,000,000
3	Wetlands and Marshes Area Studies	L/Prop	10/30/00	2,000,000	2,000,000	2,000,000	1,680,000		277,500	192,500					2,100,000
4	San Francisco Creek Bridge Replacement	M/Prop	8/9/00	800,000	800,000	800,000	640,000		180,000	160,000					800,000
5	San Francisco Creek Bridge Replacement	N/Prop		800,000	800,000	800,000	640,000		180,000	160,000					800,000
6	San Francisco Creek Bridge Replacement	O/Prop	5/20/00	11,205,000	5,720,000	5,720,000	4,576,000		1,144,000	1,144,000					5,720,000
7	Systemwide Truck Rollback - SOGR FY20-FY24	P/Prop	10/6/11	10,611,000	11,205,000	21,816,000	12,461,021	915,000	1,450,815	1,795,000	252,000	790,000	640,000	3,380,064	21,816,000
<b>Signal &amp; Communication</b>															
8	Fire-Optic Commutative Repair	A/Schedule		1,000,000		1,000,000	1,000,000							1,000,000	1,000,000
9	Fire-Optic Commutative Repair	B/Schedule		2,000,000	2,000,000	2,000,000	400,000		400,000					2,000,000	2,000,000
10	Fire-Optic Commutative Repair	C/Schedule		500,000	500,000	500,000	800,000		200,000	200,000				500,000	500,000
11	Fire-Optic Commutative Repair	D/Schedule	1/25/00	1,750,000	1,750,000	1,750,000	800,000		200,000	200,000				1,000,000	1,000,000
12	Fire-Optic Commutative Repair	E/Schedule	3/31/00	500,000	500,000	500,000	800,000		200,000	200,000				500,000	500,000
13	Fire-Optic Commutative Repair	F/Schedule		1,000,000	5,000,000	6,000,000	1,000,000		500,000	500,000				1,000,000	6,000,000
14	Upper Level Doors Installation	G/Nono			1,463,825	1,463,825			1,463,825					1,463,825	1,463,825
15	Upper Level Doors Installation	H/Nono			11,000,000	11,000,000			11,000,000					11,000,000	11,000,000
16	Upper Level Doors Installation	I/Nono			11,651,825	11,651,825			11,651,825					11,651,825	11,651,825
<b>Station &amp; Intermodal Access</b>															
17	Station SOGR FY20-FY24	J/Schedule	5/20/00	1,000,000	1,000,000	1,000,000	800,000		800,000					1,000,000	1,000,000
18	Station SOGR FY20-FY24	K/Schedule		1,800,000	1,800,000	1,800,000	400,000		400,000					1,000,000	1,000,000
19	Station SOGR FY20-FY24	L/Schedule		300,000	300,000	300,000	300,000		300,000					300,000	300,000
20	Station SOGR FY20-FY24	M/Schedule		2,100,000	2,100,000	2,100,000	600,000		600,000					1,000,000	1,000,000
21	Station SOGR FY20-FY24	N/Schedule		11,011,000	30,968,825	42,979,825	17,961,121	915,000	3,872,825	830,000	1,340,000	1,340,000	640,000	15,940,064	42,979,825
22	Station SOGR FY20-FY24	O/Schedule			2,500,000	2,500,000	2,500,000		800,000					1,500,000	1,500,000
23	Station SOGR FY20-FY24	P/Schedule			2,500,000	2,500,000	2,500,000		800,000					1,500,000	1,500,000
<b>Legal Mandates and Required Enhancements</b>															
24	Upper Level Doors Installation	Q/Nono			1,463,825	1,463,825			1,463,825					1,463,825	1,463,825
25	Upper Level Doors Installation	R/Nono			11,000,000	11,000,000			11,000,000					11,000,000	11,000,000
26	Upper Level Doors Installation	S/Nono			11,651,825	11,651,825			11,651,825					11,651,825	11,651,825
<b>Operational Improvements/Implementations</b>															
27	Parade Train Control Jctigation	T/Schedule	4/20/00	6,500,000		6,500,000								6,500,000	6,500,000
28	Wayside Bike Parking Implementations	U/Schedule		948,332		948,332								948,332	948,332
29	Wayside Bike Parking Implementations	V/Schedule		200,000		200,000								200,000	200,000
30	Wayside Bike Parking Implementations	W/Schedule		500,000		500,000								500,000	500,000
31	Wayside Bike Parking Implementations	X/Schedule		790,000		790,000								790,000	790,000
32	Wayside Bike Parking Implementations	Y/Schedule		500,000		500,000								500,000	500,000
33	Wayside Bike Parking Implementations	Z/Schedule		6,893,332		6,893,332								6,893,332	6,893,332



FY2020-2021 CAPITAL BUDGET

Attachment B  
September 2020

Item	PROJECT NAME	Project Sponsor	PRIOR YEARS APPROVED	FY21 ADOPTED JUNE BOARD	AMENDMENT #1	PROPOSED FY21 CAPITAL BUDGET	Federal Funds	STA Funds	State Funds	STA SOGR Funds	Members			Member Funds Total	Project Savings	Other			TOTAL PROPOSED FY21 CAPITAL BUDGET	
											SF	SM	VTA			ABSFA	SF Prop K other	Regional Funds		Other
6	PLANNING/STUDIES																			
7	22nd St ADA Feasibility Study - Business Plan	M. Rego	300,000	50,000		50,000								50,000						50,000
8	Capital Planning (CP)	S. Pery	5,337,118	509,157		509,157								509,157						509,157
9	San Francisco Station and Terminal Planning	M. Rego	750,000	1,250,000	1,250,000	1,250,000					580,000	750,000		1,350,000						1,350,000
10	Division and South Terminal Area	M. Rego		1,000,000	1,000,000	1,000,000				1,000,000				1,000,000						1,000,000
11	Rail Network and Operations Planning	M. Rego		1,000,000	1,000,000	1,000,000						1,000,000		1,000,000						1,000,000
12	Redwood City Station Planning	M. Rego		1,250,000	1,250,000	1,250,000					2,250,000			2,250,000						2,250,000
13	System-wide Planning and Policy & Org. Design	M. Rego		750,000	750,000	750,000					750,000			750,000						750,000
14	Customer Experience and Station Expansion (CXE)	A. Simpson		600,000	1,168,668	1,168,668					217,175	750,000		967,175						967,175
15	Capital Construction Funds - Engineering			310,000	310,000	310,000					340,000			340,000						340,000
16	Capital Construction Funds - Rail			660,000	660,000	660,000					660,000			660,000						660,000
17	Capital Program Management			335,000	335,000	335,000					315,000			315,000						315,000
18	Capital Project Development			538,157	8,138,688	8,676,845					4,377,175	2,590,000		7,877,175						7,877,175
	TOTAL		19,118,879	42,257,293	61,678,772	18,281,021	915,000	1,351,915	6,000,000	6,000,000	261,293	646,000	200,000	13,258,479	200,000					23,149,818

- Other funds include project savings from the Los Gatos Bridge Replacement project (\$2,102,558) and from the San Antonio Bridge Replacement project (\$256,881) made up of freedom Section 5337 funds (\$1,421,846), prior years VTA funds (\$901,073) and SM funds (\$216,402) and designated Prop K funds (\$180,634)
- Insurance proceeds and/or Operating funds
- Discretion cross funded by operating funds
- San Carlos Transit Village LLC (\$248,322) and Bay Area Air Quality Management District (\$642,000) (\$290,000)
- Prior year SF member funds
- Unspent funds from Project 100397 Mega Regional Rail Planning (\$712,574) and from Project 100658 Service & Access Planning (\$720,543,157)
- Request only for board authority; must be funded by FY2023.
- Identifies the projects that will be funded by VTA Measure B funds of \$2.5 million



## Givens, Patrice

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**From:** Roland Lebrun <ccss@msn.com>  
**Sent:** Wednesday, September 09, 2020 12:27 AM  
**To:** CHSRA Board  
**Cc:** san.francisco\_san.jose@hsr.ca.gov; Board (@caltrain.com); MTC Info; SFCTA Board Secretary; CouncilMembers@brisbaneca.org; rhober@ci.millbrae.ca.us; aschneider@ci.millbrae.ca.us; aoliva@ci.millbrae.ca.us; gpapan@ci.millbrae.ca.us; waynejlee@ci.millbrae.ca.us; GRP-City Council; cacsecretary [@caltrain.com]; SFCTA CAC; TJPA CAC; VTA Board Secretary  
**Subject:** San Francisco to San Jose draft EIR/EIS comments  
**Attachments:** December 2015 DTX SEIR comments.pdf

Dear Chair Richards and Board members,

Thank you for the opportunity to comment on the San Francisco to San Jose draft EIR.

### LEGAL ISSUES

Before getting into specific areas of concern with the proposed project, I appreciate the opportunity to highlight how the draft EIR violates two specific sections of Prop1A as codified in Streets and Highways code section 2704

[https://www.easylookup.com/California-Law/Streets-and-Highways-Code/para-4533/easylookup.blp?data=STREETS&sidfw=&site=EASY&print=&p\\_start=178&p\\_end=183&p\\_para=4533&p\\_epara=4644&display=YES&site=EASY&stype=P&sterm=+&smod=AND&sexact=ON&spon=](https://www.easylookup.com/California-Law/Streets-and-Highways-Code/para-4533/easylookup.blp?data=STREETS&sidfw=&site=EASY&print=&p_start=178&p_end=183&p_para=4533&p_epara=4644&display=YES&site=EASY&stype=P&sterm=+&smod=AND&sexact=ON&spon=)

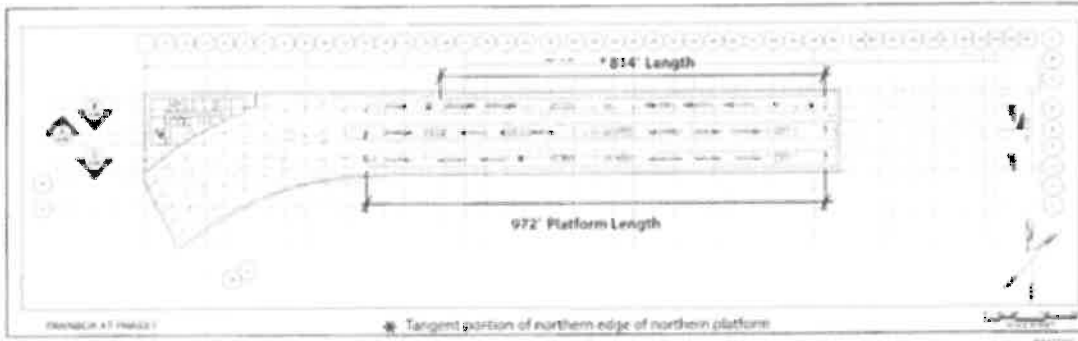
- 1) The DEIR proposes to connect the San Jose Diridon station to the existing 4<sup>th</sup> & King railyard in San Francisco instead of the Transbay terminal as codified in Streets & Highways code Section 2704.04(a)  
*"It is the intent of the Legislature by enacting this chapter and of the people of California by approving the bond measure pursuant to this chapter to **initiate the construction of a high-speed train system that connects the San Francisco Transbay Terminal to Los Angeles Union Station and Anaheim**"*  
[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=SHC&sectionNum=2704.04](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=SHC&sectionNum=2704.04)
- 2) The DEIR proposes to connect San Jose to San Francisco in 48 minutes instead of 30 minutes as codified in Streets & Highways code Section 2704.09(b)(3)  
*"**San Francisco-San Jose: 30 minutes.**"*  
[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=SHC&sectionNum=2704.09](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=SHC&sectionNum=2704.09)

### OTHER ISSUES

Moving on to other areas of concern, please consider the following alternatives:

- 1) **There is no need for 100-foot communication towers** every 2-3 miles in the Caltrain right of way because high speed trains are supposed to switch to Union Pacific/Caltrain's I-ETMS signaling system as they transition from the dedicated high-speed line to the Union Pacific right of way south of Gilroy.

- 2) **There will be no need for a maintenance facility in Brisbane** after the Transbay terminal is connected to the East Bay because the former Amtrak maintenance facility in Oakland can be repurposed to accommodate HSR maintenance requirements.
- 3) **Transbay platforms are 400 feet too short** to accommodate 400-meter (1,312 feet) high speed trains. Please refer to the attached DTX SEIR comments for additional information and solutions.



- 4) **There is no need for passing tracks in Millbrae** if every train stops at Millbrae. Please refer to TECHNICAL MEMORANDUM 4.1.1 *Justification for Two-Track Station Configuration* (top of page 2)  
*"Assuming a one to two minute dwell time at the intermediate station(s) and all HST providing local stop service (at this station) along this segment of corridor, there is no need for a second track in each direction (total of four tracks; two mainline and two station siding tracks) at the station that would allow for overtakes because with this operating plan, there are no overtakes."*  
[http://www.hsr.ca.gov/docs/programs/eir\\_memos/Proj\\_Guidelines\\_TM4\\_1\\_1R00.pdf](http://www.hsr.ca.gov/docs/programs/eir_memos/Proj_Guidelines_TM4_1_1R00.pdf)
- 5) **The Final EIR should consider eliminating passing tracks through Redwood City** by adding a mid-peninsula high-speed rail station at Redwood Junction with a Dumbarton connection modeled after High Speed One (HS1)'s Ebbsfleet International station.
- 6) There will be no surface parking at Diridon (all parking will be undergrounded).
- 7) **Intrusion detection is mandatory with quad gates** to stop vehicles getting trapped between the entry and exit gates but there is nothing in California statute (CPUC) that mandates that intrusion detection should interface with the signaling system to stop an approaching train (even though such a feature is highly desirable).
- 8) Last but not least, given that the Authority does not plan on operating trains at speeds in excess of 125 MPH between San Jose and San Francisco, **there is nothing in statute that grants the Authority exclusivity for environmental clearance in the Caltrain right of way:**  
*"nothing in this subdivision precludes other local, regional, or state agencies from exercising powers provided by law with regard to planning or operating, or both, passenger rail service."*  
[https://california.public.law/codes/ca\\_pub\\_util\\_code\\_section\\_185032](https://california.public.law/codes/ca_pub_util_code_section_185032)

Sincerely,

Roland Lebrun

CC

Caltrain Board  
MTC Commissioners  
SFCTA Commissioners  
VTA Board of Directors  
Brisbane City Council  
Millbrae City Council  
Redwood City Council  
Caltrain CAC  
SFCTA CAC  
TJPA CAC

THIS TEXT IS FOR INFORMATIONAL PURPOSES ONLY. NO-ONE IS CREATING AN ATTORNEY CLIENT RELATIONSHIP WITH YOU AND NO LEGAL ADVICE IS BEING GIVEN. ALTHOUGH THIS INFORMATION IS UPDATED REGULARLY IT MAY NOT BE COMPLETE OR ACCURATE. AS WITH ANY LEGAL MATTER, MULTIPLE SOURCES SHOULD BE CHECKED AND PROFESSIONAL COUNSEL CONSULTED.

## **CHAPTER 20. SAFE, RELIABLE HIGH-SPEED PASSENGER TRAIN BOND ACT FOR THE 21ST CENTURY (4533)**

### **Article 1. General Provisions (2704-2704.01) (4534)**

2704. This chapter shall be known and may be cited as the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century. (4535)

2704.01. As used in this chapter, the following terms have the following meanings: (4536)

(a) "Committee" means the High-Speed Passenger Train Finance Committee created pursuant to Section 2704.12. (4537)

(b) "Authority" means the High-Speed Rail Authority created pursuant to Section 185020 of the Public Utilities Code, or its successor. (4538)

(c) "Fund" means the High-Speed Passenger Train Bond Fund created pursuant to Section 2704.05. (4539)

(d) "High-speed train" means a passenger train capable of sustained revenue operating speeds of at least 200 miles per hour where conditions permit those speeds. (4540)

(e) "High-speed train system" means a system with high-speed trains and includes, but is not limited to, the following components: right-of-way, track, power system, rolling stock, stations, and associated facilities. (4541)

(f) "Corridor" means a portion of the high-speed train system as described in Section 2704.04. (4542)

(g) "Usable segment" means a portion of a corridor that includes at least two stations. (4543)

### **Article 2. High-Speed Passenger Train Financing Program 2 (2704.04-2704.095) (4544)**

2704.04. (a) It is the intent of the Legislature by enacting this chapter and of the people of California by approving the bond measure pursuant to this chapter to initiate the construction of a high-speed train system that connects the San Francisco Transbay Terminal to Los Angeles Union Station and Anaheim, and links the state's major population centers, including Sacramento, the San Francisco Bay Area, the Central Valley, Los

Angeles, the Inland Empire, Orange County, and San Diego consistent with the authority's certified environmental impact reports of November 2005 and July 9, 2008. (4545)

(b) (1) Net proceeds received from the sale of nine billion dollars (\$9,000,000,000) principal amount of bonds authorized pursuant to this chapter, upon appropriation by the Legislature in the annual Budget Act, shall be used for (A) planning and engineering for the high-speed train system and (B) capital costs, as described in subdivision (c). (4546)

(2) As adopted by the authority in May 2007, Phase 1 of the high-speed train project is the corridor of the high-speed train system between San Francisco Transbay Terminal and Los Angeles Union Station and Anaheim. (4547)

(3) Upon a finding by the authority that expenditure of bond proceeds for capital costs in corridors other than the corridor described in paragraph (2) would advance the construction of the system, would be consistent with the criteria described in subdivision (f) of Section 2704.08, and would not have an adverse impact on the construction of Phase 1 of the high-speed train project, the authority may request funding for capital costs, and the Legislature may appropriate funds described in paragraph (1) in the annual Budget Act, to be expended for any of the following high-speed train corridors: (4548)

(A) Sacramento to Stockton to Fresno. (4549)

(B) San Francisco Transbay Terminal to San Jose to Fresno. (4550)

(C) Oakland to San Jose. (4551)

(D) Fresno to Bakersfield to Palmdale to Los Angeles Union Station. (4552)

(E) Los Angeles Union Station to Riverside to San Diego. (4553)

(F) Los Angeles Union Station to Anaheim to Irvine. (4554)

(G) Merced to Stockton to Oakland and San Francisco via the Altamont Corridor. (4555)

(4) Nothing in this section shall prejudice the authority's determination and selection of the alignment from the Central Valley to the San Francisco Bay Area and its certification of the environmental impact report. (4556)

(5) Revenues of the authority, generated by operations of the high-speed train system above and beyond operating and maintenance costs and financing obligations, including, but not limited to, support of revenue bonds, as determined by the authority, shall be used for construction, expansion, improvement, replacement, and rehabilitation of the high-speed train system. (4557)

(c) Capital costs payable or reimbursable from proceeds of bonds described in paragraph (1) of subdivision (b) include, with respect to the high-speed train system or

any portion thereof, all activities necessary for acquisition of interests in real property and rights-of-way and improvement thereof; acquisition and construction of tracks, structures, power systems, and stations; acquisition of rolling stock and related equipment; mitigation of any direct or indirect environmental impacts of activities authorized by this chapter; relocation assistance for displaced property owners and occupants; other related capital facilities and equipment; and such other purposes related to the foregoing, for the procurement thereof, and for the financing or refinancing thereof, as may be set forth in a statute hereafter enacted. The method of acquisition of any of the foregoing may also be set forth in a statute hereafter enacted. (4558)

(d) Proceeds of bonds authorized pursuant to this chapter shall not be used for any operating or maintenance costs of trains or facilities. (4559)

(e) The State Auditor shall perform periodic audits of the authority's use of proceeds of bonds authorized pursuant to this chapter for consistency with the requirements of this chapter. (4560)

2704.05. Subject to Section 2704.18, the proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the High-Speed Passenger Train Bond Fund, which is hereby created. (4561)

2704.06. The net proceeds received from the sale of nine billion dollars (\$9,000,000,000) principal amount of bonds authorized pursuant to this chapter, upon appropriation by the Legislature in the annual Budget Act, shall be available, and subject to those conditions and criteria that the Legislature may provide by statute, for (a) planning the high-speed train system and (b) capital costs set forth in subdivision (c) of Section 2704.04, consistent with the authority's certified environmental impact reports of November 2005 and July 9, 2008, as subsequently modified pursuant to environmental studies conducted by the authority. (4562)

2704.07. The authority shall pursue and obtain other private and public funds, including, but not limited to, federal funds, funds from revenue bonds, and local funds, to augment the proceeds of this chapter. (4563)

2704.08. (a) Proceeds of bonds described in paragraph (1) of subdivision (b) of Section 2704.04 shall not be used for more than 50 percent of the total cost of construction of each corridor or usable segment thereof of the high-speed train system, except for bond proceeds used for the purposes of subdivision (g). (4564)

(b) Not more than 10 percent of the proceeds of bonds described in paragraph (1) of subdivision (b) of Section 2704.04 shall be used for environmental studies, planning, and preliminary engineering activities. (4565)

(c) (1) No later than 90 days prior to the submittal to the Legislature and the Governor of the initial request for appropriation of proceeds of bonds authorized by this chapter for any eligible capital costs on each corridor, or usable segment thereof, identified in subdivision (b) of Section 2704.04, other than costs described in subdivision (g), the authority shall have approved and submitted to the Director of Finance, the peer review

group established pursuant to Section 185035 of the Public Utilities Code, and the policy committees with jurisdiction over transportation matters and the fiscal committees in both houses of the Legislature, a detailed funding plan for that corridor or a usable segment thereof. (4566)

(2) The plan shall include, identify, or certify to all of the following: (4567)

(A) The corridor, or usable segment thereof, in which the authority is proposing to invest bond proceeds. (4568)

(B) A description of the expected terms and conditions associated with any lease agreement or franchise agreement proposed to be entered into by the authority and any other party for the construction or operation of passenger train service along the corridor or usable segment thereof. (4569)

(C) The estimated full cost of constructing the corridor or usable segment thereof, including an estimate of cost escalation during construction and appropriate reserves for contingencies. (4570)

(D) The sources of all funds to be invested in the corridor, or usable segment thereof, and the anticipated time of receipt of those funds based on expected commitments, authorizations, agreements, allocations, or other means. (4571)

(E) The projected ridership and operating revenue estimate based on projected high-speed passenger train operations on the corridor or usable segment. (4572)

(F) All known or foreseeable risks associated with the construction and operation of high-speed passenger train service along the corridor or usable segment thereof and the process and actions the authority will undertake to manage those risks. (4573)

(G) Construction of the corridor or usable segment thereof can be completed as proposed in the plan. (4574)

(H) The corridor or usable segment thereof would be suitable and ready for high-speed train operation. (4575)

(I) One or more passenger service providers can begin using the tracks or stations for passenger train service. (4576)

(J) The planned passenger service by the authority in the corridor or usable segment thereof will not require a local, state, or federal operating subsidy. (4577)

(K) The authority has completed all necessary project level environmental clearances necessary to proceed to construction. (4578)

(d) Prior to committing any proceeds of bonds described in paragraph (1) of subdivision (b) of Section 2704.04 for expenditure for construction and real property and equipment

acquisition on each corridor, or usable segment thereof, other than for costs described in subdivision (g), the authority shall have approved and concurrently submitted to the Director of Finance and the Chairperson of the Joint Legislative Budget Committee the following: (1) a detailed funding plan for that corridor or usable segment thereof that (A) identifies the corridor or usable segment thereof, and the estimated full cost of constructing the corridor or usable segment thereof, (B) identifies the sources of all funds to be used and anticipates time of receipt thereof based on offered commitments by private parties, and authorizations, allocations, or other assurances received from governmental agencies, (C) includes a projected ridership and operating revenue report, (D) includes a construction cost projection including estimates of cost escalation during construction and appropriate reserves for contingencies, (E) includes a report describing any material changes from the plan submitted pursuant to subdivision (c) for this corridor or usable segment thereof, and (F) describes the terms and conditions associated with any agreement proposed to be entered into by the authority and any other party for the construction or operation of passenger train service along the corridor or usable segment thereof; and (2) a report or reports, prepared by one or more financial services firms, financial consulting firms, or other consultants, independent of any parties, other than the authority, involved in funding or constructing the high-speed train system, indicating that (A) construction of the corridor or usable segment thereof can be completed as proposed in the plan submitted pursuant to paragraph (1), (B) if so completed, the corridor or usable segment thereof would be suitable and ready for high-speed train operation, (C) upon completion, one or more passenger service providers can begin using the tracks or stations for passenger train service, (D) the planned passenger train service to be provided by the authority, or pursuant to its authority, will not require operating subsidy, and (E) an assessment of risk and the risk mitigation strategies proposed to be employed. The Director of Finance shall review the plan within 60 days of its submission by the authority and, after receiving any communication from the Joint Legislative Budget Committee, if the director finds that the plan is likely to be successfully implemented as proposed, the authority may enter into commitments to expend bond funds that are subject to this subdivision and accept offered commitments from private parties. <sup>(4579)</sup>

(e) Subsequent to approval of the detailed funding plan required under subdivision (d), the authority shall promptly inform the Governor and the Legislature of any material changes in plans or project conditions that would jeopardize completion of the corridor as previously planned and shall identify means of remedying the conditions to allow completion and operation of the corridor. <sup>(4580)</sup>

(f) In selecting corridors or usable segments thereof for construction, the authority shall give priority to those corridors or usable segments thereof that are expected to require the least amount of bond funds as a percentage of total cost of construction. Among other criteria it may use for establishing priorities for initiating construction on corridors or usable segments thereof, the authority shall include the following: (1) projected ridership and revenue, (2) the need to test and certify trains operating at speeds of 220 miles per hour, (3) the utility of those corridors or usable segments thereof for passenger train services other than the high-speed train service that will not result in any unreimbursed operating or maintenance cost to the authority, and (4) the extent to which the corridors include facilities contained therein to enhance the connectivity of the high-speed train network to other modes of transit, including, but not limited to, conventional rail (intercity



rail, commuter rail, light rail, or other rail transit), bus, or air transit. (4581)

(g) Nothing in this section shall limit use or expenditure of proceeds of bonds described in paragraph (1) of subdivision (b) of Section 2704.04 up to an amount equal to 7.5 percent of the aggregate principal amount of bonds described in that paragraph for environmental studies, planning, and preliminary engineering activities, and for (1) acquisition of interests in real property and right-of-way and improvement thereof (A) for preservation for high-speed rail uses, (B) to add to third-party improvements to make them compatible with high-speed rail uses, or (C) to avoid or to mitigate incompatible improvements or uses; (2) mitigation of any direct or indirect environmental impacts resulting from the foregoing; and (3) relocation assistance for property owners and occupants who are displaced as a result of the foregoing. (4582)

(h) Not more than 2.5 percent of the proceeds of bonds described in paragraph (1) of subdivision (b) of Section 2704.04 shall be used for administrative purposes. The amount of bond proceeds available for administrative purposes shall be appropriated in the annual Budget Act. The Legislature may, by statute, adjust the percentage set forth in this subdivision, except that the Legislature shall not increase that percentage to more than 5 percent. (4583)

(i) No failure to comply with this section shall affect the validity of the bonds issued under this chapter. (4584)

2704.09. The high-speed train system to be constructed pursuant to this chapter shall be designed to achieve the following characteristics: (4585)

(a) Electric trains that are capable of sustained maximum revenue operating speeds of no less than 200 miles per hour. (4586)

(b) Maximum nonstop service travel times for each corridor that shall not exceed the following: (4587)

(1) San Francisco-Los Angeles Union Station: two hours, 40 minutes. (4588)

(2) Oakland-Los Angeles Union Station: two hours, 40 minutes. (4589)

(3) San Francisco-San Jose: 30 minutes. (4590)

(4) San Jose-Los Angeles: two hours, 10 minutes. (4591)

(5) San Diego-Los Angeles: one hour, 20 minutes. (4592)

(6) Inland Empire-Los Angeles: 30 minutes. (4593)

(7) Sacramento-Los Angeles: two hours, 20 minutes. (4594)

(c) Achievable operating headway (time between successive trains) shall be five minutes

or less. (4595)

(d) The total number of stations to be served by high-speed trains for all of the corridors described in subdivision (b) of Section 2704.04 shall not exceed 24. There shall be no station between the Gilroy station and the Merced station. (4596)

(e) Trains shall have the capability to transition intermediate stations, or to bypass those stations, at mainline operating speed. (4597)

(f) For each corridor described in subdivision (b), passengers shall have the capability of traveling from any station on that corridor to any other station on that corridor without being required to change trains. (4598)

(g) In order to reduce impacts on communities and the environment, the alignment for the high-speed train system shall follow existing transportation or utility corridors to the extent feasible and shall be financially viable, as determined by the authority. (4599)

(h) Stations shall be located in areas with good access to local mass transit or other modes of transportation. (4600)

(i) The high-speed train system shall be planned and constructed in a manner that minimizes urban sprawl and impacts on the natural environment. (4601)

(j) Preserving wildlife corridors and mitigating impacts to wildlife movement, where feasible as determined by the authority, in order to limit the extent to which the system may present an additional barrier to wildlife's natural movement. (4602)

2704.095. (a) (1) Net proceeds received from the sale of nine hundred fifty million dollars (\$950,000,000) principal amount of bonds authorized by this chapter shall be allocated to eligible recipients for capital improvements to intercity and commuter rail lines and urban rail systems that provide direct connectivity to the high-speed train system and its facilities, or that are part of the construction of the high-speed train system as that system is described in subdivision (b) of Section 2704.04, or that provide capacity enhancements and safety improvements. Funds under this section shall be available upon appropriation by the Legislature in the annual Budget Act for the eligible purposes described in subdivision (d). (4603)

(2) Twenty percent (one hundred ninety million dollars (\$190,000,000)) of the amount authorized by this section shall be allocated for intercity rail to the Department of Transportation, for state-supported intercity rail lines that provide regularly scheduled service and use public funds to operate and maintain rail facilities, rights-of-way, and equipment. A minimum of 25 percent of the amount available under this paragraph (forty-seven million five hundred thousand dollars (\$47,500,000)) shall be allocated to each of the state's three intercity rail corridors. (4604)

The California Transportation Commission shall allocate the available funds to eligible recipients consistent with this section and shall develop guidelines, in consultation with the

authority, to implement the requirements of this section. The guidelines shall include provisions for the administration of funds, including, but not limited to, the authority of the intercity corridor operators to loan these funds by mutual agreement between intercity rail corridors. (4605)

(3) Eighty percent (seven hundred sixty million dollars (\$760,000,000)) of the amount authorized by this section shall be allocated upon appropriation as set forth in this section to eligible recipients, except intercity rail, as described in subdivision (c) based upon a percentage amount calculated to incorporate all of the following: (4606)

(A) One-third of the eligible recipient's percentage share of statewide track miles. (4607)

(B) One-third of the eligible recipient's percentage share of statewide annual vehicle miles. (4608)

(C) One-third of the eligible recipient's percentage share of statewide annual passenger trips. (4609)

The California Transportation Commission shall allocate the available funds to eligible recipients consistent with this section and shall develop guidelines to implement the requirements of this section. (4610)

(b) For the purposes of this section, the following terms have the following meanings: (4611)

(1) "Track miles" means the miles of track used by a public agency or joint powers authority for regular passenger rail service. (4612)

(2) "Vehicle miles" means the total miles traveled, commencing with pullout from the maintenance depot, by all locomotives and cars operated in a train consist for passenger rail service by a public agency or joint powers authority. (4613)

(3) "Passenger trips" means the annual unlinked passenger boardings reported by a public agency or joint powers authority for regular passenger rail service. (4614)

(4) "Statewide" when used to modify the terms in subparagraphs (A), (B), and (C) of paragraph (3) of subdivision (a) means the combined total in the state of those amounts for all eligible recipients. (4615)

(c) Eligible recipients for funding under paragraph (3) of subdivision (a) shall be public agencies and joint powers authorities that operate regularly scheduled passenger rail service in the following categories: (4616)

(1) Commuter rail. (4617)

(2) Light rail. (4618)

(3) Heavy rail. (4619)

(4) Cable car. (4620)

(d) Funds allocated pursuant to this section shall be used to pay or reimburse the costs of projects to provide or improve connectivity with the high-speed train system or for the rehabilitation or modernization of, or safety improvements to, tracks utilized for public passenger rail service, signals, structures, facilities, and rolling stock. (4621)

(e) Eligible recipients may use the funds for any eligible rail element set forth in subdivision (d). (4622)

(f) In order to be eligible for funding under this section, an eligible recipient under paragraph (3) of subdivision (a) shall provide matching funds in an amount not less than the total amount allocated to the recipient under this section. (4623)

(g) An eligible recipient of funding under paragraph (3) of subdivision (a) shall certify that it has met its matching funds requirement, and all other requirements of this section, by resolution of its governing board, subject to verification by the California Transportation Commission. (4624)

(h) Funds made available to an eligible recipient under paragraph (3) of subdivision (a) shall supplement existing local, state, or federal revenues being used for maintenance or rehabilitation of the passenger rail system. Eligible recipients of funding under paragraph (3) of subdivision (a) shall maintain their existing commitment of local, state, or federal funds for these purposes in order to remain eligible for allocation and expenditure of the additional funding made available by this section. (4625)

(i) In order to receive any allocation under this section, an eligible recipient under paragraph (3) of subdivision (a) shall annually expend from existing local, state, or federal revenues being used for the maintenance or rehabilitation of the passenger rail system in an amount not less than the annual average of its expenditures from local revenues for those purposes during the 1998-99, 1999-2000, and 2000-01 fiscal years. (4626)

(j) Funds allocated pursuant to this section to the Southern California Regional Rail Authority for eligible projects within its service area shall be apportioned each fiscal year in accordance with memorandums of understanding to be executed between the Southern California Regional Rail Authority and its member agencies. The memorandum or memorandums of understanding shall take into account the passenger service needs of the Southern California Regional Rail Authority and of the member agencies, revenue attributable to member agencies, and separate contributions to the Southern California Regional Rail Authority from the member agencies. (4627)

### **Article 3. Fiscal Provisions (2704.10-2704.21) (4628)**

2704.10. (a) Bonds in the total amount of nine billion nine hundred fifty million dollars (\$9,950,000,000), exclusive of refunding bonds issued in accordance with Section 2704.19,

or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal of, and interest on, the bonds as the principal and interest become due and payable. (4629)

(b) The Treasurer shall sell the bonds authorized by the committee pursuant to this section. The bonds shall be sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code. (4630)

2704.11. (a) Except as provided in subdivision (b), the bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law, Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter. (4631)

(b) Notwithstanding any provision of the State General Obligation Bond Law, each issue of bonds authorized by the committee shall have a final maturity of not more than 40 years from the date of original issuance thereof. (4632)

2704.12. (a) Solely for the purpose of authorizing the issuance and sale of the bonds authorized by this chapter and the making of those determinations and the taking of other actions as are authorized by this chapter, pursuant to the State General Obligation Bond Law, the High-Speed Passenger Train Finance Committee is hereby created. For purposes of this chapter, the High-Speed Passenger Train Finance Committee is "the committee" as that term is used in the State General Obligation Bond Law. The committee consists of the Treasurer, the Director of Finance, the Controller, the Secretary of Business, Transportation and Housing, and the chairperson of the authority. Notwithstanding any other provision of law, any member of the committee may designate a representative to act as that member in his or her place and stead for all purposes, as though the member were personally present. The Treasurer shall serve as chairperson of the committee. A majority of the committee shall constitute a quorum of the committee, and may act for the committee. (4633)

(b) For purposes of the State General Obligation Bond Law, the authority is designated the "board." (4634)

2704.13. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to carry out the actions specified in Sections 2704.06 and 2704.095 and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be issued and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized be issued and sold at any one time. The committee shall consider program funding needs, revenue projections, financial market conditions, and other necessary factors in determining the term for the bonds to be issued. In addition to all other powers specifically granted in this chapter and

the State General Obligation Bond Law, the committee may do all things necessary or convenient to carry out the powers and purposes of this article, including the approval of any indenture relating to the bonds, and the delegation of necessary duties to the chairperson and to the Treasurer as agent for the sale of the bonds. Any terms of any bonds issued under this chapter may be provided under an indenture instead of under a resolution, as determined by the committee. (4635)

2704.14. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which is necessary to collect that additional sum. (4636)

2704.15. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount equal to the total of the following: (a) that sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable, and (b) the sum necessary to carry out Section 2704.17, appropriated without regard to fiscal years. (4637)

2704.16. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for purposes of this chapter. The amount of the request shall not exceed the amount of the unsold bonds which the committee has, by resolution, authorized to be sold for the purpose of this chapter, less any amount borrowed pursuant to Section 2701.17. The board shall execute such documents as required by the Pooled Money Investment Board to obtain and repay the loan. Any amount loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter. (4638)

2704.17. For the purpose of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of unsold bonds which have been authorized by the committee to be sold for the purpose of carrying out this chapter, less any amount borrowed pursuant to Section 2704.16. Any amount withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, plus the interest that the amounts would have earned in the Pooled Money Investment Account, from the sale of bonds for the purpose of carrying out this chapter. (4639)

2704.18. All money deposited in the fund which is derived from premium on bonds sold shall be available to pay costs of issuing the bonds, and to the extent not so needed, together with accrued interest derived from sale of the bonds, shall be available for transfer to the General Fund as a credit to expenditures for bond interest. (4640)

2704.19. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of the State General Obligation Bond Law. Approval by the electors of the state for the issuance of bonds shall include approval of the issuance of any bonds issued to refund any bonds originally issued or any previously issued refunding bonds. (4641)

2704.20. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article. (4642)

2704.21. Notwithstanding any provision of this chapter or the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions, the Treasurer may maintain separate accounts for the bond proceeds invested and the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law, or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state. (4643)

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## **STREETS AND HIGHWAYS CODE - SHC**

### **DIVISION 3. APPORTIONMENT AND EXPENDITURE OF HIGHWAY FUNDS** **[2004.5 - 2704.78]** ( *Heading of Division 3 amended by Stats. 1953, Ch. 192.* )

#### **CHAPTER 20. Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century [2704 - 2704.21]** ( *Chapter 20 added by Stats. 2008, Ch. 267, Sec. 9.* )

##### **ARTICLE 2. High-Speed Passenger Train Financing Program [2704.04 - 2704.095]** ( *Article 2 added by Stats. 2008, Ch. 267, Sec. 9.* )

**2704.04.** (a) It is the intent of the Legislature by enacting this chapter and of the people of California by approving the bond measure pursuant to this chapter to initiate the construction of a high-speed train system that connects the San Francisco Transbay Terminal to Los Angeles Union Station and Anaheim, and links the state's major population centers, including Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego consistent with the authority's certified environmental impact reports of November 2005 and July 9, 2008.

(b) (1) Net proceeds received from the sale of nine billion dollars (\$9,000,000,000) principal amount of bonds authorized pursuant to this chapter, upon appropriation by the Legislature in the annual Budget Act, shall be used for (A) planning and engineering for the high-speed train system and (B) capital costs, as described in subdivision (c).

(2) As adopted by the authority in May 2007, Phase 1 of the high-speed train project is the corridor of the high-speed train system between San Francisco Transbay Terminal and Los Angeles Union Station and Anaheim.

(3) Upon a finding by the authority that expenditure of bond proceeds for capital costs in corridors other than the corridor described in paragraph (2) would advance the construction of the system, would be consistent with the criteria described in subdivision (f) of Section 2704.08, and would not have an adverse impact on the construction of Phase 1 of the high-speed train project, the authority may request funding for capital costs, and the Legislature may appropriate funds described in paragraph (1) in the annual Budget Act, to be expended for any of the following high-speed train corridors:

(A) Sacramento to Stockton to Fresno.

(B) San Francisco Transbay Terminal to San Jose to Fresno.

(C) Oakland to San Jose.

(D) Fresno to Bakersfield to Palmdale to Los Angeles Union Station.

(E) Los Angeles Union Station to Riverside to San Diego.

(F) Los Angeles Union Station to Anaheim to Irvine.

(G) Merced to Stockton to Oakland and San Francisco via the Altamont Corridor.

(4) Nothing in this section shall prejudice the authority's determination and selection of the alignment from the Central Valley to the San Francisco Bay Area and its certification of the environmental impact report.

(5) Revenues of the authority, generated by operations of the high-speed train system above and beyond operating and maintenance costs and financing obligations, including, but not limited to, support of revenue bonds, as determined by



the authority, shall be used for construction, expansion, improvement, replacement, and rehabilitation of the high-speed train system.

(c) Capital costs payable or reimbursable from proceeds of bonds described in paragraph (1) of subdivision (b) include, with respect to the high-speed train system or any portion thereof, all activities necessary for acquisition of interests in real property and rights-of-way and improvement thereof; acquisition and construction of tracks, structures, power systems, and stations; acquisition of rolling stock and related equipment; mitigation of any direct or indirect environmental impacts of activities authorized by this chapter; relocation assistance for displaced property owners and occupants; other related capital facilities and equipment; and such other purposes related to the foregoing, for the procurement thereof, and for the financing or refinancing thereof, as may be set forth in a statute hereafter enacted. The method of acquisition of any of the foregoing may also be set forth in a statute hereafter enacted.

(d) Proceeds of bonds authorized pursuant to this chapter shall not be used for any operating or maintenance costs of trains or facilities.

(e) The State Auditor shall perform periodic audits of the authority's use of proceeds of bonds authorized pursuant to this chapter for consistency with the requirements of this chapter.

*(Added by Stats. 2008, Ch. 267, Sec. 9. Approved in Proposition 1A at the November 4, 2008, election.)*



## **STREETS AND HIGHWAYS CODE - SHC**

### **DIVISION 3. APPORTIONMENT AND EXPENDITURE OF HIGHWAY FUNDS** **[2004.5 - 2704.78]** ( *Heading of Division 3 amended by Stats. 1953, Ch. 192.* )

### **CHAPTER 20. Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century [2704 - 2704.21]** ( *Chapter 20 added by Stats. 2008, Ch. 267, Sec. 9.* )

### **ARTICLE 2. High-Speed Passenger Train Financing Program [2704.04 - 2704.095]** ( *Article 2 added by Stats. 2008, Ch. 267, Sec. 9.* )

The high-speed train system to be constructed pursuant to this chapter shall be designed to achieve the following characteristics:

#### **2704.09.**

- (a) Electric trains that are capable of sustained maximum revenue operating speeds of no less than 200 miles per hour.
- (b) Maximum nonstop service travel times for each corridor that shall not exceed the following:
  - (1) San Francisco-Los Angeles Union Station: two hours, 40 minutes.
  - (2) Oakland-Los Angeles Union Station: two hours, 40 minutes.
  - (3) San Francisco-San Jose: 30 minutes.
  - (4) San Jose-Los Angeles: two hours, 10 minutes.
  - (5) San Diego-Los Angeles: one hour, 20 minutes.
  - (6) Inland Empire-Los Angeles: 30 minutes.
  - (7) Sacramento-Los Angeles: two hours, 20 minutes.
- (c) Achievable operating headway (time between successive trains) shall be five minutes or less.
- (d) The total number of stations to be served by high-speed trains for all of the corridors described in subdivision (b) of Section 2704.04 shall not exceed 24. There shall be no station between the Gilroy station and the Merced station.
- (e) Trains shall have the capability to transition intermediate stations, or to bypass those stations, at mainline operating speed.
- (f) For each corridor described in subdivision (b), passengers shall have the capability of traveling from any station on that corridor to any other station on that corridor without being required to change trains.
- (g) In order to reduce impacts on communities and the environment, the alignment for the high-speed train system shall follow existing transportation or utility corridors to the extent feasible and shall be financially viable, as determined by the authority.
- (h) Stations shall be located in areas with good access to local mass transit or other modes of transportation.
- (i) The high-speed train system shall be planned and constructed in a manner that minimizes urban sprawl and impacts on the natural environment.
- (j) Preserving wildlife corridors and mitigating impacts to wildlife movement, where feasible as determined by the

authority, in order to limit the extent to which the system may present an additional barrier to wildlife's natural movement.

*(Added by Stats. 2008, Ch. 267, Sec. 9. Approved in Proposition 1A at the November 4, 2008, election.)*

# California High-Speed Train Project



## TECHNICAL MEMORANDUM

### Justification for Two-Track Station Configuration – Los Angeles to Anaheim

#### TM 4.1.1

Prepared by:	<i>Signed document on file</i>	10 July 09
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Approved by:	<i>Signed document on file</i>	10 July 09
	Ken Jong, PE, Engineering Manager	Date
Released by:	<i>Signed document on file</i>	10 July 09
	Anthony Daniels, Program Director	Date

Revision	Date	Description
0	10 Jul 09	Initial Release, R0

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## System Level Technical and Integration Reviews

The purpose of the review is to ensure:

- Technical consistency and appropriateness
- Check for integration issues and conflicts

System level reviews are required for all technical memoranda. Technical Leads for each subsystem are responsible for completing the reviews in a timely manner and identifying appropriate senior staff to perform the review. Exemption to the System Level technical and integration review by any Subsystem must be approved by the Engineering Manager.

System Level Technical Reviews by Subsystem:

Systems: Not required  
Print Name: \_\_\_\_\_ Date \_\_\_\_\_

Infrastructure: Not required  
Print Name: \_\_\_\_\_ Date \_\_\_\_\_

Operations: Not required  
Print Name: \_\_\_\_\_ Date \_\_\_\_\_

Maintenance: Not required  
Print Name: \_\_\_\_\_ Date \_\_\_\_\_

Rolling Stock: Not required  
Print Name: \_\_\_\_\_ Date \_\_\_\_\_

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## 1.0 INTRODUCTION

In July 2008, a concept level operational feasibility analysis was completed on the proposed CHSTP segment between Los Angeles and Anaheim. Within this segment, one intermediate station was considered at a location either in proximity to the existing Norwalk/Santa Fe Springs commuter rail station or the Fullerton Transportation Center. For this analysis, a total of five alternative alignment configurations and operational scenarios were tested to identify the configuration required to feasibly operate the rail services, including "shared use" (HST and conventional passenger service), forecast for the corridor in 2020.

The recommendations of this analysis were subsequently modified based on updated ridership and service design data presented in the Phase 1 and Full Build-Out Service Plan reports that were provided in early 2009. In this subsequent analysis, it was recommended that a dedicated CHSTP alignment be selected for further examination, potentially as the preferred alternative, to accommodate the maximum frequency of six HST per hour/direction outlined between Los Angeles and Anaheim in the Full Build-Out Service Plan. This recommendation was documented in the screening analysis prepared in spring of 2009.

## 2.0 DEFINITION OF TECHNICAL TOPIC

The need to provide overtake tracks at the intermediate station(s) along this segment of the corridor has often been a topic of discussion. The basis for this need originated from the potential to operate the HST in a "shared-use" environment with conventional commuter rail (Metrolink) operations. With the recommendation to focus on moving forward with a dedicated HST alignment design concept, the need to accommodate "overtake" train movements on passenger station siding tracks inherent in the "shared use" scenario was no longer necessary. This technical memorandum is intended as a supplement to the previous analyses described above providing additional information related to the feasibility of a configuration for an intermediate station between Los Angeles and Anaheim with two-tracks served by a single platform to support the forecast HST service levels and trip time objectives.

## 3.0 ASSESSMENT / ANALYSIS

Typically, a four-track intermediate passenger station configuration is required in one or more of the following operational environments:

- A corridor with very high traffic volume with varying speeds and stopping patterns of individual trains that require overtakes at intermediate points - (Case A);
- A corridor with very high traffic volume and stations with very high passenger volume, where a four-track station is needed to allow for long station dwell times to accommodate the extremely high passenger volume - (Case B); or
- At a terminal station (where trains turnaround and require four or more tracks) - (Case C).

The operational requirements listed above are not specified in either the Service Plans or the Los Angeles to Anaheim Concept Level Operational Feasibility Study technical memorandums.



The signal system in the corridor is being designed to accommodate three-minute minimum headways between trains or 12 trains per hour/direction. The maximum number of trains projected to operate is six HST per hour/direction running from four-minute to ten minute headways during peak periods according to the Full Build-Out Service Plan. Assuming a one to two minute dwell time at the intermediate station(s) and all HST providing local stop service (at this station) along this segment of corridor, there is no need for a second track in each direction (total of four tracks; two mainline and two station siding tracks) at the station that would allow for overtakes because with this operating plan, there are no overtakes. The simulated travel time between Los Angeles and Anaheim is twenty three minutes and a "sample" timetable is attached as an illustration of schedules for either a Norwalk or Fullerton station stop service plan.

## 4.0 SUMMARY AND RECOMMENDATIONS

Based on the current service assumptions as described in the Full Build-Out Service plan, it is recommended that an intermediate station in this CHSTP segment be configured with a two-track layout (mainline) and "island" platform (between the two mainline tracks); a four-track configuration at this intermediate station(s) is not necessary. It should be noted however that the recommendation for a two track intermediate station concept is based on the service and operating assumptions as currently stated in the Full Build-Out Service Plan. Any changes to these operating assumptions could change the layout requirements for the intermediate station.

## California Public Utilities Code

### § 185032

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Upon an appropriation in the Budget Act for that purpose, the authority shall prepare a plan for the construction and operation of a high-speed train network for the state, consistent with and continuing the work of the Intercity High-Speed Rail Commission conducted prior to January 1, 1997. The plan shall include an appropriate network of conventional intercity passenger rail service and shall be coordinated with existing and planned commuter and urban rail systems.

- (a) The authorization and responsibility for planning, construction, and operation of high-speed passenger train service at speeds exceeding 125 miles per hour in this state is exclusively granted to the authority.
- (b) Except as provided in paragraph (2), nothing in this subdivision precludes other local, regional, or state agencies from exercising powers provided by law with regard to planning or operating, or both, passenger rail service.

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*Location:* [https://california.public.law/codes/ca\\_pub\\_util\\_code\\_section\\_185032](https://california.public.law/codes/ca_pub_util_code_section_185032).

*Original Source:* § 185032, [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PUC&sectionNum=185032](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PUC&sectionNum=185032). (last accessed Jun. 6, 2016).

Roland Lebrun  
[ccss@msn.com](mailto:ccss@msn.com)  
February 29, 2016

2015 DTX draft SEIR

Dear Mr. Boule,

Thank you for the opportunity to comment on the 2015 Caltrain Downtown Extension draft SEIR.

My comments pertain to the following aspects of the project:

- Train box extension design conflict with SB916 (no Transbay connection to the East Bay)
- Widened throat structure impacts and costs
- Lengthy, risky and prohibitively expensive sequential mining tunnel construction
- Fourth and Townsend underground station location
- Unnecessary 7<sup>th</sup> Street tunnel stub box proposal
- Turnback track impacts on 16<sup>th</sup> Street grade crossing gate down time
- Alignment conflict with AB3034 (Diridon to Transbay in 30 minutes)

Each comment is followed by a recommendation for an alternative to be studied in the final SEIR.

Thank you in advance for your consideration.

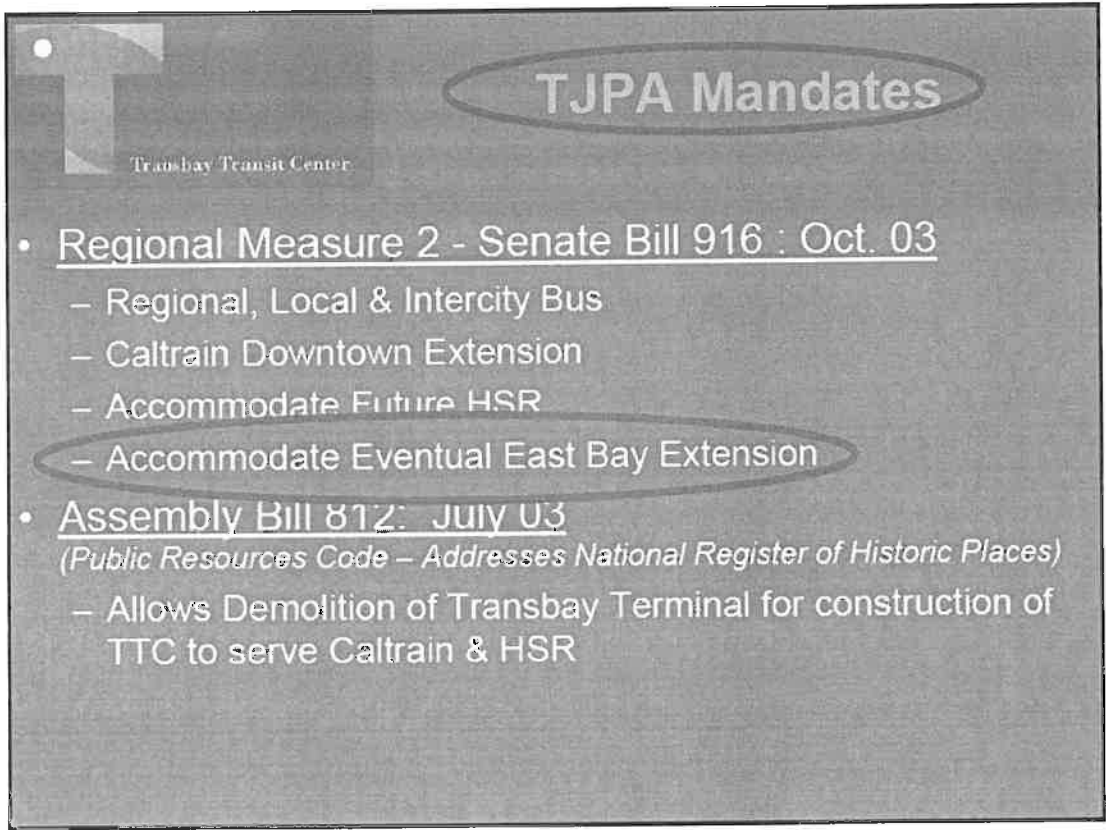
Roland Lebrun

CC

Metropolitan Transportation Commission Board of Directors  
SFCTA Board of Directors  
Caltrain Board of Directors  
California High Speed Rail Authority Board of Directors  
SFCTA Citizens Advisory Committee  
Caltrain Citizens Advisory Committee

### 1) Train Box Extension

- The train box extension design violates SB916 (2003) codified in Streets & Highways Codes section 30914(22) (<http://law.justia.com/codes/california/2011/shc/division-17/30910-30922/30914>) by failing to provide any kind of engineering solution for a future East Bay extension

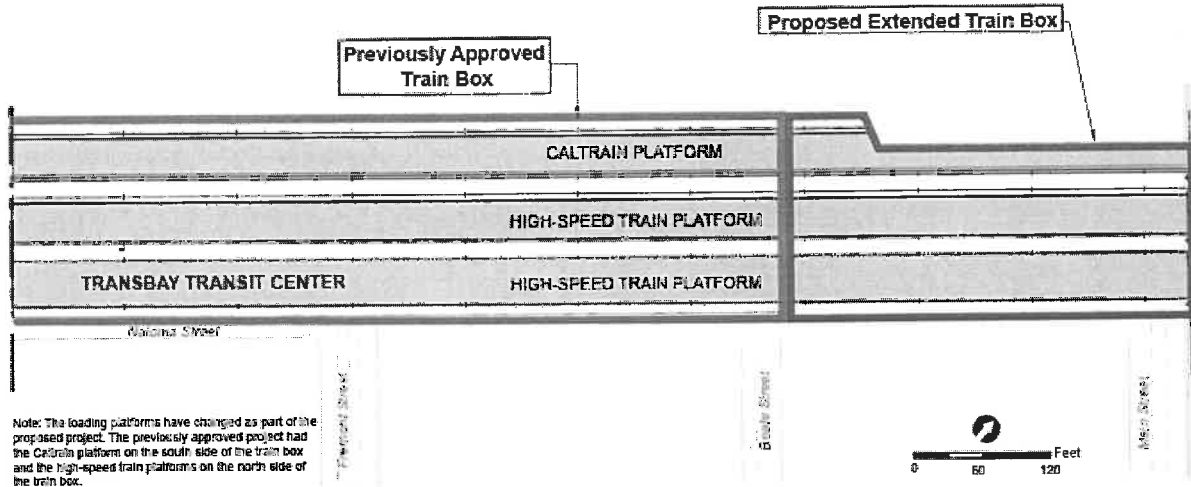


**TJPA Mandates**

Transbay Transit Center

- Regional Measure 2 - Senate Bill 916 : Oct. 03
  - Regional, Local & Intercity Bus
  - Caltrain Downtown Extension
  - Accommodate Future HSR
  - Accommodate Eventual East Bay Extension
- Assembly Bill 812: July 03  
(Public Resources Code – Addresses National Register of Historic Places)
  - Allows Demolition of Transbay Terminal for construction of TTC to serve Caltrain & HSR

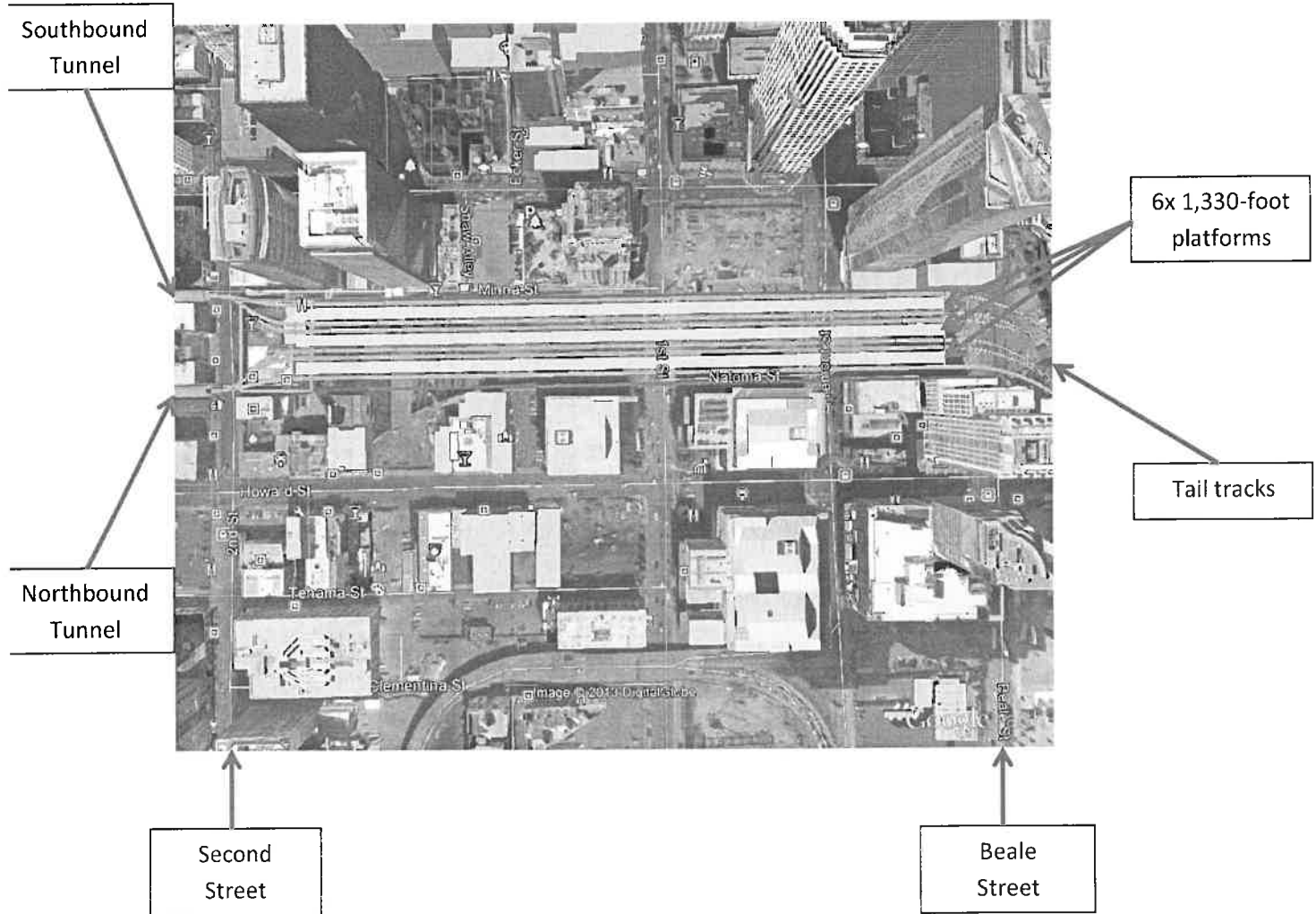
- The proposed Caltrain storage is insufficient to enable Caltrain to vacate the 4<sup>th</sup> & King railyard until after relocation to Oakland.



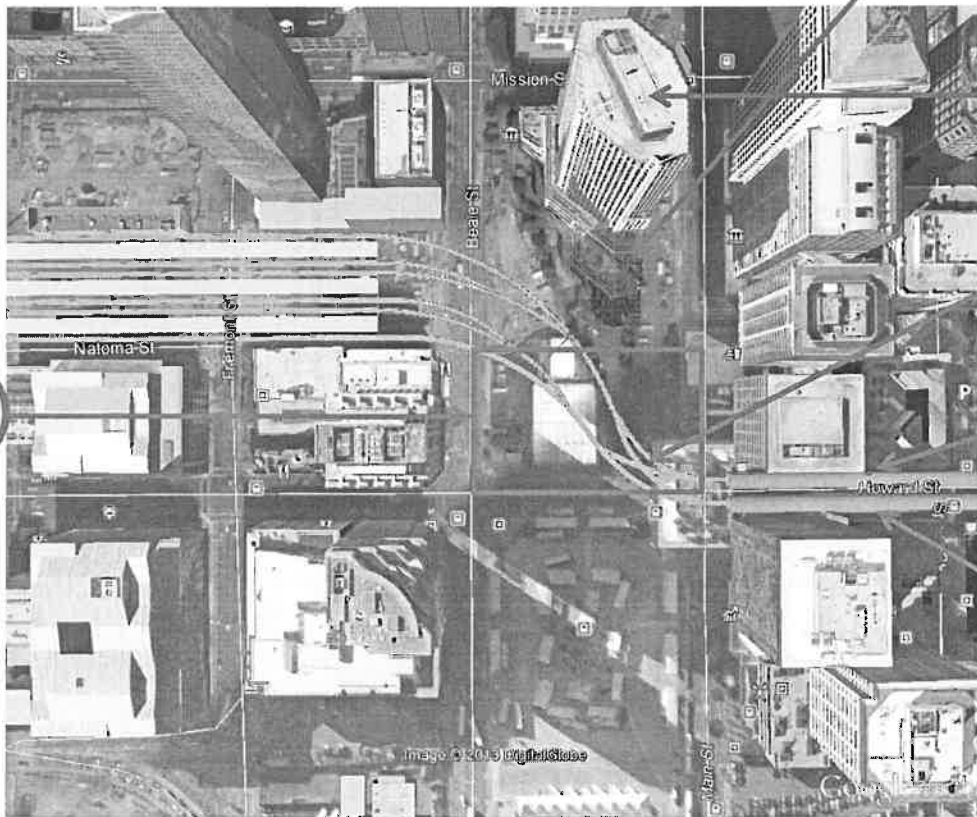
Note: The loading platforms have changed as part of the proposed project. The previously approved project had the Caltrain platform on the south side of the train box and the high-speed train platforms on the north side of the train box.

**Recommendation #1**

The SEIR should consider an alternate DTX alignment which would enable platform lengthening by extending the train box one block west (towards 2<sup>nd</sup> Street) while simultaneously providing a viable connection to a Transbay tunnel. This alignment would also eliminate conflicts with the 201 Mission building and enable a 6<sup>th</sup> full-length through platform (total 3 eastbound and 3 westbound platforms).



This alignment would eliminate the need to demolish the 201 Mission podium structure.



201 Mission

Crossover

Interim Train storage

Future Transbay tunnel

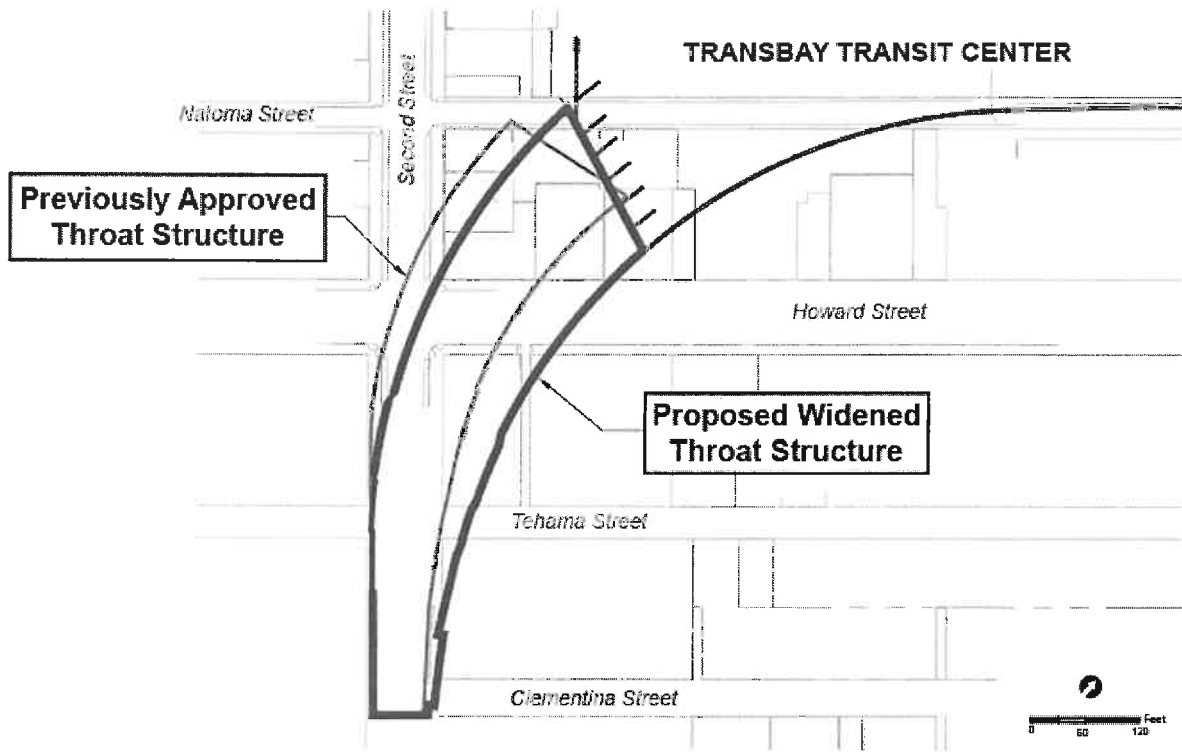
Potential Block 5 conflict

Beale Street

Main Street

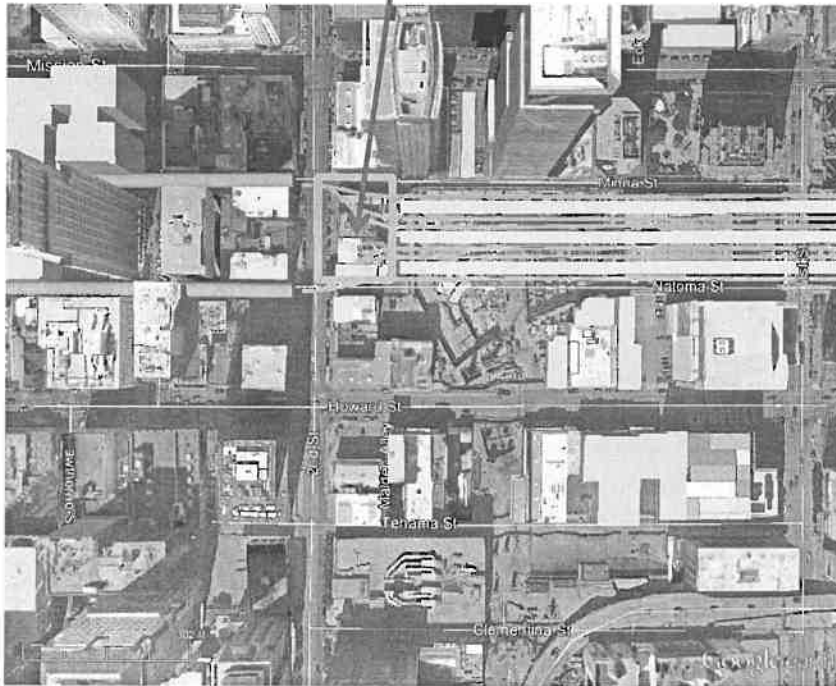
## 2) Widened throat structure

The SEIR proposes a widened approach to the Transbay Center train box via a massive cut & cover structure that will impact numerous properties as far south as Clementina Street. Construction costs are expected to run into the hundreds of millions and will result in massive circulation and noise impacts on the adjacent neighborhoods for many years.



**Recommendation #2**

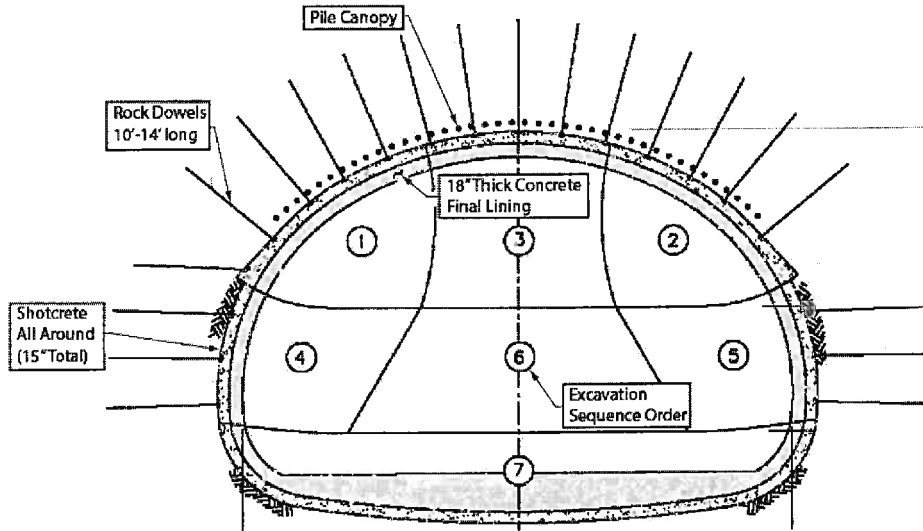
The SEIR should consider an alternate DTX alignment and construction technique that would limit impacts to a small number of buildings on 2<sup>nd</sup> Street between Minna and Natoma. There would be no additional surface impacts in SOMA north of Townsend.





### 3) Tunnel design

The current DTX design contemplates the construction of a 3-track sequentially excavated tunnel without any apparent plans for the evacuation of a train travelling on the middle track. This is of particular concern with High Speed trains which have a single door per carriage.

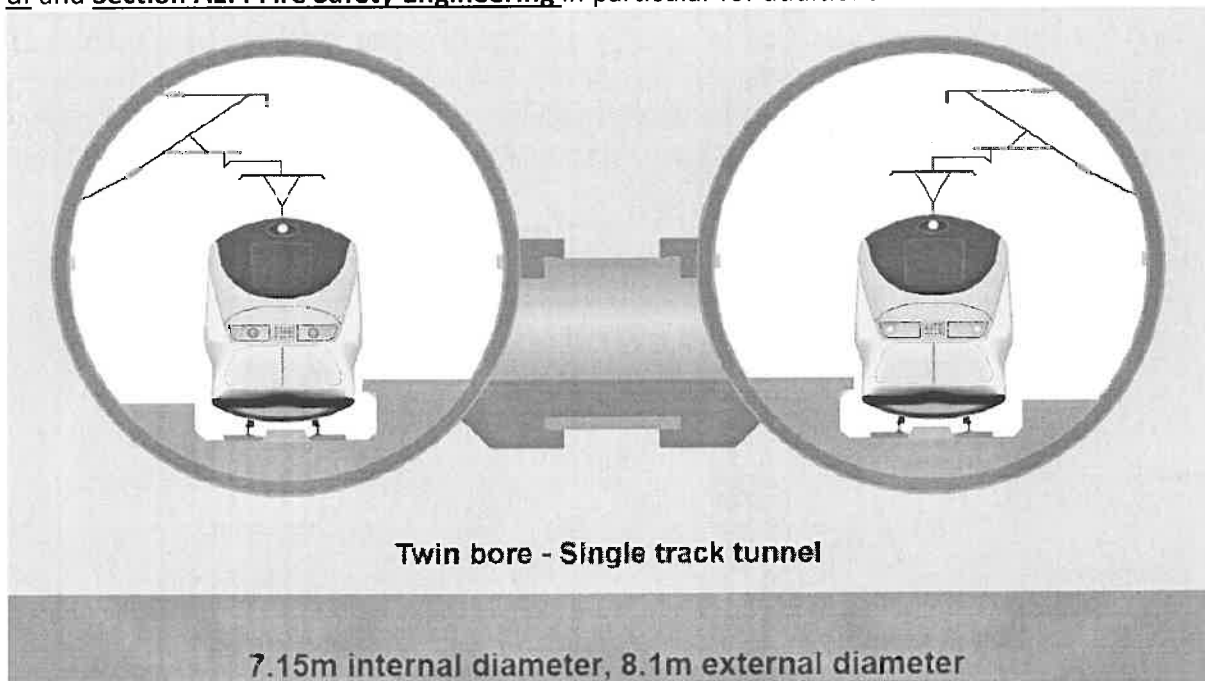


### Recommendation #3

The SEIR should consider a twin-bore tunnel design with cross-passages for emergency evacuation (similar to the Central Subway) and a ventilation system designed to eliminate any requirement for vent/evacuation structures north of Townsend.

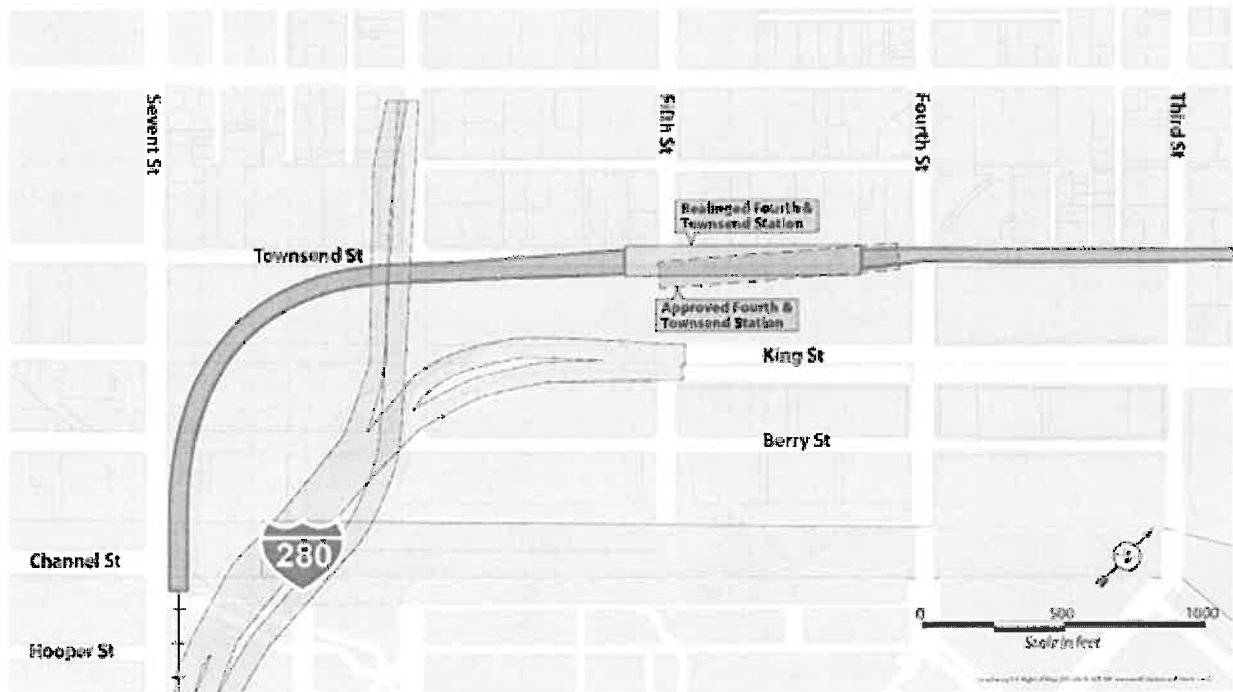
Please refer to Appendix A (Tunneling Studies) in the HS2 Final Report

[http://www.railwaysarchive.co.uk/documents/HS2\\_RouteEngineeringStudyAppendices\\_2010.pdf](http://www.railwaysarchive.co.uk/documents/HS2_RouteEngineeringStudyAppendices_2010.pdf) and **Section A1.4 Fire Safety Engineering** in particular for additional information.



#### 4) Fourth and Townsend Underground Station location

It is unclear how a relocated Caltrain station on Townsend could possibly accommodate the ridership demand from Mission Bay including UCSF, AT&T Park and the proposed Warriors Arena.



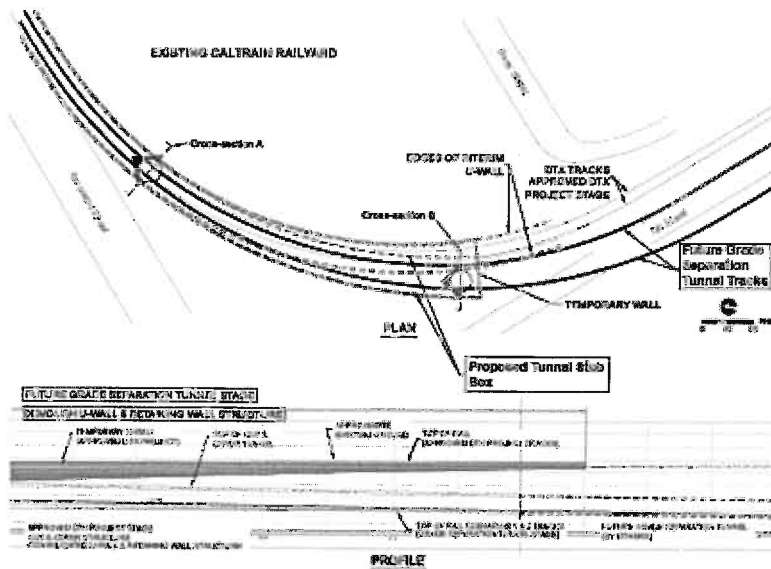
**Recommendation #4**

The SEIR should consider relocating the Townsend station to 7<sup>th</sup> Street and providing connectivity to the Central Subway via an extension of the N line connecting to the Mission Bay loop via 16<sup>th</sup> Street. This station should be designed to accommodate the Grand Boulevard at a later date.

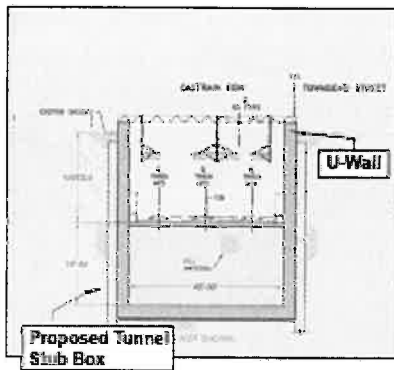


### 5) 7<sup>th</sup> Street Tunnel Stub Box

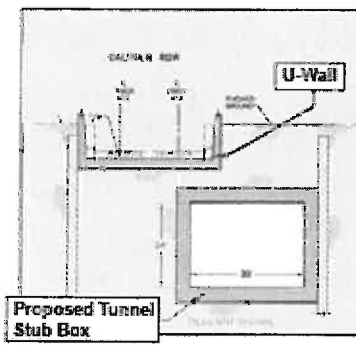
The SEIR proposes to terminate the DTX on 7<sup>th</sup> Street with a “tunnel stub box” designed to accommodate a future 16<sup>th</sup> Street grade separation.



**Cross-Section A**



**Cross-Section B**



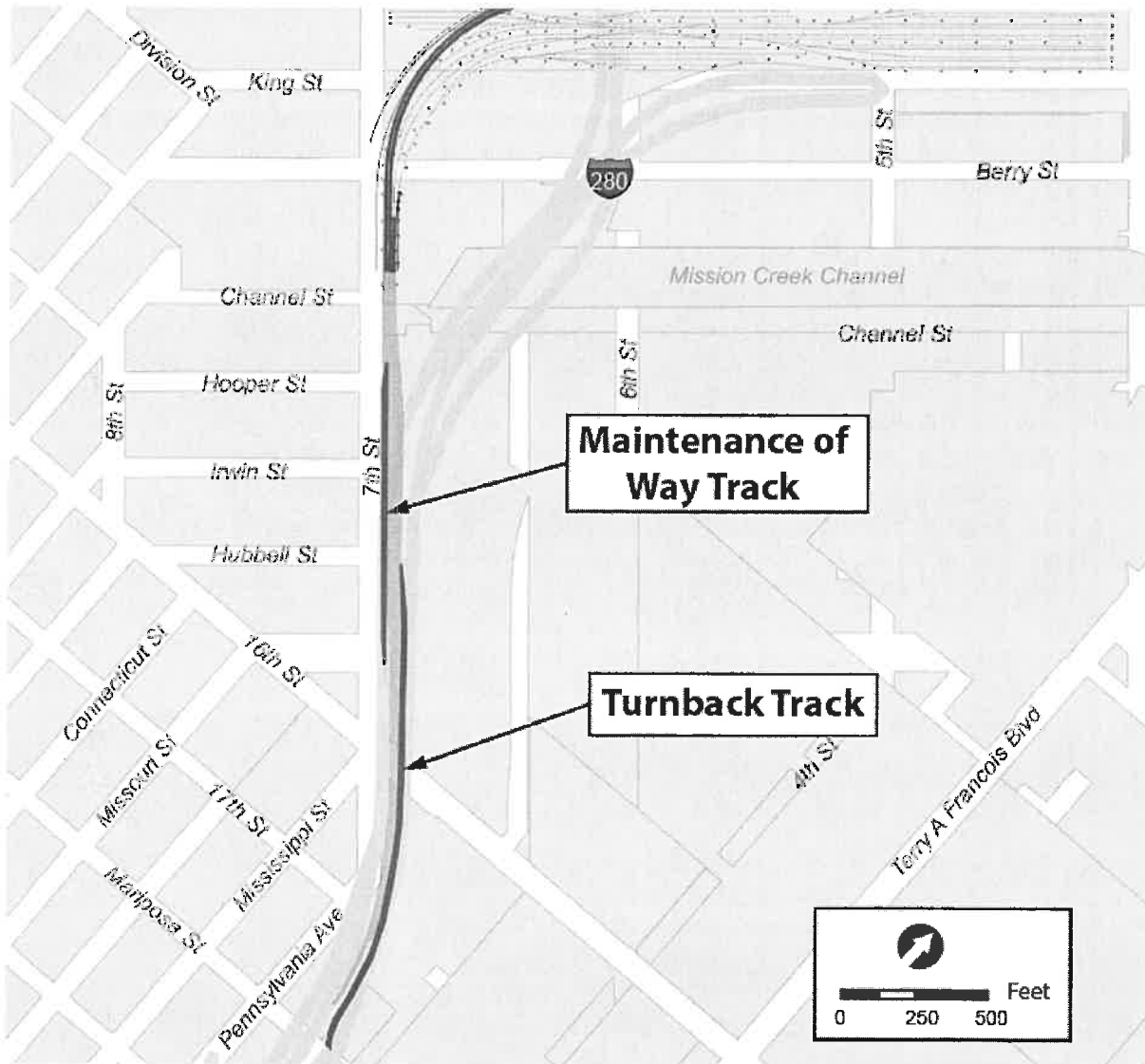
**Recommendation #5**

The SEIR should consider a direct connection to the Planning Department's Pennsylvania Avenue RAB study alternative. This would achieve 16<sup>th</sup> Street Grade separation as soon as Caltrain operations are relocated to the Transbay terminal and would save hundreds of millions by eliminating cut & cover structures @ 7<sup>th</sup> & Townsend



### 6) Turnback Track impacts on 16<sup>th</sup> Street grade crossing

The SEIR proposes the addition of two additional tracks on 7<sup>th</sup> Street, including a turnback track across 16<sup>th</sup> Street, thereby increasing gate downtime for each train crossing by an additional 10 seconds (10 minutes per day).



### Recommendation #6

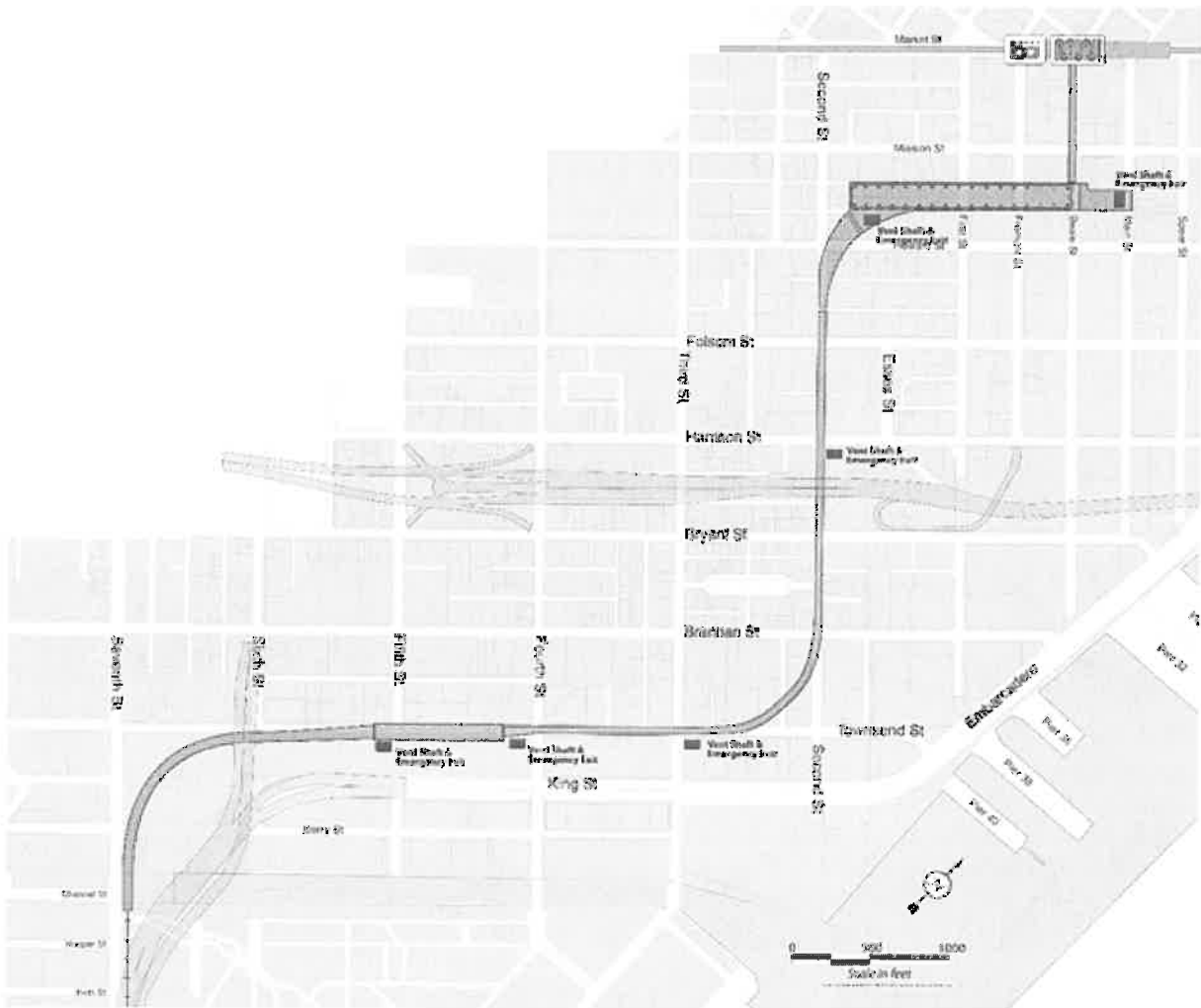
The SEIR should consider a direct connection to the planning department's Pennsylvania Avenue alternative (see recommendation #5 above) and turn trains around further south. The SEIR should also consider the abandoned tunnel #1 for storage.

**7) Alignment conflict with AB3034 (San Jose to Transbay in 30 minutes)**

The current DTX alignment consists of 3 sharp curves each with a maximum speed of 25 MPH which extend the travel time between 7<sup>th</sup> Street and the Transbay Terminal by an additional 3 minutes.

This alignment conflicts with AB3034 (2007) codified in Streets & Highways code section 2704.09(b) <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=shc&group=02001-03000&file=2704.04-2704.095>

“Maximum nonstop service travel times for each corridor that shall not exceed the following:  
(3) San Francisco-San Jose: 30 minutes.”



Mined  
crossovers

**Recommendation #7**

The SEIR should consider an alternate alignment, designed to enable an 80 MPH approach to the Transbay Transit Center.



Respectfully submitted for your consideration

Sincerely,

Roland Lebrun