

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

Minutes of September 1, 2022

MEMBERS PRESENT: C. Chavez (arrived at 9:09am), D. Davis, J. Gee, S. Heminger (Chair), D. Pine, C. Stone (Vice Chair), S. Walton, M. Zmuda

MEMBERS ABSENT: G. Hendricks

STAFF PRESENT: M. Bouchard, G. Martinez, J. Harrison, A. Myles-Primakoff, P. Shrestha, B. Shaw, C. Fromson, R. Barnard, A. Robbins, B. Thompson, S. Sargent, W. Lau, D. Seamans, S. Wong, K. Scribner

1. Call to Order / Pledge of Allegiance

Chair Steve Heminger called the meeting to order at 9:00 am led the pledge of allegiance.

2. Roll Call

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

3. GENERAL COUNSEL REPORT – CLOSED SESSION:

3.a. Closed Session: Public Employment. Title: Executive Director

3.b. Closed Session: Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(d)(1)): In the Matter of Binding Arbitration, JAMS Reference No. 1100112143, Peninsula Corridor Joint Powers Board v. Union Pacific Railroad Company

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

The Board convened in closed session at 9:01 am

The Board reconvened in regular session at 9:48 am

General Counsel James Harrison stated that the Board took no action on the first item regarding personnel. For the second item, the Board authorized the Acting Executive Director to accept a settlement offer from Union Pacific over arbitration over the Guadalupe River Bridge Replacement Project of over \$4 million.

5. Public Comment for Items Not on the Agenda

There was none.

6. Consent Calendar

6.a. Approve Regular Meeting Minutes of August 4, 2022

- 6.b. Renew Resolution Adopting Findings to Authorize Holding Meetings via Teleconference for 30 Days Pursuant to Assembly Bill (AB) 361**
- 6.c. Receive Caltrain Key Performance Statistics – July 2022**
- 6.d. State and Federal Legislative Update**
- 6.e. Accept of Quarterly Fuel Hedge Update**
- 6.f. Report of the Acting Chief Financial Officer**
- 6.g. Accept Statement of Revenues and Expenses for the Period Ending July 31, 202**
- 6.h. Closeout Change Order for 25th Avenue Grade Separation Project 17-J-C-048***
- 6.i. Authorize the Execution of the 2022 Amended and Restated Clipper Memorandum of Understanding**

Director Chavez recused herself on Item 6h (25th Avenue grade separation).

Motion/Second: Davis/Zmuda

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

Noes: None

Absent: Hendricks

Recused: Chavez (on Item 6h)

7. Adopt Overall Disadvantaged Business Enterprise Goal for Federal Fiscal Years 2023-2025 for Federal Transit Administration-Assisted Projects

Wendy Lau, Civil Rights Programs Manager, provided the presentation, which included information on the following:

- Defined what Disadvantaged Business Enterprise (DBE) is within the Code of Federal Regulations
- DBE goals setting methodology, goal calculation steps, and adjustments
- Public Participation, increasing DBE participation, and scopes of work

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

- The federal methodology and threshold for Caltrain calculations and adjustments
- Caltrain's goal compared to other transit agencies based on different factors such as funding
- Caltrain monitoring clients and how they mentor DBEs to meet goals
- Review contract language - consider stronger protection for projects against bad actors
- Caltrain goals lower than BART's due to less construction and Transit America Services, Inc. (TASI) has different method of contracting out their service
- Working with partner agencies to scale outreach work
- Compliance deadline is October 1st
- New DBE Director starting next week

Motion/Second: Zmuda/Davis

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

Noes: None

Absent: Hendricks

8. Metropolitan Transportation Commission (MTC)/Regional Update

Chair Heminger announced Therese McMillan's retirement from MTC as its executive director effective in January 2023.

Sam Sargent, Director of Policy and Strategy, provided an update, which included the following:

- Caltrain engagement in regional initiatives and the Blue Ribbon Task Force's work on funding and completion of a network management business case and creation of an advisory group
- Regional Rail Partnership Study for future presentation to MTC with options for discussion
- Monterey County Rail Extension Project –Salinas Extension must be cost neutral to Caltrain and no changes to the JPB governance structure

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

- Operating beyond cost neutrality with significant shortage in funds especially with the capital program and operating out of the JPB's jurisdiction
- Blue Ribbon Task Force getting input for work done at the regional level
- Have Board members, who are not on the MTC, discuss work done at the regional level earlier
- A mismatch of policymakers from other counties without transit agency experience

Public Comment

Jeff Carter, Millbrae, commented on the Caltrain extension to Salinas.

Adina Levin, Friends of Caltrain, commented on opportunities for service integration, regional needs, DBE hiring issues, standardizing fares, and increasing ridership.

9. Hispanic Heritage Month Resolution

Tasha Bartholomew, Communications Manager, presented the resolution recognizing and commemorating Hispanic Heritage month, which included a past survey indicating that 26 percent of Caltrain riders are of Hispanic origin.

Motion/Second: Gee/Walton

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

Noes: None

Absent: Hendricks

10. Proclamation Declaring September Railroad Safety and Suicide Prevention Month

Tasha Bartholomew, Communications Manager, reaffirmed Caltrain's commitment to provide safe and efficient service between San Francisco and Gilroy. She promoted the advancement of safety and prevention on the right of way to enhance measures and increase public awareness.

Public Comment

Jeff Carter, Millbrae, commented on Caltrain and California Operation Lifesaver educating the community.

Adrian Brandt, San Mateo County, commented on intentional and unintentional deaths, silent suicides, and difficulty in determining intent.

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

- Golden Gate Bridge District installing a suicide net and should open next year
- How Caltrain could fashion and increase efforts through a capital project to reduce annual deaths on the corridor

Nancy Sheehan, California Operation Lifesaver Executive, spoke about raising rail safety awareness, reaching high-risk populations, and provided statistics on California trespass and grade crossing. She thanked the Board for their support and spoke about expanding the message on social media.

Motion/Second: Davis/Zmuda

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

Noes: None

Absent: Hendricks

11. Capital Projects Quarterly Status Report - 4th Quarter Fiscal Year 2022

Rob Barnard, Deputy Chief of Rail Development, provided the presentation on an overview of the capital program and the 4th quarter report, which included the following information:

- Retooling project delivery, focus on Caltrain's goals, and completed projects
- Revised Capital Program – development team currently managing 27 capital projects
- Key Performance Indicator Summary
- Fiscal Year 2022 Trends, funding, and re-baselined projects

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

- Capital timeline projects and indicating course corrections for the Board and public
- Ameliorating risks in the executive summary narrative
- Celebrating projects that are finished under budget and early
- Representing schedule impacts on budget and available funds with color coding red, yellow, or green

Director Walton left at 11:01 am

Public Comment

Adrian Brandt, San Mateo County, commented on the Redwood City (Whipple) grade separation done, the grade separation study process, Broadway Burlingame grade separation design, and value engineering.

Jeff Carter, Millbrae, commented on future 4th and King automatic passenger counter data availability.

12. REPORTS

a. Report of the Citizens Advisory Committee (CAC)

Brian Shaw, CAC Chair, provided a report with updates on the following:

- New Caltrain service plan going into effect next week
- Questions on when the baby bullet will return to Sunnyvale
- Member encouraging staff coordination with BART at the Millbrae station
- Wi-Fi options at stations in the future

b. Report of the Chair

Chair Heminger stated that anniversary for Caltrain ridership strategy has been reached this month. He requested analysis on current trains run versus ridership to determine what savings could be achieved with a lower level of service without affecting current ridership levels with the intent that any funds saved through service would be available for capital improvements.

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

Director Jeff Gee reported that the group welcomed new staff, had reports on High-Speed Rail, and a major presentation on the Downtown Extension (DTX). He noted DTX is located in San Francisco but is not a San Francisco project as the project pursues a regional funding strategy.

d. Report of the Executive Director

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

- Service changes, improved connections at Millbrae, and restoring service to bring back riders
- Safety organizational overview – experienced consultants to enhance staff safety assessment work and identifying areas of improvement and keeping safety a top priority
- The Caltrain contractor that fell through a walkway is now in stable condition and recovering; there is an investigation to discover the cause and ensure nothing like that happens again
- Electrification update included the arrival of two new trains and the Southern Power Station's wires have not yet been electrified due to the training needed to ensure wire safety
- The incident where gates were down for 4 hours in Burlingame will be investigated for failures in communication and a non-binding emergency Board has been formed
- Potential national freight rail strike on September 16 and potential impact on the right of way for Gilroy service and contingency planning in the unlikely event it occurs

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

- How to maintain service if it is disrupted
- Observation that whenever BART has strike, AC Transit has not provided bus service because their union says they want to honor it

Public Comment

Jeff Carter, Millbrae, commented on being cautious about service reduction, bringing in new riders, competing with the car, the San Jose substation, and clearance testing of the new cars.

Adina Levin, Friends of Caltrain, commented on the electrification milestone, growing ridership, changing travel patterns, pandemic regrowth, and Measure RR.

Adrian Brandt, San Mateo County, commented on possibility of improving crew productivity, prefer having more trains versus two train conductors on a train, having more labor efficiency for more savings, and advance funding for quad gates.

Doug DeLong, Mountain View, commented on the safety incident that occurred in Palo Alto and spoke on how it should have been prevented with a safety assessment.

13. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report

Pranaya Shrestha, CalMod Chief Officer, provided the presentation that included the following information:

- Project highlights update included the schedule, no change to project budget, energization of traction power facility in San Jose, and two additional trains arrived in August
- Completed clearance testing from 4th and King to Tamien
- Safety & security update included emergency responder training scheduled for September 8th
- Construction update with 219 poles left to install and traction power facilities essentially complete
- Signal system and communication (2 speed check) and Crossing Optimization Project
- Critical path milestones and met with TASI and developed plan B to get them to the end
- Giving Executive Director authority to negotiate work orders and major contract progress
- Program contingency, forecasted remaining contingency, and shared risk contingency

Director Cindy Chavez left at 12:06 pm

Casey Fromson, Chief Communications Officer, provided a presentation that included the following information:

- Federal Transit Administration (FTA) full funding grant - the House passed for \$51 million
- Federal Railroad Administration (FRA) intercity rail grant program – funds not awarded until 2023 at the earliest
- State funding update – official public guidelines pending for \$900 million - \$1.5 billion for just for Northern California projects that meet certain criteria, and Caltrain electrification would be eligible

Director Dev Davis left at 12:13 pm

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

- Considering shipping, storage, and security issues with the early arrival of electric cars here
- Affirmed that the safety of contractors and service delivery staff is a top priority - there is a plan developed to identify resources needed and consolidate work areas to protect workers

Public Comment

Adrian Brandt, San Mateo County, commented on dual speed check system detection zone, future High-Speed Rail (HSR) at 110 miles per hour, forethought for electrification, quad gates, and grade separations.

Doug DeLong, Mountain View, commented on bringing work forward when there is the opportunity to do so, getting South San Francisco documents completed as soon as possible, even though the power does not need to be turned on immediately, to eliminate schedule risk.

14. CORRESPONDENCE

Correspondence was available online.

15. BOARD MEMBER REQUESTS

Director Charles Stone requested agendaing at a future Work Program – Legislative – Planning (WPLP) Committee meeting communications planning on how to promptly notify appropriate city leaders and staff on any future incidences (such as when gates go down), and then bring it forward to the Board afterwards.

16. DATE/TIME OF NEXT REGULAR MEETING:

Thursday, October 6, 2022 at 9:00 am via Zoom and in person at the San Mateo County Transit District, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA.

17. ADJOURN

Adjourned at 12:31 pm

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