



AMENDED 1/4/23 12:00PM

BOARD OF DIRECTORS 2023

STEVE HEMINGER, CHAIR
CINDY CHAVEZ
DEVORA "DEV" DAVIS
JEFF GEE
RAYMOND MUELLER
SHAMANN WALTON
MONIQUE ZMUDA

MICHELLE BOUCHARD
EXECUTIVE DIRECTOR

Agenda

Peninsula Corridor Joint Powers Board

January 05, 2023, 9:00 am

Due to COVID-19, this meeting will be conducted as a hybrid teleconference and in-person meeting pursuant to [Assembly Bill 361](#) (Government Code Section 54953). **Members of the public are encouraged to participate remotely**

REMOTE MEETING ONLY
due to expected severe weather
and safety concerns

Directors, staff, and the public may participate remotely via Zoom at

<https://zoom.us/j/91412776292?pwd=cVdKa01PK2FKdm1CSUwwZXR3RmlkUT09>

or by entering Webinar ID: **914 1277 6292**, Passcode: **909765** in the Zoom app for audio/visual capability or by calling 1-669-900-6833 (enter webinar ID and press # when prompted for participant ID) for audio only. The video live stream will be available after the meeting at <https://www.caltrain.com/video-board-directors>.

Public Comments: Public comments may be submitted to publiccomment@caltrain.com prior to the meeting's call to order so that they can be sent to the Board as soon as possible, while those received during or after an agenda item is heard will be included into the Board's weekly correspondence and posted online at: <https://www.caltrain.com/about-caltrain/meetings>.

Verbal public comments will also be accepted during the meeting in person and through Zoom* or the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM. Participants using Zoom over the Internet should use the Raise Hand feature to request to speak. For participants calling in, dial *67 if you do not want your telephone number to appear on the live broadcast. Callers may dial *9 to use the Raise Hand feature for public comment. Each commenter will be recognized to speak, and callers should dial *6 to unmute themselves when recognized to speak.

Each public comment is limited to two minutes. The Board Chair has the discretion to manage the Public Comment process in a manner that achieves the purpose of public communication and assures the orderly conduct of the meeting.

Note: All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board.

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Each public comment is limited to two minutes. The Board Chair has the discretion to manage the Public Comment process in a manner that achieves the purpose of public communication and assures the orderly conduct of the meeting.

All items to which [Government Code section 84308](#) applies have been marked with an asterisk

January 05, 2023 - Thursday

9:00 am

1. Call to Order / Pledge of Allegiance
2. Swearing in of San Mateo County Board of Supervisors Representative
3. Roll Call
4. Adopting Findings to Authorize Holding Meetings Via Teleconference for 30 Days Pursuant to Assembly Bill (AB) 361 Resolution
5. Resolution of Appreciation to Outgoing Director Dave Pine Resolution
6. Public Comment for Items Not on the Agenda
Comments by each individual speaker shall be limited to two (2) minutes. Items raised that require a response will be deferred for staff reply.
7. Report of the Executive Director Informational
8. Consent Calendar
Members of the Board may request that an item under the Consent Calendar be considered separately.
 - 8.a. Approve Meeting Minutes of December 1, 2022 Motion
 - 8.b. Award of Contract for Right of Way Fencing Project Resolution
 - 8.c. On-Call Transportation Planning and Consultant Support Services Update Informational
 - 8.d. Accept Statement of Revenues and Expenses for the Period Ending November 30, 2022 Motion

Note: All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board.

- | | |
|--|---------------|
| 8.e. On-Call Communication and Signal Services Update | Informational |
| 8.f. State and Federal Legislative Update | Informational |
| 8.g. Metropolitan Transportation Commission (MTC)/Regional Update | Informational |
| 9. Authorize Agreement with San Mateo County Transit District in Connection with Bus Bridge Services for the Caltrain Peninsula Corridor Electrification Project (PCEP) Signal Cutover Weekend Closures* | Resolution |
| 10. Approve Agreements to Compensate SamTrans for Use of Office Space in the SamTrans Headquarters Building* | Resolution |
| 11. Adopt 2023 Legislative Program | Motion |
| 12. Adopt Amendments to Code of Conduct for Public Meetings | Resolution |
| 13. Peninsula Corridor Electrification Project (PCEP): Monthly Progress Report and Update on 2023 Construction and Service Impact Plan | Informational |
| 14. Reports | |
| 14.a. Report of the Citizens Advisory Committee | Informational |
| 14.b. Report of the Chair | Informational |
| 14.c. Report of the Transbay Joint Powers Authority (TJPA) | Informational |
| 15. Resolution Recognizing National Slavery and Human Trafficking Prevention Month | Resolution |
| 16. Report of the Nominating Committee – Election of Officers for 2023 | Motion |
| 17. Correspondence | |
| 18. Board Member Requests | |
| 19. Date/Time of Next Regular Meeting: Thursday, February 2, 2023 at 9:00 am.
The meeting will be accessible via Zoom teleconference and in person at the San Mateo County Transit District, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA. | |
| 20. Adjourn | |

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Information for the Public

All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board. If you have questions on the agenda, please contact the JPB Secretary at 650.508.6242. Agendas are available on the Caltrain website at www.caltrain.com. Communications to the Board of Directors can be e-mailed to board@caltrain.com. *Free translation is available; Para traducción llama al 1.800.660.4287; 如需翻译 请电1.800.660.4287*

Date and Time of Board and Committee Meetings

JPB Board: First Thursday of the month, 9:00 am; JPB WPLP Committee: Two Wednesdays before the Board meeting, 3:00 pm. The date, time, and location of meetings may be changed as necessary. Meeting schedules for the Board and committees are available on the website.

Location of Meeting

Due to COVID-19, the meeting will be conducted via teleconference and in person as per the information provided at the top of the agenda. *Should Zoom not be operational, please check online at <https://www.caltrain.com/about-caltrain/meetings> for any updates or further instruction.

Public Comment*

Members of the public are encouraged to participate remotely. Public comments may be submitted to publiccomment@caltrain.com prior to the meeting's call to order so that they can be sent to the Board as soon as possible, while those received during or after an agenda item is heard will be included into the Board's weekly correspondence and posted online at <https://www.caltrain.com/about-caltrain/meetings>.

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

Accessible Public Meetings/Translation

Upon request, the JPB will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in and provide comments at/related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least 72 hours in advance of the meeting or hearing. Please direct requests for disability-related modification and/or interpreter services to the Title VI Administrator at San Mateo County Transit District, 1250 San Carlos Avenue, San Carlos, CA 94070-1306; or email titlevi@samtrans.com; or request by phone at 650-622-7864 or TTY 650-508-6448.

Availability of Public Records

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that is distributed to a majority of the legislative body, will be available for public inspection at 1250 San Carlos Avenue, San Carlos, CA 94070-1306, at the same time that the public records are distributed or made available to the legislative body.

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**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: James C. Harrison, General Counsel
Subject: **Adopting Findings to Authorize Holding Meetings Via Teleconference for 30 Days Pursuant to Assembly Bill (AB) 361**

Finance Committee
Recommendation

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Action

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

1. Adopt findings stating that: 1) there is a proclaimed state of emergency in California; and 2) local public health officials have recommended measures for social distancing; and 3) meeting in person would pose imminent risk to the health and safety of attendees; and
2. Approve meeting remotely via teleconference for the next 30 days, pursuant to AB 361 (Government Code section 54953) with the option for members of the Board and members of the public to attend Board meetings in-person if they provide proof of vaccination or a negative COVID-19 test taken within the seven days preceding the meeting.

Significance

On March 4, 2020, Governor Gavin Newsom declared a state of emergency, and issued subsequent executive orders suspending certain provisions of the Ralph M. Brown Act (the Brown Act) to allow local government agencies to meet remotely during the COVID-19 pandemic. His most recent executive order suspending provisions of the Act expired at the end of September 2021; before its expiration, Governor Newsom signed Assembly Bill 361 (AB 361) into law on September 16, 2021, amending the Brown Act to permit local agencies to continue to use teleconferencing under certain conditions during a state of emergency.

AB 361 allows local agencies to make an initial determination to hold open meetings via teleconferencing when there is a proclaimed state of emergency and one of the following criteria described in section 54953(e)(1) of the Brown Act, as amended, is met:

1. State or local officials have imposed or recommended social distancing.

2. The local agency holds a meeting for the purposes of determining by majority vote if meeting in person would pose imminent health and safety risks to attendees.
3. The local agency holds a meeting after having determined by majority vote, as a result of the emergency, meeting in person would pose imminent risks to the health or safety of attendees.

Following the initial determination, a local agency must make the following findings by a majority vote every 30 days to renew the resolution and to continue to meet remotely: (1) the local agency has reconsidered the circumstances of the emergency; *and* (2) the state of emergency continues to directly impact the ability of the members to safely meet in person, *or* state or local officials continue to impose or recommend social distancing. Gov't Code § 54953(e)(3).

In February 2022, Governor Gavin Newsom issued Executive Orders ending certain emergency measures no longer required to address the pandemic; however, the Governor's declared state of emergency is still in place and will remain in effect through February 28, 2023. Though some COVID-19 restrictions have been rolled back at the state and local level, the California Department of Public Health continues to recommend that people who are at higher risk of severe illness from COVID-19 continue to protect themselves by staying at least six feet apart from people outside their households. And while masks are no longer required in all indoor spaces, the San Mateo County Health Department still recommends indoor masking for gatherings that include the elderly, immunocompromised individuals, or people who are not vaccinated.

Given the current and evolving conditions, staff recommends that the Board renew the requisite findings and authorize Advisory, Committee, Regular and Special meetings to be conducted via teleconference for the next 30 days following this January 5, 2023, meeting. Specifically, staff recommends that while the remote meeting resolution is in effect, individual members of the Board and members of the public may opt to participate in-person at Board meetings if they adhere to all policies for attendance.

Board meetings will be held at the offices of the San Mateo County Transit District ("SamTrans") in the auditorium. Consistent with SamTrans workplace safety policy, Board members and members of the public will be required to show proof of vaccination (as defined by the California Department of Public Health) or proof of a negative COVID-19 test taken within the seven days preceding the meeting before entry into the building will be granted.

Board members and members of the public who do not wish to participate in-person or do not provide proof of vaccination or of a negative COVID-19 test from within the previous seven days may participate remotely. Committee and Advisory Committee meetings will continue to be conducted remotely.

If the Board does not renew the resolution, the Board, Committees, and Advisory Committees must meet in person and any member who participates via teleconference must notice the location from which the member participates, as required by the Brown Act.

Budget Impact

There is no budget impact associated with receiving this report.

Background

The California Department of Public Health (CDPH) continues to refer California residents to guidance from the Centers for Disease Control and Prevention (CDC) on how to prevent the spread of COVID-19 and its variants, and the CDC continues to recommend social distancing as a measure for individuals and specifically vulnerable individuals to protect themselves and others from infection with COVID-19.

Similarly, the San Mateo County Health Officer has advised that San Mateo County residents should continue to follow the recommendations of the CDC and CDPH. According to the City and County of San Francisco public health guidance, its guidelines will align with those of the CDC and CDPH (except when local conditions require more restrictive measures). On September 21, 2021, the County of Santa Clara Public Health Officer issued a Recommendation Regarding Continued Remote Public Meetings of Governmental Entities and advised that public bodies continue to meet remotely to the extent possible. This recommendation has not changed since that time.

Prepared By:	Anna Myles-Primakoff	Legal Counsel	916-442-2952
	Quentin Barbosa	Associate	916-442-2952

Resolution No. 2023-

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

* * *

Adopting Findings That There is a Proclaimed State of Emergency and That Meeting in Person Poses Imminent Health and Safety Risks to Attendees and Authorizing Remote Teleconference Meetings for the Board and Committees for the Period of January 5, 2023 Through February 4, 2023

Whereas, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency in the State of California; and

Whereas, the Ralph M. Brown Act (the Brown Act), Government Code section 54953(e), was amended on September 16, 2021, to make provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

Whereas, the Board of Directors adopted Resolution 2021-52, on October 7, 2021, finding that the requisite conditions were met for the Peninsula Corridor Joint Powers Board to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953, and has renewed this finding or adopted new findings each month thereafter, with the exception of July 2022, when the Board meeting was cancelled; and

Whereas, San Mateo County, Santa Clara County, and San Francisco County public health officials continue to recommend measures to promote social distancing including following the guidance of the Center for Disease Control which recommends social distancing; and

Whereas, staff recommends that the Board adopt findings that that there is a proclaimed state of emergency and that the criteria described in Government Code section 54953(e)(1) have

been met, including that state or local officials have imposed or recommended social distancing, and authorizing the Advisory, Committee, and Regular and Special meetings of the Board to be conducted via teleconference for the next 30 days following this January 5, 2023, resolution, and that while the remote meeting resolution is in effect, individual members of the Board and members of the public may opt to participate in-person at Board meetings; and

Whereas, Board meetings will be held at the offices of the San Mateo County Transit District (SamTrans) in the board room, and SamTrans' workplace safety policy requires all individuals to show proof of vaccination (as defined by the California Department of Public Health) or proof of a negative COVID-19 test taken within the seven days preceding the meeting before entry into the building will be granted; and

Whereas, to help protect against the spread of COVID-19 and variants, and to protect the health and safety of the public, the Board of Directors wishes to take the actions necessary to comply with the Brown Act, as amended, to continue to hold its Board, Committee, and Advisory Committee meetings remotely via teleconference pursuant to AB-361 with an option for in-person attendance at Board meetings for members of the Board and the public; and

Whereas, the Board of Directors will continue to give notice of the meeting and post agendas as otherwise required by the Brown Act and allow members of the public to access the meeting and give ample opportunity for public comment; and

Now, Therefore, Be It Resolved that the Board of Directors adopts findings that the state of emergency continues to directly impact the ability of the members to safely meet in person and state or local officials continue to impose or recommend social distancing and that the conditions of Government Code section 54953 for meeting remotely have been met; and

Be It Further Resolved that the Board approves meeting via teleconference for all Regular and Special Board, Committee, and Advisory Committee Meetings of the JPB for the 30 days following this resolution, in accordance with Government Code section 54953 and other applicable provisions of the Brown Act.

Regularly passed and adopted this 5th day of January, 2023 by the following vote:

Ayes:

Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

JPB Secretary

Resolution No. 2023-

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

* * *

Resolution of Appreciation for

Dave Pine

Whereas, Dave Pine was first appointed to the Peninsula Corridor Joint Powers Board (Caltrain) Board of Directors in 2017 representing the San Mateo County, appointed by the San Mateo County Board of Supervisors, and served as chair of the Board in 2020; and

Whereas, Dave Pine provided invaluable leadership during his tenure, bringing a strong sense of initiative and transparency to the Board and furthering Caltrain's goal of providing quality transportation service to improve the quality of life for the communities we serve throughout the region; and

Whereas, during Dave Pine's tenure as chair, he led the decision-making process related to the coronavirus (COVID-19) pandemic, including endorsement of the Bay Area Healthy Transit Plan; and

Whereas, Dave Pine helped shepherd the process of putting a revenue measure on the ballot, and was instrumental in getting a voter-approved dedicated funding source for Caltrain for the first time in the rail agency's history; and

Whereas, Dave Pine has been extremely supportive in securing the funding for Caltrain's Electrification Project, as well in the delivery of rail agency's first set of electric train sets; and

Whereas, during Dave Pine's tenure, has been instrumental in supporting many of Caltrain's other major infrastructure projects including the 25th Avenue Grade Separation Project, the South San Francisco Station Improvement Project, and Positive Train Control (PTC); and

Whereas, Dave Pine was also a big supporter of the Board-adopted Caltrain Business Plan and the Framework for Equity, Connectivity, Recovery & Growth policy; the equity policies included in the Framework will help ensure that the rail service’s recovery from the COVID-19 pandemic occurs in a way that expands access to low-income individuals and communities of color that have historically been underrepresented in the system’s ridership; and

Whereas, Dave Pine helped reinforce Caltrain’s commitment to diversity, equity, access, and inclusion of all persons in support of the African-American, and Asian-American and Pacific Islander and Hispanic communities, and in recognition of Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month, among many others; and

Now, Therefore, Be It Resolved that the Peninsula Corridor Joint Powers Board hereby commends and expresses its sincere appreciation to **Dave Pine** for his outstanding service to Caltrain his many accomplishments on the Board of Directors.

Regularly passed and adopted this 5th day of January, 2023 by the following vote:

Ayes:

Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

JPB Secretary



Executive Director's Monthly Report: December 2022

Executive Director Michelle Bouchard

Report prepared for January Board meeting; data current through November 2022.









Who We Are and What We Do

Caltrain Vision: Provide a safe, reliable, sustainable modern rail system that meets the growing mobility needs of the San Francisco Bay Area region.

The Peninsula Corridor Joint Powers Board (JPB) is responsible for Caltrain passenger rail service which currently extends from San Francisco 77 miles south to Gilroy, serving 31 stations and providing vital links to multiple transit properties in 20 cities. Caltrain has been a central part of Peninsula communities since 1865.



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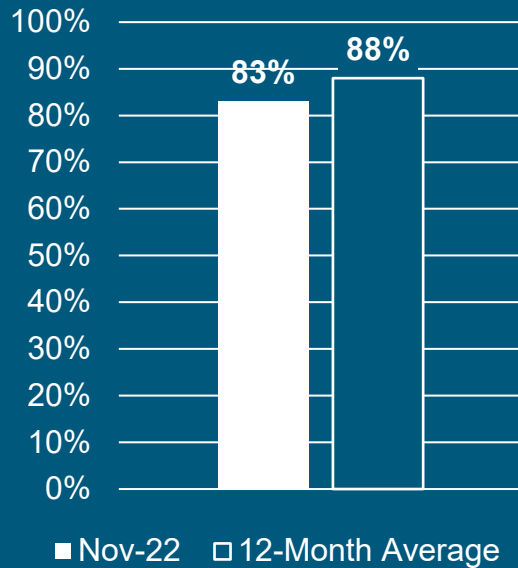




Performance at a Glance

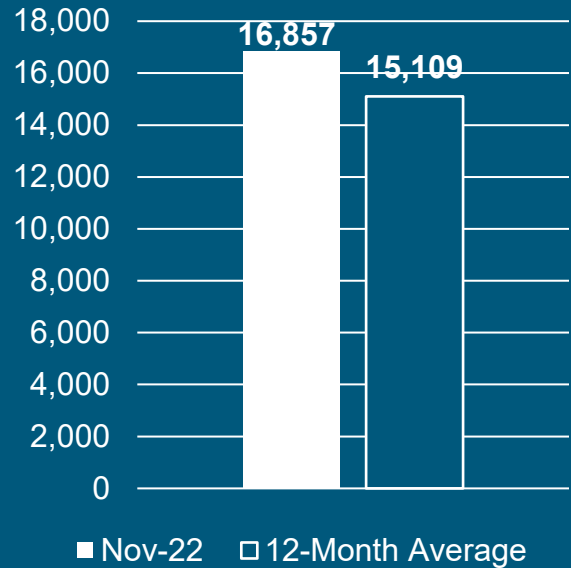
On-Time Performance

Percentage of trains arriving within six minutes of the scheduled time



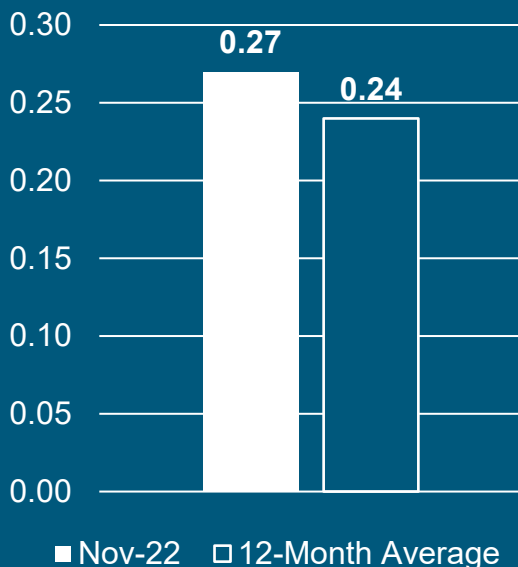
Average Daily Ridership

Average estimated weekday ridership



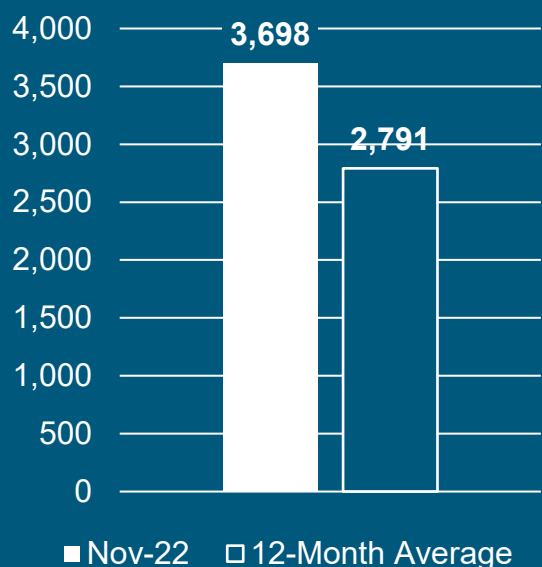
Farebox Recovery Ratio

Ratio of fare revenue to operating costs



Mean Distance Between Failures

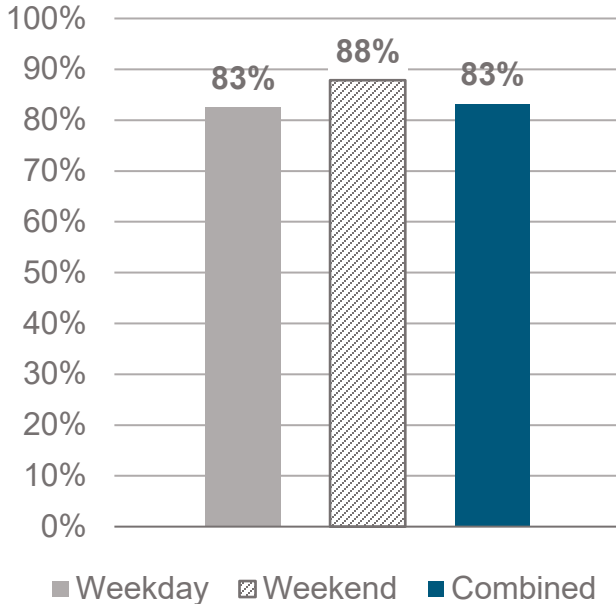
Average miles travelled by locomotives before maintenance/repair is required





On-Time Performance

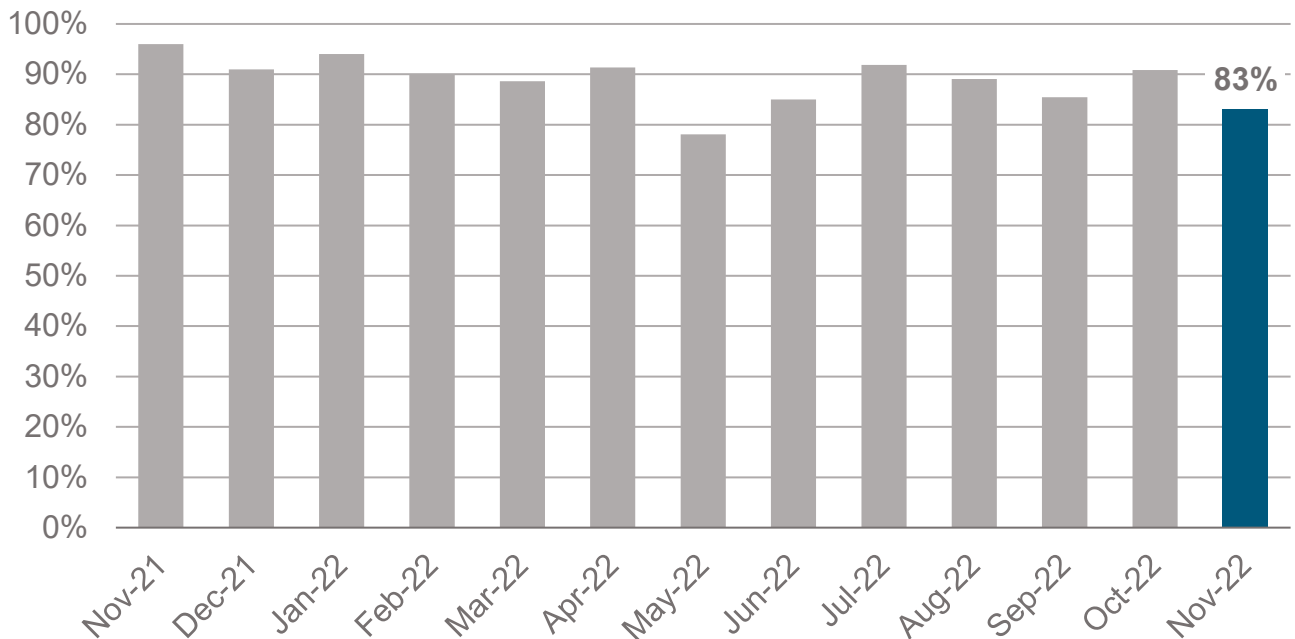
Performance This Month (Nov-22)



Trains are considered on-time if they arrive within six minutes of the scheduled arrival time at end-line locations (i.e. San Francisco, San Jose Diridon, Tamien, and Gilroy).

The on-time performance (OTP) goal for Caltrain is 95 percent. OTP has been trending down in recent months due to impacts from more frequent mechanical breakdowns, increased construction, and higher numbers of trespassers.

Monthly On-Time Performance in the Past Year



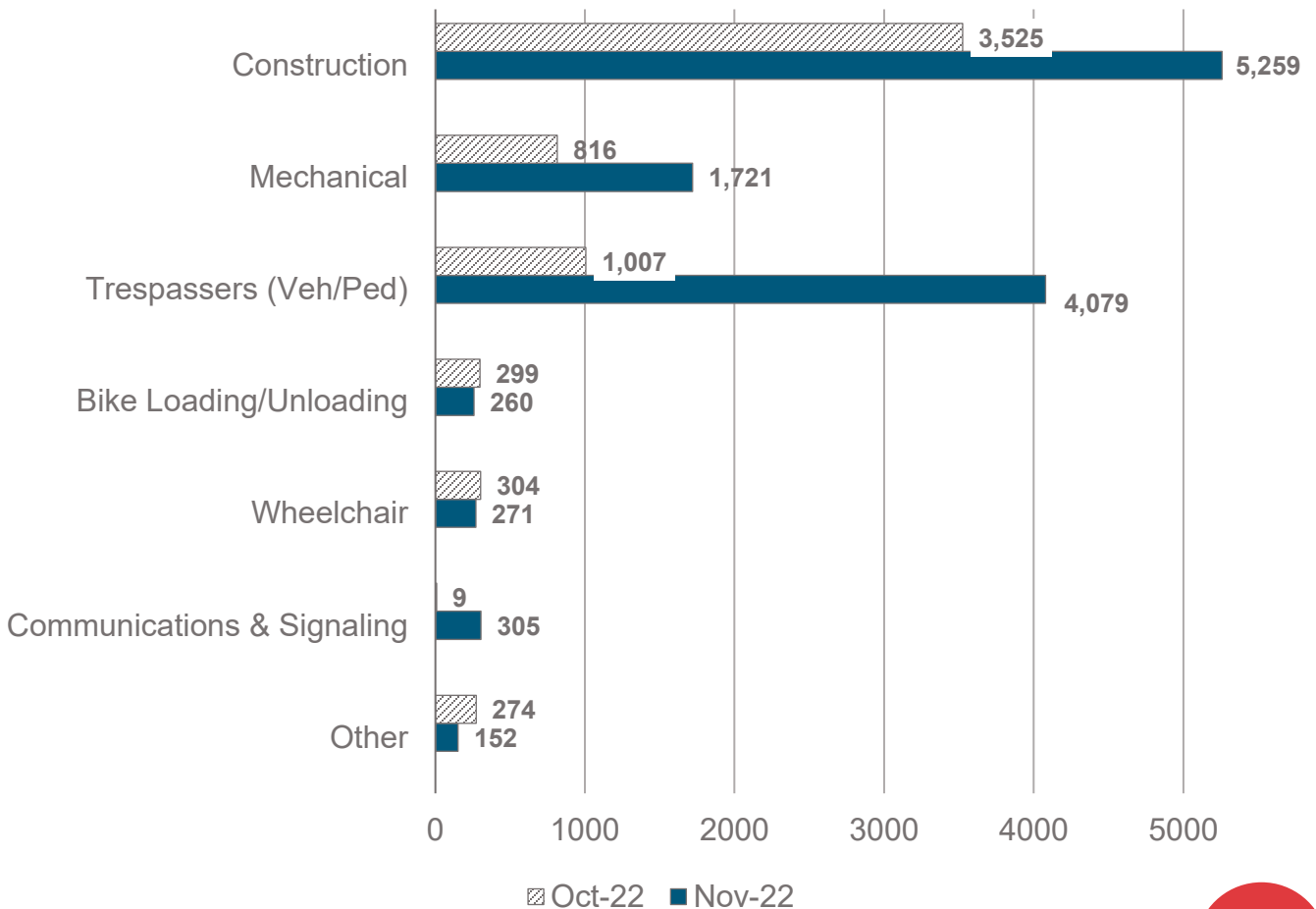


Delays and Cancellations

	<u>Sep-22</u>	<u>Oct-22</u>	<u>Nov-22</u>
Number of Late Trains	359	230	405
Average Minutes Late for Late Trains	22	20	27
Number of Cancelled Trains	36	7	30

Trains are considered late if they arrive at their end-line destination six minutes or more after the scheduled time. Average Minutes Late represents the average difference in actual arrival time from the scheduled arrival time for late trains. Cancelled Trains includes trains forced to terminate mid-run, as well as those that are annulled before they begin to operate.

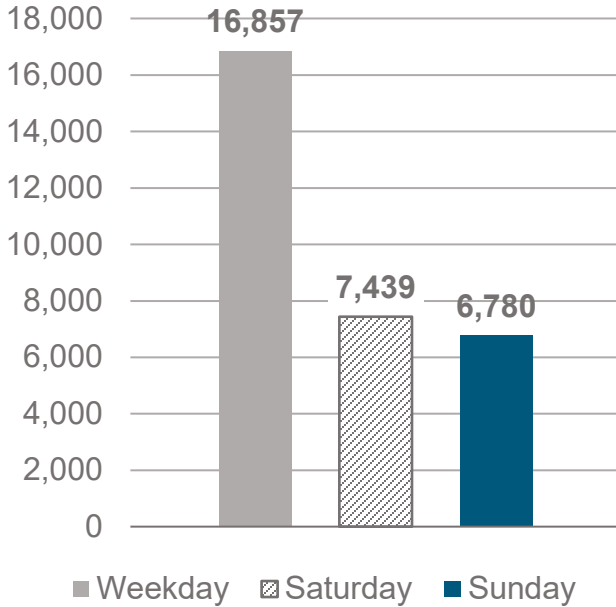
Reasons for Train Delays, by Minutes of Delay





Ridership and Revenue

Average Daily Ridership (Nov-22)

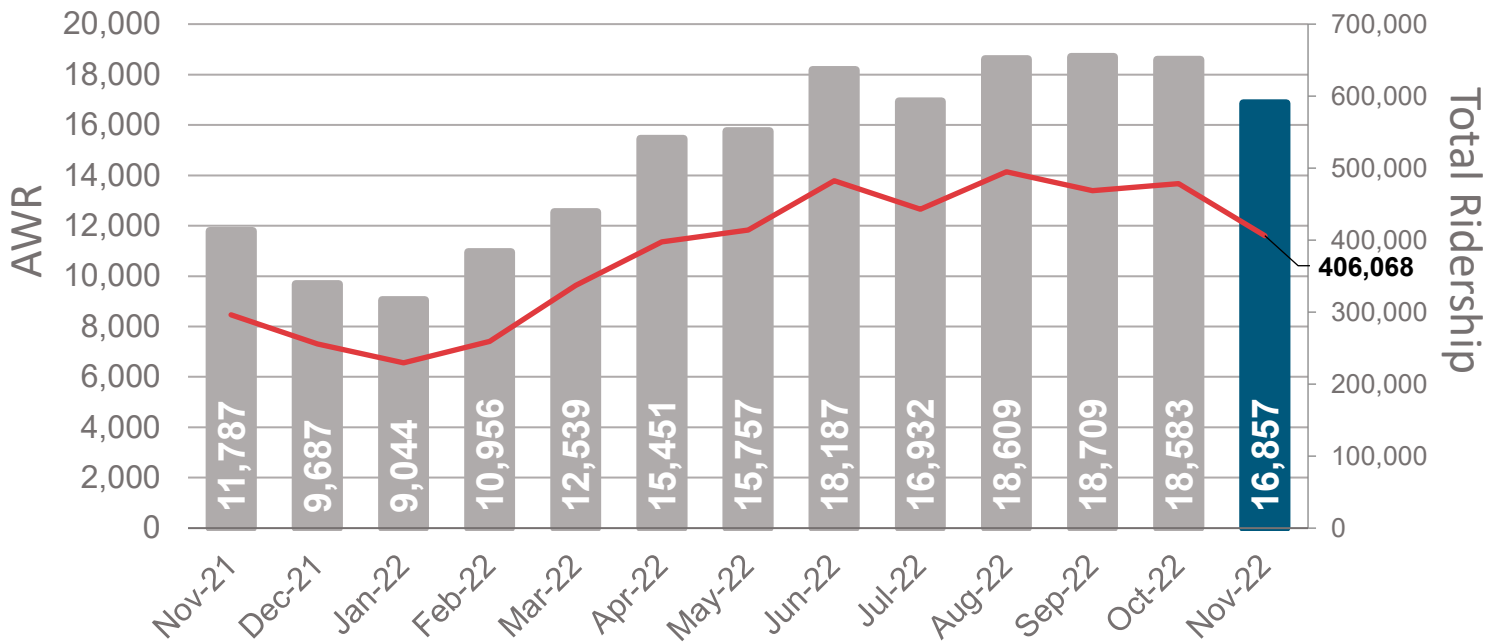


Both total and average weekday ridership (AWR) increased significantly from the same month in the prior year due to the receding impacts of the COVID-19 pandemic, including gradual introduction of return-to-office policies and increased leisure activities such as special events at Oracle Park and Chase Center.

Ridership in the Past Year

■ Average Weekday Ridership

— Total Monthly Ridership



Since April 2020, ridership estimates have been developed using daily conductor counts at 14 key stations and Clipper cards used at all stations due to significant impacts to ticket sales and usage patterns from the COVID-19 pandemic.





Ridership and Revenue

Special Service Ridership Report

49ers

- Two games in November.
- Total ridership boarding and alighting at Mountain View station was 3,070.
- YTD ridership is 7,539, a 42% increase compared to 2021 (5,325), and a 41% decrease compared to 2019 (12,695).

Sharks

- Eight home games in November.
- Total additional ridership boarding at San Jose Diridon station was 440.
- Year-to-date additional ridership is 890, a 26% decrease compared to 2021 (1,209) and a 76% decrease compared to 2019 (3,748).

Other SAP Center Events

- Ozuna
 - Total additional ridership boarding at San Jose Diridon station was 8.

Stanford Football

- Two games in November.
- Total riders boarding and alighting at the Stanford station for the 11/5 game was 541.
- Total riders, including non-game attendees, boarding and alighting at the Palo Alto station for the 11/26 game was 252.
- Total season ridership is 2,770, a 51% decrease compared to 2019 (5,650).

Warriors

- Six regular season games.
- Total additional post-game ridership boarding at San Francisco station was 1,742.
- Year-to-date additional ridership is 3,528, a 21% decrease compared to 2021 (4,456) and a 59% decrease compared to 2019 (8,541).

Other San Francisco Events

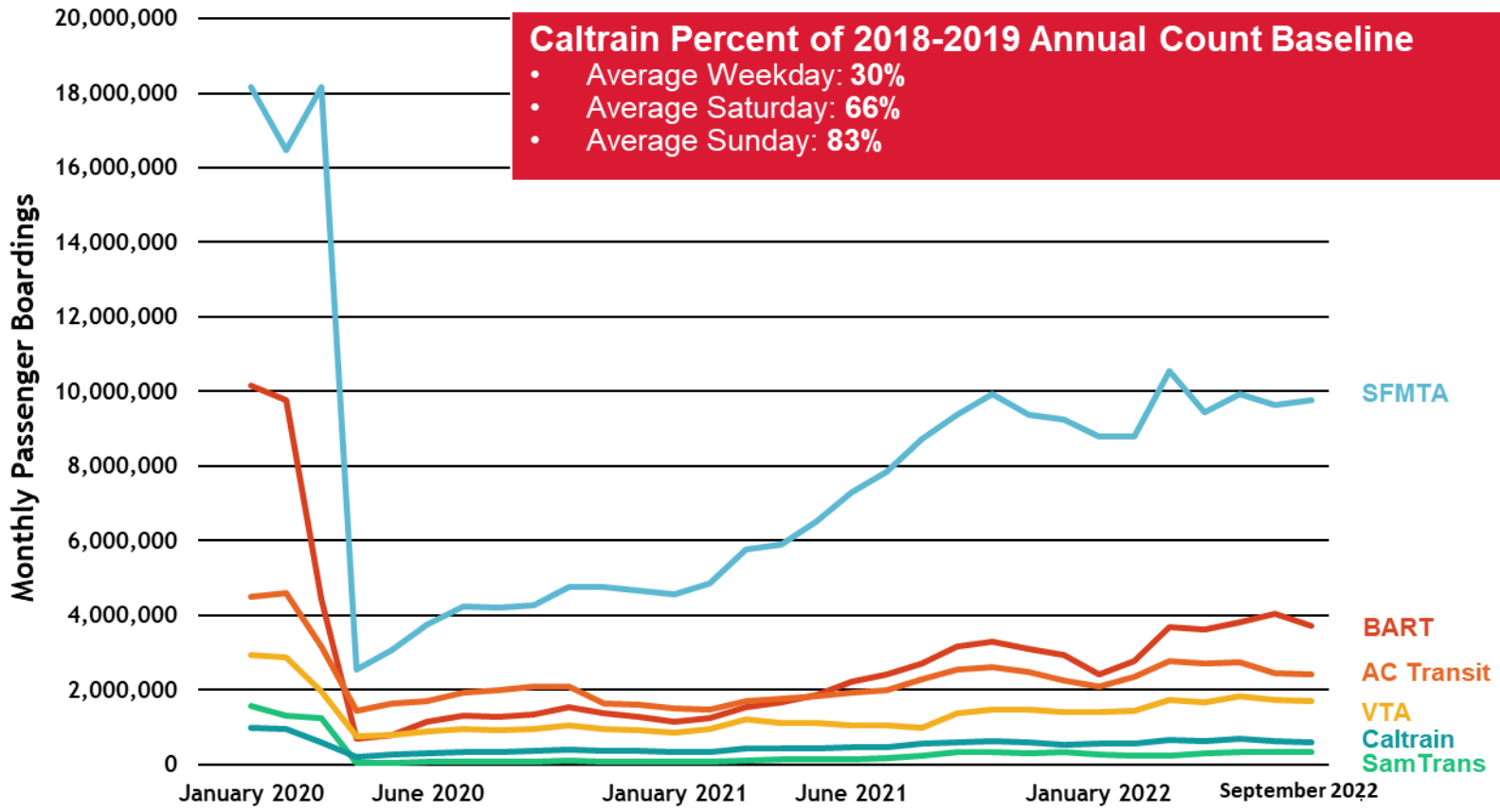
- Opera at the Ballpark.
 - Total additional ridership is 858, a 428% increase compared to 2021 (163) and a 56% decrease compared to 2019 (1,959).





Ridership and Revenue

Public Transit Ridership Recovery in the Bay Area



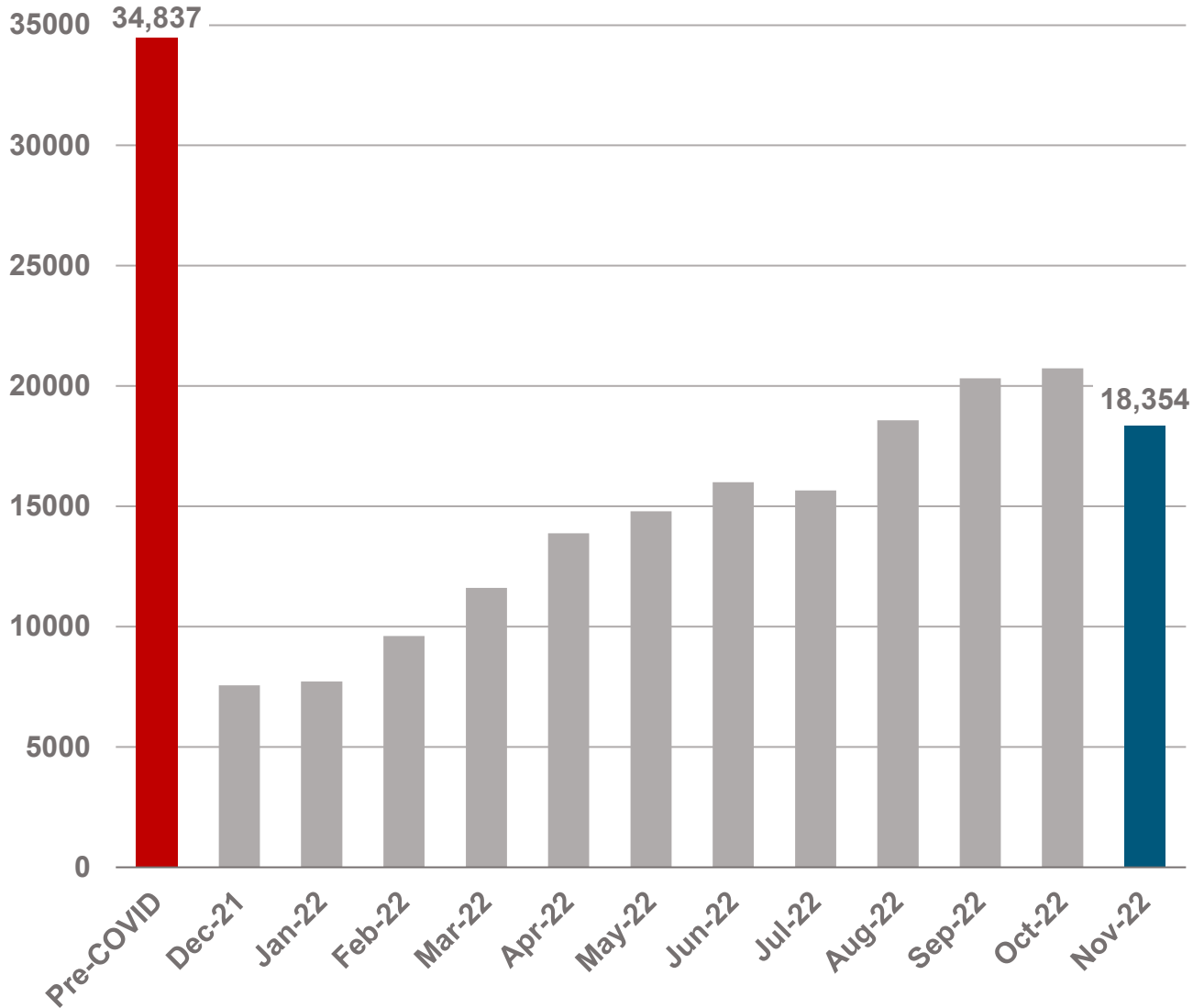
Sources: National Transit Database - Monthly Module
Caltrain Passenger Monthly Passenger Counts





Ridership and Revenue

Monthly BART Transfers at Millbrae in the Past Year



BART Transfers at Millbrae represents the total number of BART-to-Caltrain and Caltrain-to-BART transfers, as measured by Clipper Card data.

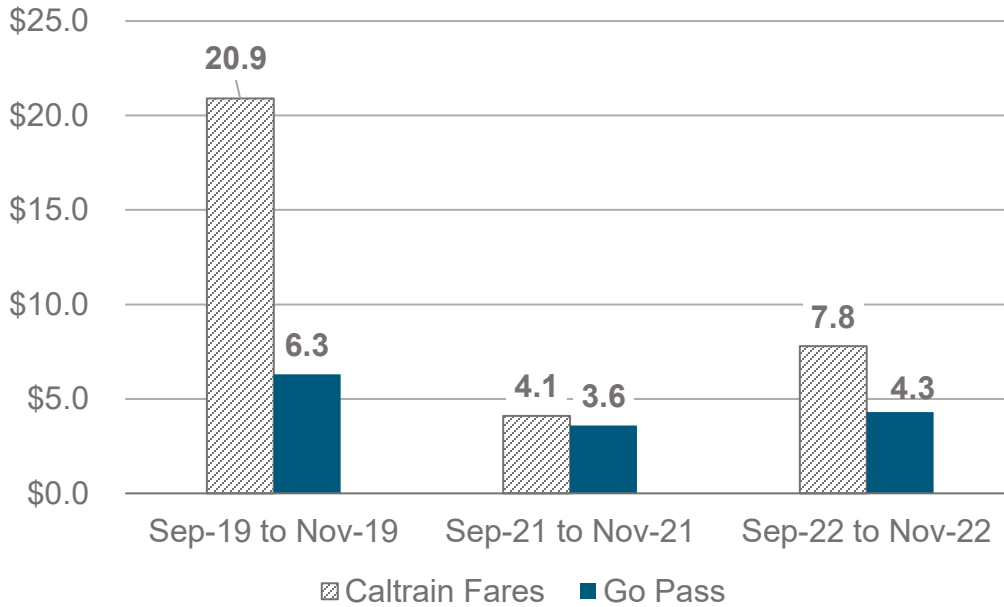
Pre-COVID data is provided for comparison purposes and represents average monthly transfers during the one-year period from March 2019 to February 2020.





Ridership and Revenue

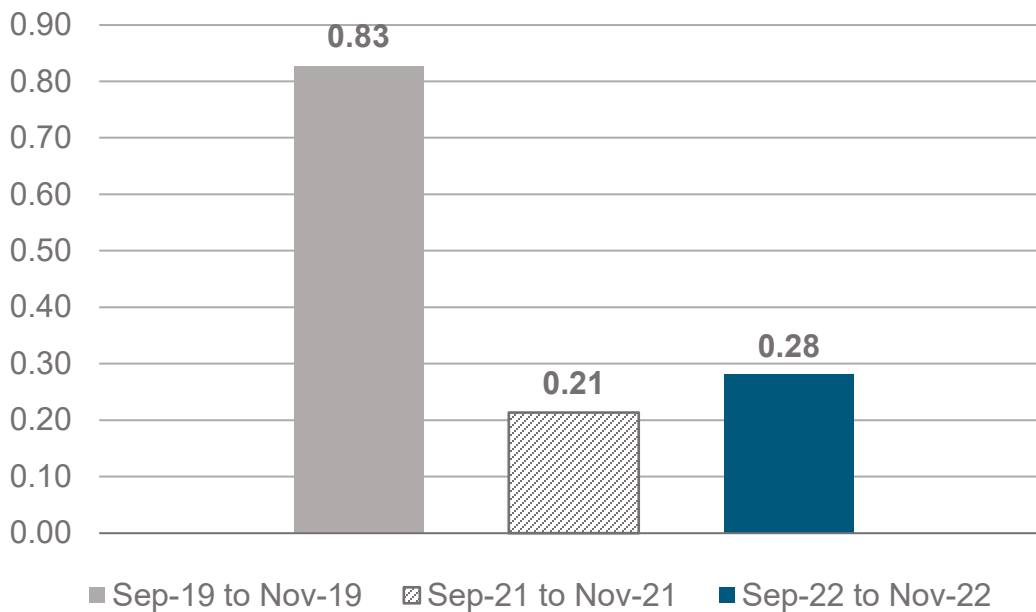
Total Fare Revenues (\$M) - Past 3 Months Comparison



Fare revenue comes in the form of one-way tickets, daily or monthly passes (“Caltrain Fares”), and the Go Pass program.

Fare revenue is generally more stable than ridership due to many riders paying for monthly passes, which provide consistent revenue regardless of usage.

Farebox Recovery Ratio (3-Month Rolling Average)



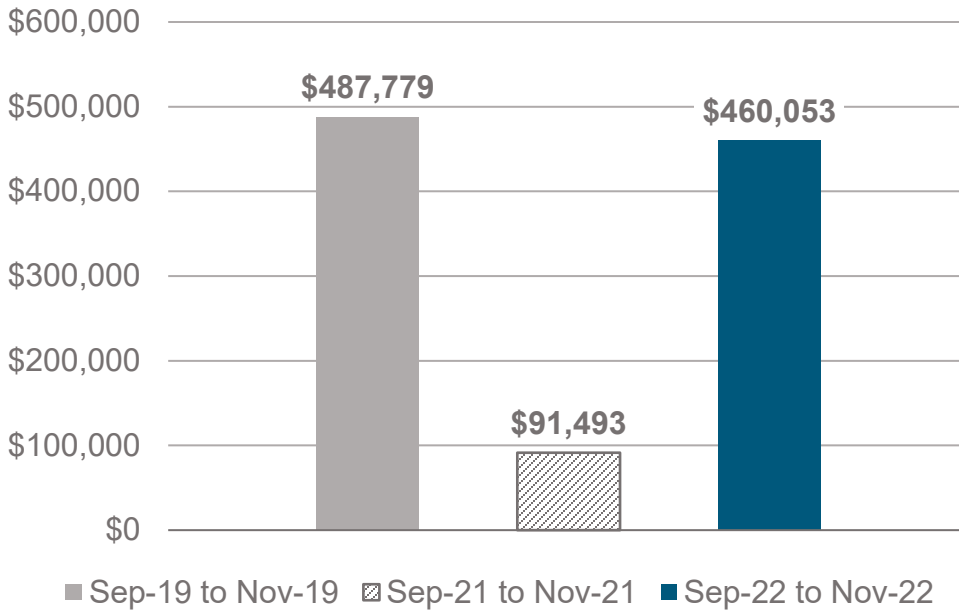
Farebox Recovery Ratio represents how much of the cost of providing service is covered by customer fares. A higher ratio indicates that a greater share of costs are covered by riders.





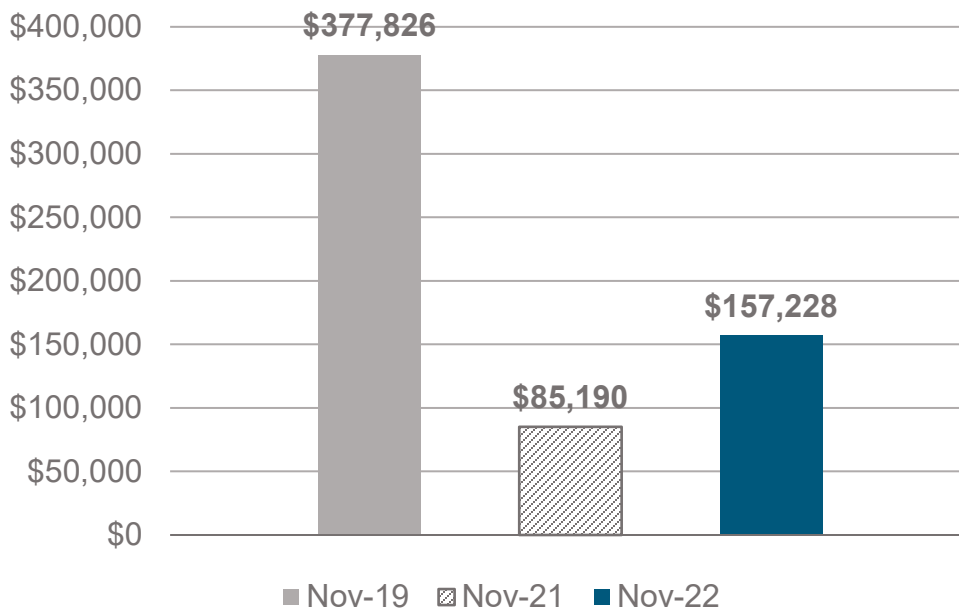
Ridership and Revenue

Advertising Revenue (3-Month Rolling Average)



Advertising Revenue declined substantially for transit agencies throughout the country with the onset of the COVID-19 pandemic. However, the most recent 3-month period of revenue is nearly as high as the same 3-month period in 2019.

Parking Revenue (Monthly)



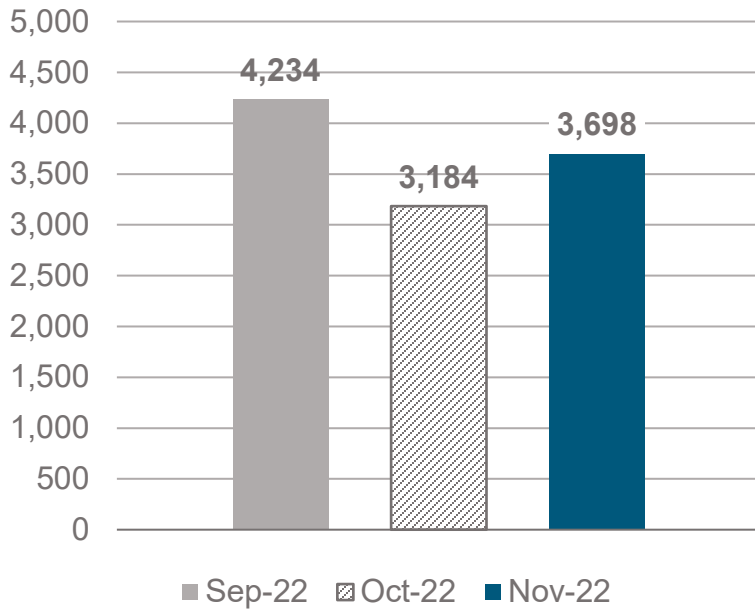
Parking Revenue is generated by purchases of daily and monthly parking permits for parking at Caltrain-owned lots.





Maintenance Performance

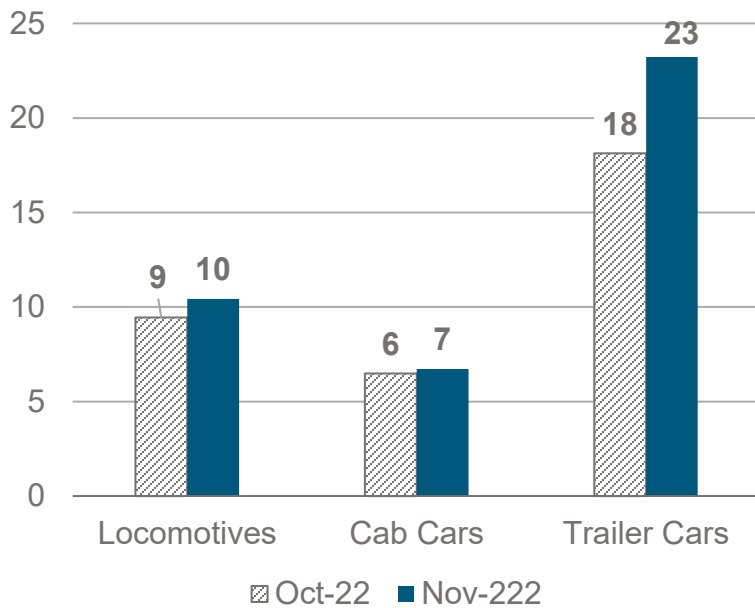
Mean Distance Between Failure (Locomotives)



Mean Distance Between Failure (MBDF) is a measure of fleet reliability that represents the average distance traveled by train cars before maintenance or repair is required. A higher value indicates an improvement in reliability. Data is measured in miles.

The graph to the left represents MDBF for all passenger locomotives in Caltrain's fleet.

Equipment in Maintenance/Repair



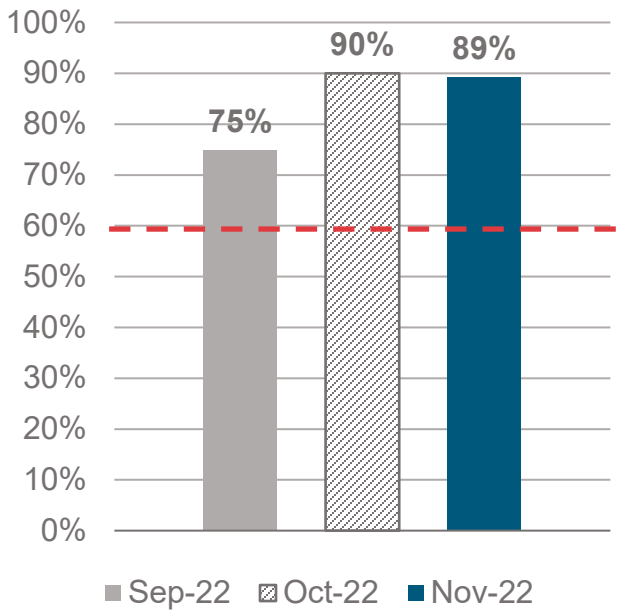
Equipment in Maintenance/Repair represents the number of locomotives and cars that are out of service on an average day each month due to routine and preventative maintenance or other repairs.





Maintenance Performance

Equipment Availability (Locomotives)

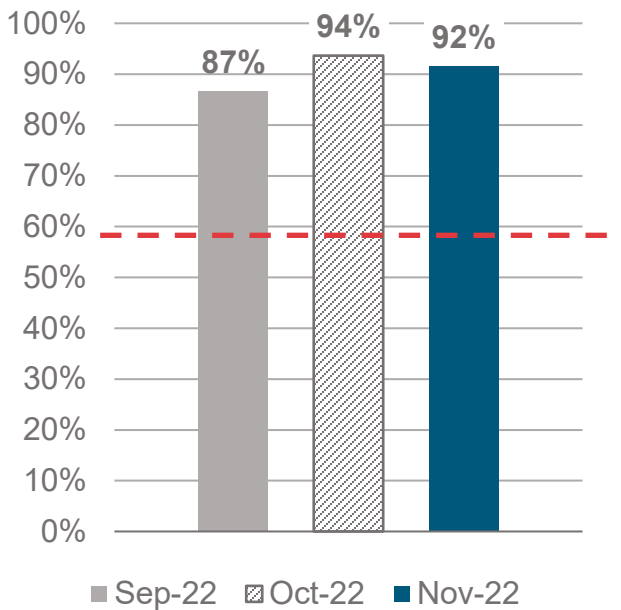


Equipment Availability is the number of cars or locomotives available for service on an average day each month as a percentage of the daily equipment required to run base service.

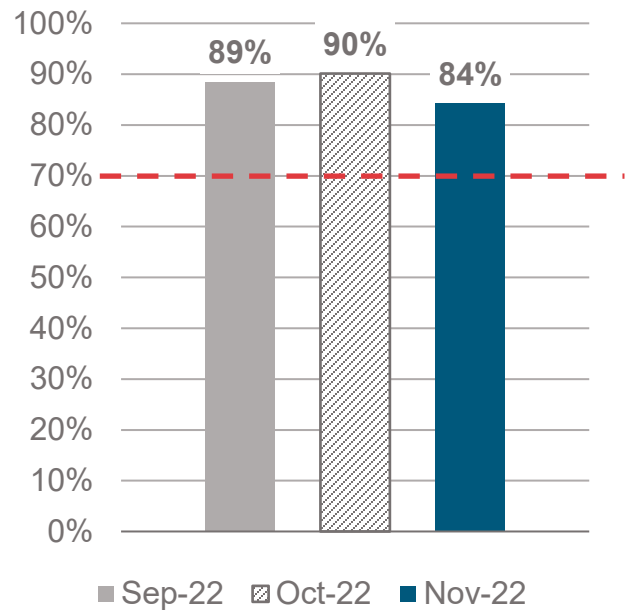
Caltrain currently owns 29 passenger locomotives, with 18 required daily; 36 cab cars, with 21 required daily; and 98 trailer cars, with 69 required daily.

The high average age of Caltrain's current fleet, with around two-thirds being at the end of its useful life, significantly affects availability.

Equipment Availability (Cab Cars)



Equipment Availability (Trailer Cars)



Note: The dotted red line (- - -) on each graph represents the target line (i.e., the percentage of each equipment type required to run base service on an average weekday).





Service and Program Updates

Electrification Year in Review

Caltrain Electrification is a transformational project modernizing a 150-year-old corridor, creating jobs across the country, combating climate change, and significantly improving service for riders. The new high-performance trainsets and their associated infrastructure represent a key milestone in California's transit and sustainability future. In 2022, we completed numerous achievements related to testing, infrastructure, and engagement that provide critical steps forward in the Caltrain Electrification project. A video summarizing these many accomplishments can be viewed at <https://www.caltrain.com/year-review-2022>.

Outreach to our communities and riders continued in 2022. Caltrain participated in 22 outreach events and sent out more than 70,000 mailers to inform nearby residents of construction activities.

Caltrain also launched a public outreach campaign to educate passengers, residents, and businesses about best safety practices along the corridor. More safety information about Caltrain Electrification is available at <https://www.caltrain.com/projects/electrification/resources/safety>.

Caltrain Electrification Receives \$43 Million

Caltrain will receive \$43 million in federal funding as part of the recent omnibus spending bill, which passed Congress and is expected to be signed by President Biden. The funding will help fill the funding gap for Caltrain's Electrification project, which is scheduled to be completed in fall 2024. Of the federal funding, \$10M was secured by Senators Dianne Feinstein and Alex Padilla as a community project and \$33M was included as part of the Federal Transit Administration's Capital Investment Grant Program for projects with existing Full Funding Grant Agreements.





Communications and Marketing Update

November 2022 Press Releases:

- "Michelle Bouchard Named Caltrain Executive Director"
- "Caltrain to Host Meetings on Potential Changes to Monthly Pass"
- "Caltrain to Deliver Opera Aficionados to La Traviata"
- "Caltrain to Deliver Lizzo Fans to Concert at Chase Center"
- "Caltrain Seeks Representatives for Bicycle & Active Transportation Advisory Committee"
- "Caltrain Runs Service to Carrie Underwood Concert at Chase Center"
- "Holiday Train to Kick-off the Season of Giving December 3 & 4"
- "Caltrain Seeks Additional Representatives for Bicycle & Active Transportation Advisory Committee"
- "Caltrain Changes Schedule for Thanksgiving Holiday, Day After"
- "Caltrain Reduces Service for Two Weeks to Expedite Electrification Construction"

November 2022 Campaigns:

- Take Caltrain to the Game - Warriors, Sharks, 49ers, Stanford Football (ongoing)
- Caltrain Special Event Service
- Caltrain Service Interruption
- Holiday Train Campaign
- Clipper Mobile (ongoing)
- 20% Off Caltrain Monthly Pass (ongoing)
- Clipper Start (ongoing)

November Digital Marketing Highlights:

- Michelle Bouchard announced as Executive Director
- Public Meeting for Monthly Pass
- Twitter acquired by Elon Musk, leading to a loss in followers
- Commuter Rail Summit
- Announced Holiday Train

In November, Caltrain held a public meeting to gather opinions on the upcoming fare change for the Monthly Pass. Caltrain also hosted the first Commuter Rail Summit in San Jose in partnership with the Commuter Rail Coalition.





Capital Projects Update

This section of the report includes a sample of projects currently in construction/implementation.

Project: South San Francisco (SSF) Station Improvements

Project Description		Status Summary			
		Safety	Schedule	Budget	Funding
This project replaces the existing side platforms with a new centerboard platform, construction of a new connecting pedestrian underpass to the two new plazas in downtown South San Francisco to the west and the shuttle area to the east.		●	●	●	●
Project Phase: 6 - Procurement/Construction/Implementation					
Project Costs (in thousands of dollars)				Estimated Completion	
	Current Budget	Committed to Date	Expended + Accruals		
Totals	96,600	85,293	82,811	12/31/2022	
Percentages	100.00%	88.3%	85.7%		
Project Highlights – Recent and Upcoming Work					
<p>Negotiated final change request from the contractor.</p> <p>Seek approval for final change order from Contract Change Committee. Upon final payment, acquire Unconditional Release from PMI and begin work on Final Acceptance and Notice of Completion. Agency staff to prepare lessons learned session and to revise ADA slopes at ramps and landing design criteria to require industry recommended construction tolerances.</p>					

Note: The Capital Projects information is current as of November 30, 2022, and is subject to change prior to the January 2023 Board meeting.

Statuses: ● – Green ● – Yellow ● – Red





Capital Projects Update

Project: Ticket Vending Machine (TVM) Upgrade

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
This project will upgrade the existing TVM Server and retrofit and refurbish existing TVM machines to include functions planned for the Clipper program. The new machines will be able to dispense new Clipper cards (excluding discount Clipper cards that require verification of eligibility) and allow customers to add value to existing Clipper cards. In addition, the scope was increased to include upgrades to the credit card reader and database.	●	●	●	●
Project Phase: 6 - Procurement/Construction/Implementation				
Project Costs (in thousands of dollars)				Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals	
Totals	3,892	2,731	1,908	06/30/23
Percentages	100.00%	70.2%	49.0%	
Project Highlights – Recent and Upcoming Work				
Phase 4: The vendor is still waiting on certain parts for the upgrade. The latest estimated delivery date is late December 2022.				
Phase 5: Executed the Phase 5 option in the contract which is the last phase of the project.				

Note: The Capital Projects information is current as of November 30, 2022, and is subject to change prior to the January 2023 Board meeting.

Statuses: ● – Green ● – Yellow ● – Red





Capital Projects Update

Project: Clipper Next Gen Validators Site Preparation

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
<p>The scope of the project is to:</p> <ul style="list-style-type: none"> • Prepare all 30 Caltrain stations (excluding Stanford) to be ready for the installation of the next generation Clipper validators. There will be a total of 305 validators installed by MTC/Cubic. • Provide conduits and cables for 120 VAC electrical at all the locations where the new Clipper validators will be installed by MTC/Cubic. • Install anchor bolts in the platforms where the new Clipper validators will be mounted. • Install ground rods or utilize existing electrical grounding for the new Clipper validators. 	●	●	●	●
Project Phase: 6 - Procurement/Construction/Implementation				
Project Costs (in thousands of dollars)				Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals	
Totals	4,141	1,943	1,735	
Percentages	100.00%	46.9%	41.9%	1/31/23
Project Highlights – Recent and Upcoming Work				
<p>Contractor completed all the stations for the new Clipper validator by providing electrical power at the new validator locations on the platforms. MTC/Cubic installed all the new Clipper validators at the stations. Conducted a punch list site walk with Rail Operations.</p> <p>Address all the items on the punch list.</p>				

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Statuses: ● – Green ● – Yellow ● – Red





Capital Projects Update

Project: Bayshore Station Bridge Painting

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
This project will perform rehabilitation of the coatings of the existing steel pedestrian overpass bridge at the Bayshore Station in Brisbane. The bridge's paint coatings are in need of rehabilitation due to surface rust. This work combined with a complete repainting of the bridge will bring the structure to a state of good repair.	●	●	●	●
Project Phase: 6 – Procurement/Construction/Implementation				
Project Costs (in thousands of dollars)				Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals	
Totals	6,870	3,498	1,16	
Percentages	100.00%	40.9%	20.6%	01/31/23
Project Highlights – Recent and Upcoming Work				
<p>Crews mobilized onsite and working to install scaffolding and shrink wrap enclosure systems on the east and west towers and pedestrian bridges.</p> <p>Continuing weekly meetings with the Contractor Top Line Engineers. Continue review and processing of project submittals.</p> <p>Delays have occurred from the contractor obtaining approval for installation of the scaffold system in full compliance with some of the Contract requirements. Delay impacts planned substantial completion and final completion dates. Schedule status light shown as yellow while the Contractor evaluates the impact and develops schedule recovery measures.</p>				

Note: The Capital Projects information is current as of November 30, 2022, and is subject to change prior to the January 2023 Board meeting.

Statuses: ● – Green ● – Yellow ● – Red





Capital Projects Update

Project: Guadalupe River Bridge Replacement

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
JPB will replace the MT-1 railroad bridge and extend and seismically retrofit the MT-2 railroad bridge over the Guadalupe River in the City of San Jose, Santa Clara County, California. The project is located just north of Willow Street and east of State Route (SR) 87 between the Tamien and San Jose Diridon stations.	●	●	●	●
Project Phase: 6 – Procurement/Construction/Implementation				
Project Costs (in thousands of dollars)				Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals	
Totals	63,699	9,252	8,540	02/16/25
Percentages	100.00%	14.5%	13.4%	
Project Highlights – Recent and Upcoming Work				
<p>The Guadalupe River Bridge Replacement Project contract was executed on 10/28/2022 with an Effective Date of 11/1/2022. JPB's Construction Management consultant mobilized to JPB's field office at 699 Park Avenue in San Jose on 11/14/2022.</p> <p>Limited Notice to Proceed was issued on 11/21/2022, authorizing pre-construction activities.</p> <p>A Pre-Construction Meeting was held between JPB and Walsh Construction on 12/8/2022 to initiate focused coordination with various stakeholder disciplines such as safety, environmental, engineering, and public outreach.</p>				

Note: The Capital Projects information is current as of November 30, 2022, and is subject to change prior to the January 2023 Board meeting.

Statuses: ● – Green ● – Yellow ● – Red





Capital Projects Update

Project: Broadband Wireless Communications

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
The project will design a broadband wireless communications system along the Caltrain corridor for the wayside train maintenance diagnostics and passenger Wi-Fi service. The project will investigate leveraging the existing infrastructure such as the Overhead Contact System (OCS) poles and JPB fiber network to communicate with passing trains. Wayside antennas may be mounted on the OCS poles at a constant interval to communicate with moving trains that will be equipped with radios and antennas.	●	●	●	●
Project Phase: 5 - Development (100/IFB)				
Project Costs (in thousands of dollars)				Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals	
Totals	28,820	1,241	701	9/30/24
Percentages	100.00%	4.3%	2.4%	
Project Highlights – Recent and Upcoming Work				
<p>The team developed an updated Estimate At Completion budget and schedule for the project and received approval from the Management Committee to re-baseline the budget and schedule. Finalized the Staff Report, Resolution, and PowerPoint presentation and made presentation to the Finance Committee for the December Board.</p> <p>Awarded the contract at the December Board meeting.</p>				

Note: The Capital Projects information is current as of November 30, 2022, and is subject to change prior to the January 2023 Board meeting.

Statuses: ● – Green ● – Yellow ● – Red





Capital Projects Update

Project: MP-36 Locomotive Mid-Life Overhaul Project

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
<p>This project involves performing mid-life overhaul of six MP-36-3C Locomotives. The mid-life overhaul includes complete disassembly of the main diesel engine, overhauling by reconditioning re-usable main frame components and re-assembly with new engine components and replacement of Separate Head-End Power (SEP-HEP) unit and all electrical components of the SEP-HEP compartment. All areas of the locomotive car body, trucks, wheels and electrical components shall be reconditioned to like-new condition or replaced with new material. The project work is occurring off-site at the contractor's facility location. The 6 locomotives to be overhauled are Locomotive #'s 923, 924, 925, 926, 927 & 928. In order to maintain daily service, only 1 to 2 of these locomotives are released at a time for overhaul work that is expected to take approximately 8 months per locomotive. Due to this restriction, the overall completion of this work is expected to take approximately 4 years.</p>	●	●	●	●
Project Phase: 6 – Procurement/Construction/Implementation				
Project Costs (in thousands of dollars)				Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals	
Totals	15,430	13,172	5,683	
Percentages	100%	85.4%	36.8%	05/31/24
Project Highlights – Recent and Upcoming Work				
<p>Unit 927 is in service, and the annual maintenance was completed. Unit 924 was painted and inspected. Unit 925 is still in overhaul - due to ship in late January 2023.</p> <p>Vehicles 924 and 925 are at Mare Island undergoing rehabilitation. Most of the static testing is complete for vehicle 924 with a forecasted ship date in January 2023. Caltrain to prepare next unit for overhaul to ship to Alstom.</p>				

Note: The Capital Projects information is current as of November 30, 2022 and is subject to change prior to the January 2023 Board meeting.

Statuses: ● – Green ● – Yellow ● – Red



Acknowledgements

This report is made possible by contributions from the following groups and individuals.

Caltrain Planning

Dahlia Chazan, Deputy Chief
Ted Burgwyn, Director, Rail Network and Operations Planning

Communications Division

Robert Casumbal, Director, Marketing & Research
Jeremy Lipps, Digital Communications Manager
Julian Jest, Manager, Market Research & Development

Finance Administration

Ryan Hinchman, Director, Financial Planning & Analysis
Bruce Thompson, Manager, Fare Program Operations
Dapri Hong, Budget Analyst III

Rail Administration / Rail Operations & Maintenance

David Santoro, Acting Chief Operating Officer
Patrice Givens, Administrative Analyst II
Graham Rogers, Business Operations Project Manager
Sam Sargent, Director, Strategy & Policy
Henry Flores, Deputy Director, Rail Vehicle Maintenance

Rail Development

Rob Barnard, Deputy Chief
Andy Robbins, Director Capital Program Delivery
Jonathan Tillman, Director Capital Programs Management
Robert Cheung, Project Controls Deputy Director
Sowmya Karipe, Project Controls Specialist

Additional Support

Caltrain Staff Coordinating Council
Don Esse, Senior Operations Financial Analyst
Margie Alexander, TASI
Sarah Doggett, MTC



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

Draft Minutes of December 1, 2022

Members Present (Remote): C. Chavez (arrived 9:09am), D. Davis, J. Gee, G. Hendricks, D. Pine

Members Present (In Person): S. Heminger (Chair), S. Walton, M. Zmuda

Members Absent: C. Stone (Vice Chair)

Staff Present: M. Bouchard, G. Martinez, J. Harrison, A. Myles-Primakoff, S. Sargent, C. Fromson, D. Ryan, R. Barnard, D. Chazan, M. Meader, K. Yin, B. Shaw, P. Shrestha, 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 confirmed a quorum of the Board was present.

3. Public Comment for Items Not on the Agenda

David Bini, Santa Clara Building and Construction Trades Council, commented on construction workers, a project labor agreement, thanks to Caltrain staff, and having a Project Labor Agreement (PLA) to provide structure for future construction projects.

4. Report of the Executive Director

Michelle Bouchard, Executive Director, reported on the following:

- Nationwide rail strike was averted
- Deficits and updates in the electrification process and keeping it on schedule
- State and federal local funds
- Working with Metropolitan Transportation Commission (MTC) to develop a joint advocacy program
- Holiday train and future cutovers

The Board members had a discussion and staff provided further clarification in response to the Board comments and questions regarding the duration of the weekend shut down and plan for communication.

Public Comment

Adina Levin, Friends of Caltrain, commented on Caltrain along BART, regional transit, working with MTC, state funding, and electrification done.

Adrian Brandt, San Mateo County, commented on outreach, wayfinding, and posting at stations.

Remi Tan, Pacifica, commented on eliminating grade crossings and securing tracks, ridership levels, and consolidating bay area transit.

5. Consent Calendar

- 5.a. Approve Regular Meeting Minutes of November 3, 2022**
- 5.b. Approve 2023 Board Meeting Calendar**
- 5.c. Renewing Resolution Adopting Findings to Authorize Holding Meetings Via Teleconference for 30 Days Pursuant to AB 361**
- 5.d. Accept Statement of Revenues and Expenses for the Period Ending October 31, 2022**
- 5.e. Award of Contract to Provide Energy Regulatory and Other Legal Services**
- 5.f. Authorize an Amendment to the On-Call Railroad Business Operations and Systems Support Services Contracts**
- 5.g. Diridon Business Case: Amendment to Funding Agreements**
- 5.h. Authorization to Amend Funding Agreements with the California Department of Transportation for the San Mateo Grade Crossing Improvements Project**
- 5.i. Award of Contract for Watkins Avenue Grade Crossing Improvements Project**
- 5.j. Authorize an Amendment to Contract No. 19-J-P-073 with HDR Engineering, Inc. for Engineering Consultant Design Services**
- 5.k. Authorize Amendment to On-Call Owner's Representative Electrification Support Services Contract 14-PCJPB-P-007 for the Caltrain Modernization Program**
- 5.l. Increase Contract Authority For Balfour Beatty Infrastructure Inc. (BBII) Services Contract No. 14-PCJPB-P-054 for Non-PCEP Work**
- 5.m. Amend and Increase the Fiscal Year 2023 Caltrain Capital Budget by \$23,815,828 from \$102,593,584 to \$126,409,412 and Authorize Receipt of State Rail Assistance Program Funds**
- 5.n. Adopt Caltrain Monthly Pass Proposed Changes**
- 5.o. Accept Quarterly Fuel Hedge Update**
- 5.p. Adopt Caltrain Short-Range Transit Plan for Fiscal Years 2023 to 2028**
- 5.q. Adoption of the 2022 Title VI Program**
- 5.r. State and Federal Legislative Update**
- 5.s. Corridor Crossing Strategy**
- 5.t. Caltrain Go Pass Donation Program Update**
- 5.u. Capital Projects Quarterly Status Report - 1st Quarter Fiscal Year 2023**

In response to Board member questions on Item 5l, staff clarified that the installation, removal, and reinstallation of the poles and wires was done to keep the electrification program on track and to ensure the entire segment was tested for warranty purposes.

Motion/Second: Hendricks/Walton moved to approve the Consent calendar, with the exception of Items 5e, 5f, and 5j

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

Noes: None

Absent: Stone

Motion/Second: Zmuda/Davis moved to approve Item 5e
Ayes: Chavez, Davis, Hendricks, Pine, Walton, Zmuda, Heminger
Noes: None
Absent: Stone
Recused: Gee

Motion/Second: Davis/Zmuda moved to approve Items 5f and 5j
Ayes: Davis, Gee, Hendricks, Pine, Walton, Zmuda, Heminger
Noes: None
Absent: Stone
Recused: Chavez

6. Broadband Communications Services Contract Award

James Harrison, Legal Counsel, provided the introduction for the next two items.

6a. Consideration of Finance Committee Recommendation to Reject Appeal of Protest filed by Icomera US Inc.

Rob Barnard, Deputy Chief, Rail Development, provided the presentation which included the following:

- Summary of the request for proposal (RFP) requirements and project overview
- Procurement schedule and procurement results
- Staff recommended the award of two contracts: system implementation and development contract and operations and maintenance support services contract

Motion/Second: Davis/Hendricks moved to reject the appeal
Ayes: Chavez, Davis, Gee, Hendricks, Pine, Walton, Zmuda, Heminger
Noes: None
Absent: Stone

6b. Award Contracts to Nomad Digital, Inc. for Broadband Communications Services

Kevin Yin, Director of Contracts and Procurement, provided a presentation which included the following:

- Summarized intent to award on November 9 subsequent protest by Icomera, and Caltrain's response on November 18
- Reviewed the provided grounds for protest and Caltrain's response and rejection of the protest
- Icomera's appeal at the November 21 JPB Finance committee meeting and the Finance committee's recommendation to reject the protest based on the lack of evidence

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

- Finance Committee Chair Monique Zmuda said the committee heard from firm, did not find reasonable cause to overturn proposed contract, opined the contract would provide more services than initially expected, and the technology has been tested and working

- +the decision
- Expressed enthusiasm for this service for riders and grateful we're at this step
- Reported access to transparency, scores, perceived bias, not finding evidence to support their claims, and the great service enhancement to our riders
- Having this item on the critical path so if it's not installed, we do not open electrification
- Obtaining enough capacity to accommodate a surge in users and the option to replace routers on new cars to tap into that capacity, cost unknown at this time
- How well will it perform in terms of me, webs, procurement installation of the vehicles,
- This yielding future returns and allowing more efficient maintenance of vehicles

Public Comment

Adina Levin, Friends of Caltrain, commented on how this relates to budget issues in Caltrain, funding sources, budget and maintenance, state of good repair (SOG), safety improvements, given current budget and trade offs.

Adrian Brandt, San Mateo County, commented on the technology, and performance in tunnels.

Motion/Second: Davis/Hendricks moved to award contracts to Nomad Digital for Broadband Communications Services

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

Noes: None

Absent: Stone

7. Adopt Policy Regarding New Brown Act Remote Meetings Exceptions

James Harrison, Legal Counsel, provided a presentation that included the following:

- Remote meetings/state of emergency withdrawn for members at the end of February
- Location you are participating from needs to be identified and open to the public
- Or remotely participate with narrow exceptions (needs just cause)
- Emergency circumstances definition (need permission from board first)
- Proposed policy; recommend allowing public participation via remotely

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

- Noting that March meetings is when this takes effect and contacting the Board Secretary if just cause is needed
- House of Representatives having proxy voting until August

Public Comment

Adina Levin, Friends of Caltrain, commented on over-restrictions and encouraged Caltrain to pursue legislation.

Jeff Carter, Millbrae, commented on zoom meeting continuation for the public, and it not making sense for board members to not be able to participate remotely.

Adrian Brandt, San Mateo County, commented on supporting staff recommendation to allow public participation via zoom.

Motion/Second: Pine/Davis

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

Noes: None

Absent: Stone

8. San Francisco Downtown Rail Extension (DTX) Update

Dahlia Chazan, Deputy Chief Caltrain Planning, presented a presentation with the following information:

- Having more regular updates on the project and how to continue to engage the board
- Project elements, schedule, and ready for service in 2031 depending on funding
- Agreement between Caltrain and the Transbay Joint Powers Authority (TJPA) on future work
- Full funding grant agreement in 2025
- Federal Transit Administration (FTA) determination depends on ridership, governance, delivery, management, financial plan and design
- Fourth and King site work and work in concurrence with electrification program in 2024

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

- Rebranding the proposal to emphasize a regional approach, TJPA looking for local match, and this Board needing updates on a regular basis
- Interest in a local match strategy and understanding trade-offs
- Federal funding numbers and additional funding with respect to Caltrain
- The number of people dedicated to this project
- Putting together a communications strategy and framework regarding funding for the public
- Bring back the stage gate process to dictate timing
- Replacing the pedestrian tunnel if it was removed

Public Comment

Adrian Brandt, San Mateo County, commented on the physical connection between this project and BART, having a system map with other agencies, and pedestrian tunnel removed.

Vaughn Wolffe, Pleasanton, commented on delayed projects, having experienced staff, and having plans for delayed projects.

9. Metropolitan Transportation Commission (MTC)/Regional Update

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

- Governance framework for Regional Network Management (RNM)

- MTC staff has proposed roles for operators
- MTC to refine General Manager (GM) input for January 25th meeting
- Final report due in February regarding regional management
- Plan Bay Area 2050

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

- Concerns on funding from other partners and having a financial plan
- Have a communications strategy and connection to the public and stakeholders

Public Comment

Adina Levin, Friends of Caltrain, commented on having a non-GM (general manager) input on advisory bodies, having dedicated Board on staff, and including agency board members elect board and customer voices to have greater representation.

Remi Tan, Pacifica, commented on cost to budget impact, and consolidating an entity to simplify it for riders.

Vaughn Wolffe, Pleasanton, commented on BART projects and ridership.

10. Suicide Prevention Initiatives

Mike Meader, Caltrain Safety Chief, commented on mitigating suicides on our system:

- National Suicide Statistics - 11th leading cause of death in the U.S.
- Federal Railroad Administration (FRA) Trespasser Data Analysis - 74 percent occur within 1,000 feet of train tracks
- Caltrain Trespasser track strikes and analysis 2018-2022
- State of good repair, capital improvement projects, electrification, and technology
- Fencing and barriers - Caltrain installed over 8.5 miles of new ROW (right-of-way) fencing with 86 percent having some form of fencing
- Technology Mitigation Strategies - detection and monitoring, including platform edge doors, blue lights; crowd sourcing communications, cost, and enforcement,
- Crisis Intervention Training (CIT), psychiatric emergency response team, trespassing and intrusion programs, and See Something, Say Something

Tasha Bartholomew, Communications Manager, provided a presentation that included the Partnership with Operation Lifesaver and the importance of messaging.

The Board had a discussion and staff provided further clarification in response to the Board members' comments and questions regarding changes that could be implemented most quickly and effectively, including motion detection and cameras at stations.

Public Comment

Remi Tan, Pacifica, commented on grade crossing fencing.

Adrian Brandt, San Mateo County, commented on very few accidental pedestrian deaths in single digits, and excessive focus on safety ignores intentional deaths.

Vaughn Wolffe, Pleasanton, commented on motion detection needing to be sent to the operator, and telephone communications taking too long.

11. Reports

a. Report of the Citizens Advisory Committee (CAC)

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

- Lack of communication, customer satisfaction surveys, and missed trains
- Brown act training; using social media amongst members versus the public
- Tagging on and off, station to station fares, and preventing vehicles on the tracks
- Suicide prevention and Measure RR presentation next time

b. Report of the Chair

bi. Resolution of Appreciation for Director Charles Stone

bii. Resolution of Appreciation for Director Glenn Hendricks

Chair Steve Heminger announced Director Stone and Director Hendricks would be leaving the Board. Director Hendricks thanked everyone for their efforts, including staff, contractors, and the public. Board members stated they would be missed.

Motion/Second: Heminger/Walton moved to approve both resolutions

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

Abstain: Hendricks

Noes: None

Absent: Stone

Public Comment

Adina Levin, Friends of Caltrain, thanked both exiting Directors.

biii. Appointment of Nominating Committee for 2023 Officers

Chair Heminger announced the Nominating Committee would consist of Directors Davis, Pine, and himself, and they would report out at the January 2023 meeting.

Director Walton left at 11:56 am

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

Director Jeff Gee reported on Corridor Crossing Strategy discussions.

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

Director Jeff Gee reported on closing out phase one of the project, re-branding of the Downtown Extension (DTX) to make it more regional, and the Salesforce Tree lighting in San Francisco will be on December 9th at 5 pm.

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

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

- Project highlights – Overhead catenary system (OCS) slightly behind schedule
- Requested trainer to improve construction
- Focused on schedule to see if production increased
- Going to plan B at this time with various shutdowns and working with Balfour Beatty Inc. (BBI)
- Limited weekend area shutdowns and additional shutdowns starting mid-February
- Having contingency weekends for opportunities to address additional work if needed

Director Davis left at 12:00 pm

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

- Appropriations bill and federal funding update
- State funding application due next week - support from 13 state delegation and multiple advocates with potential for hundreds of millions of dollars

Chair Heminger commended Mr. Shrestha for taking items off the critical path.

Public Comment

Remi Tan, Pacifica, commented on the current electrification schedule, procurement funding schedule expectations prior to project start, and requested engineering based planning.

13. Correspondence

Correspondence was available online.

14. Board Member Requests

Director Chavez requested a recommendation draft policy framework by February 2023 and community workplace agreement for Diridon station for discussion at a full Board meeting.

15. Date/Time of Next Regular Meeting:

Thursday, January 5, 2023 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.

16. Adjourn

Adjourned at 12:13 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.

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Grace Martinez, Acting Chief Financial Officer
Subject: **Award of Contract for Right of Way Fencing Project**

Finance Committee
Recommendation

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating
Council

Action

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

1. Award a contract to the lowest, responsive and responsible bidder, Golden Bay Fence Plus Iron Works, Inc. of Stockton, California (Golden Bay), for a total amount of \$2,287,850 for the Right of Way Fencing Project (Project).
2. Authorize the Executive Director or designee to execute a contract with Golden Bay in full conformity with the terms and conditions set forth in the solicitation documents and in a form approved by legal counsel.

Significance

This contract is intended to continue and expand implementation of a fencing project, which had been successfully installed along the JPB Right of Way (ROW) under a previous 2016 contract. This new contract will continue to install various types of fencing, including vandal-resistant fencing, at key locations along the JPB ROW and will help to deter trespassing, illegal dumping and homeless encampments.

Budget Impact

The Project was originally approved by the board in Fiscal Year (FY) 2021 for \$585,000, funded by the San Francisco County Transportation Authority Prop K and the Valley Transportation Authority State of Good Repair program. Additional funding has been approved in budgets for FY2022 and FY2023, funded by Measure RR, General Capital Funds and the San Francisco Municipal Transportation Agency, increasing the Project budget to \$2,321,992.

Background

On March 28, 2022, the JPB issued Invitation for Bids (IFB) 22-J-C-031. It was advertised in a newspaper of general circulation and on the JPB’s eProcurement website. The JPB established a Small Business Enterprise (SBE) goal of 18.5% for this contract. Bidders who met or exceeded this goal were eligible for a 5% bid preference. Prior to releasing the IFB, staff did an extensive outreach to SBEs using the State of California’s Disadvantaged Business Enterprise (DBE) database. Twenty-seven vendors downloaded the solicitation documents and two potential bidders attended the pre-bid meeting and site walk. The JPB received two bids: one from Crusader Fence Company, LLC of Rancho Cordova, California (Crusader) and the other from Roebbelen Contracting, Inc. of El Dorado Hills, California (Roebbelen). However, both bids contained errors and the bid from Roebbelen significantly exceeded the engineer’s estimate. Staff recommended the Board reject these two bids and authorize a re-advertisement of the Project.

On July 7, 2022, the JPB Board rejected the bids from Crusader and Roebbelen, and authorized staff to re-advertise the Project and return to the Board with a recommendation for award of contract upon completion of that solicitation process.

On August 29, 2022, the JPB issued a new IFB 23-J-C-009 with the revised period of performance reduced from four years to two years to encourage more competition, especially from SBEs and DBEs, and allow for more accurate fixed unit bid prices during the contract term. It was advertised in a newspaper of general circulation and on the JPB’s eProcurement website. The Agency maintained the same SBE goal and preference. Prior to releasing the IFB, staff again did an extensive outreach to SBEs using the State of California’s DBE database. Twenty-eight vendors downloaded the solicitation documents with three potential bidders attending the pre-bid meeting and one potential bidder attending the site walk. The JPB received four bids as follows:

Company	Grand Total Bid Price (Base Year Plus One Option Year)
Engineer’s Estimate	\$2,616,788
1. Golden Bay Fence Plus Iron Works, Inc.	\$2,287,850
2. Crusader Fence Company, LLC	\$2,312,540
3. All Commercial Fence Inc.	\$2,635,285
4. Bellakai Construction	\$4,181,500

After the bid opening, application of the SBE bid preference, and evaluation of bids, staff determined, and Legal Counsel concurred, that Golden Bay submitted all required bid documentation and is the lowest, responsive and responsible bidder.

Staff found Golden Bay’s price to be fair and reasonable in comparison to the independent cost estimate.

Golden Bay is an established contractor with more than 32 years of construction experience. Staff contacted Golden Bay's references and confirmed its experience and competency. Based upon these findings, staff concludes that Golden Bay is appropriately qualified and capable of meeting the requirements of the contract.

Prepared By:	Patrick Ng, Procurement Administrator II	650.622.8018
	Rick Peredia, Project Manager	650.508.7941

Resolution No. 2023 –

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

* * *

**Awarding a Contract to Golden Bay Fence Plus Iron Works, Inc. for the
Right of Way Fencing Project for a Total Amount of \$2,287,850**

Whereas, on March 28, 2022, the Peninsula Corridor Joint Powers Board (JPB) issued Invitation for Bids (IFB) 22-J-C-031, for the Right of Way Fencing Project (Project); and

Whereas, on July 7, 2022, the JPB Board of Directors (Board) rejected both bids received in response to IFB 22-J-C-031, and authorized the Executive Director or designee to re-advertise the Project and return to the Board with a recommendation for award of contract upon completion of that solicitation process; and

Whereas, on August 29, 2022, the JPB issued a new IFB 23-J-C-009 for the Project; and

Whereas, the JPB received four bids after re-issuing the solicitation, advertising in a newspaper of general circulation, and posting IFB 23-J-C-009 on the JPB's eProcurement website; and

Whereas, staff and legal counsel have reviewed the bids and determined that Golden Bay Fence Plus Iron Works, Inc. of Stockton, California (Golden Bay) submitted the lowest responsive and responsible bid; and

Whereas, Golden Bay is a certified Small Business Enterprise; and

Whereas, staff found Golden Bay's total price to be fair and reasonable in comparison to the independent cost estimate; and

Whereas, staff and legal counsel determined Golden Bay's bid to be responsive to the IFB; and

Whereas, staff recommends that the Board of Directors (Board) award a contract to Golden Bay to deliver the Project for a total amount of \$2,287,850.

Now, Therefore, Be It Resolved that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a contract to Golden Bay Fence Plus Iron Works, Inc. of Stockton, California for the Right of Way Fencing Project for a total amount of \$2,287,850; and

Be It Further Resolved that the Board authorizes the Executive Director or designee to execute a contract on behalf of the JPB with Golden Bay, in full conformity with all the terms and conditions of the IFB, and in a form approved by legal counsel.

Regularly passed and adopted this 5th day of January, 2023 by the following vote:

Ayes:

Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

JPB Secretary

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Lawrence Leung
Manager, Rail Contracts & Budget
Melissa Reggiardo
Manager, Caltrain Planning
Subject: **Accept On-Call Transportation Planning And Consultant Support Services Update**

Finance Committee
Recommendation

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Action

This report is for information only. No Board action is required.

Significance

This informational item is presented quarterly to the Board and reports on the following:

- Total amount of work directives (WDs) issued to each firm since contract inception
- List of WDs and amendments issued since the last reporting period with the WD number, title, description, JPB project manager, vendor, issuance date, start date, end date, and value

The tables below provide an update of contract activities from September 9th, 2022 thru December 6th, 2022. Table 1 summarizes the contract capacity status. Table 2 updates the percentage of capacity used against the percent time elapsed. Table 3 shows the Board approved dates and amounts. Table 4 aggregates the WD amounts issued to each of the vendors. Table 5 describes each of the WDs issued since the last reporting period.

Budget Impact

There is no impact on the budget.

Background

Pursuant to Resolution No. 2020-18, the Board of Directors (Board) awarded contracts to Fehr & Peers, HNTB Corporation, Kimley-Horn & Associates, Inc., Arup North America Ltd., Mott MacDonald Group Inc., and WSP USA, Inc., consisting of a five-year base term for an aggregate

not-to-exceed amount of \$25,000,000 with two additional, one-year option terms in an aggregate not-to-exceed amount of \$5,000,000 for each option year.

Prepared By:	Lawrence Leung	Manager, Rail Contracts & Budget	650-508-6328
	Melissa Reggiardo	Manager, Caltrain Planning	650-868-9925

Table 1

Contract Summary	Years	Amount
Total Capacity:	7.0	\$35,000,000
Exercised:	5.0	\$25,000,000
Work Directives Issued:		\$16,107,963
Remaining Exercised Capacity:		\$8,892,037

Table 2

Contract Days	Days Elapsed	% Time Elapsed	Capacity Used
1825	888	49%	64%

Table 3

Contract Information	Start	End	Years	Capacity	Resolution/ Authorized
Base	7/1/2020	6/30/2025	5.0	\$25,000,000	2020-18
Option #1	7/1/2025	6/30/2026	1.0	\$5,000,000	
Option #2	7/1/2026	6/30/2027	1.0	\$5,000,000	
Amendment			0.0		
Total:			7.0	\$35,000,000	

Table 4

Vendor	Fehr & Peers	HNTB	Kimley-Horn	ARUP	Mott	WSP
Contract #	20-J-P-006A	20-J-P-006B	20-J-P-006C	20-J-P-006D	20-J-P-006E	20-J-P-006F
Total WDs Issued	\$3,046,942	\$3,880,695	\$4,510,621	\$1,183,094	\$2,904,201	\$582,408
Previous Reporting Period	\$2,842,923	\$4,100,566	\$4,461,097	\$1,183,094	\$2,654,096	\$453,628
Current Reporting Period	\$204,019	\$(219,871)	\$49,524	\$0	\$250,105	\$128,780

Table 5

WD#	Title	Description (Updates in Bold)	Vendor	Updated	Start	(Revised) End	Current Value
21085 32000	¹ Communications and Outreach Program Support for PCEP FY21	Communication and outreach program support including a comprehensive marketing and communications program for PCEP in FY21. Closed with a \$143k balance.	HNTB	12/1/2022	9/1/2020	6/30/2021	\$76,683.57
22085 32000	Communications and Outreach Program Support for PCEP FY22	Communication and outreach program support including a comprehensive marketing and communications program for PCEP in FY22. Closed with a \$16k balance.	HNTB	12/1/2022	7/1/2021	6/30/2022	\$215,090.85
10672	Caltrain Construction Timetable Production	Support to: produce a temporary construction timetable for weekday Caltrain service to accommodate single-tracking required for the Electrification Project, produce two options for a weekend train schedule that would accommodate a midline bus bridge, and develop supporting documents including string line charts and a power point presentation describing the service plan for JPB. A1 extended from 8/31/22 to 12/31/22. A2 extended from 12/31/22 to 5/31/23 and added \$80k for additional support.	Fehr & Peers	11/30/2022	8/31/2022	5/31/2023	\$113,673.52
10907	Broadband Grants	Support to assist Caltrain with finding grant opportunities and applying for the grants pertaining to the broadband wireless communications system for the new electric trains.	WSP	11/28/2022	11/28/2022	12/31/2023	\$39,008.18
10310	Caltrain Policy, Strategy and Communications Support	Support to Caltrain in the areas of policy and strategy on a number of key issues including the Caltrain governance process as well as other areas. A1 added \$37k for additional support. Closed with a \$17k balance.	Fehr & Peers	11/17/2022	9/1/2021	6/30/2022	\$291,443.54
10311	Caltrain Service Restoration: Post-Implementation Monitoring and Analysis	Obtain consultant support and expertise regarding the evaluation of Caltrain’s recent service restoration plan, with recommendations for future adjustments, enhancements, and improvements. Obtain an ongoing market analysis through research and outreach to affected communities regarding future travel patterns and behaviors. Closed with a \$29k balance.	Fehr & Peers	11/17/2022	10/1/2021	6/30/2022	\$83,646.29
10338	Caltrain Governance Support	Support on the governance and other contractual matters related to the discussion of establishing the Peninsula Corridor Joint Powers Board (JPB)/Caltrain as an entity fully independent of the San Mateo County Transit District (District). Closed with a \$60k balance.	HNTB	11/17/2022	9/8/2021	6/30/2022	\$14,304.41
10306	Caltrain DTX – Operations Analysis	Rail operations technical analysis to support Caltrain and California High-Speed Rail Authority (CHSRA) to assess service and infrastructure configurations for the San Francisco Downtown Rail Extension. A6 added \$61k for additional support and extended from 7/31/21 to 9/30/21. Closed with a \$20k balance.	Kimley-Horn	11/17/2022	9/1/2020	9/30/2021	\$334,922.48
10309	Caltrain Governance Support	Support for Caltrain’s governance process including the following tasks: assisting with designing and structuring meetings, providing meeting facilitation services, developing and producing visual communications and graphics, and providing notetaking services during meetings. A1 added \$44k for additional support and extended from 12/31/21 to 6/30/22. A2 added \$92k for additional support. A3 added \$26k for additional support. A4 extended from 6/30/22 to 8/26/22. Closed with a \$110k balance.	Fehr & Peers	11/16/2022	2/22/2021	8/26/2022	\$155,092.94
WD#	Title	Description (Updates in Bold)	Vendor	Updated	Start	(Revised) End	Current Value

10469	SF Railyards PBC - PM & Ops	Obtain Project Management services for the completion of the San Francisco Railyards Redevelopment Preliminary Business Case, and; obtain services for the completion of rail service, storage, maintenance, and operations analysis associated with this potential redevelopment, including systemwide impacts and changes across the Caltrain corridor. A1 added \$39k for additional support.	Kimley-Horn	11/14/2022	8/23/2021	6/30/2023	1/5/2023 1/5/2023	31,042.43 31,042.43
10429	PCEP Grant Application Support	Consultant shall help develop a grants strategy and grant application development to help Caltrain close a \$410 million funding gap in the Peninsula Corridor Electrification Project (PCEP). A1 added \$121k for additional support. A2 reduced \$46k for descoping. A3 extended from 12/31/22 to 1/25/23 and added \$90k for additional support.	WSP	11/9/2022	1/25/2022	1/25/2023	1/25/2023	\$443,945.76
10431	Ridership Recovery Task Force Support	Support to provide highly experienced and creative project management and subject matter experts that will assist Caltrain and its Ridership Recovery Task Force in developing a strategic and actionable plan to increase ridership levels.	Fehr & Peers	10/25/2022	10/14/2022	12/31/2023	12/31/2023	\$218,420.66
10877	Caltrain Go Pass Program Management Support	Consultant program management support for Caltrain's Go Pass Program.	Fehr & Peers	10/14/2022	10/10/2022	1/31/2023	1/31/2023	\$66,981.93
10432	Diridon Station PBC	Initial work as part of the Diridon Station Preliminary Business Case (PBC). Mott MacDonald submitted a full proposal for the PBC on June 30, 2022 and interviewed with the JPB and Partner Agencies on August 3, 2022. While the Mott MacDonald proposal and interview earned the highest score and the Mott MacDonald team was selected to complete the PBC, all parties agree that revisions are needed to the scope of work to reflect recent developments, agency priorities, and a baseline amount of funding currently available for the effort. Additionally, discussions are needed to help determine appropriate project management structures and organizational/governance tasks, the latter which were previously identified as being optional. Organizational/governance tasks will need to be expedited per Diridon Joint Policy Advisory Board (JPAB) guidance. It is anticipated that once this work is complete, an amendment to this Work Directive (WD) will be provided so the team can start on the rest of the PBC tasks as defined in the revised scope, schedule and budget.	Mott	10/7/2022	10/7/2022	1/31/2023	1/31/2023	\$250,105.36
10671	Schedule & Service Plan Alternatives Analysis	Support to: analyze our current 104 train per weekday/32 trains per weekend day schedule to determine the optimal crew and equipment (trainset) requirements, develop a new schedule to reduce the overall equipment requirements and/or to provide more maintenance time for the existing rolling stock, and look at alternative service plans to increase track time for construction activities. A1 extended from 10/1/22 to 12/30/22.	Fehr & Peers	10/7/2022	8/15/2022	12/30/2022	12/30/2022	\$68,141.49
10299	Business Plan - Business Modeling Support	Business modeling support including the evaluation of potential service and operating scenarios and the development of business modeling tools. A1 added \$27k for additional support and extended from 6/30/21 to 12/31/21. A2 added \$22k for additional support and extended from 12/31/21 to 6/30/22. A3 extended from 6/30/22 to 9/30/22. A4 extended from 9/30/22 to 12/31/22.	Fehr & Peers	9/19/2022	8/1/2020	12/31/2022	12/31/2022	\$116,310.00
10304	DISC Plan – PM & Outreach Support	Technical and outreach program management for the remainder of Phase I of the Diridon Station Concept Plan. A1 extended from 12/31/20 to 6/30/21. A2 added \$140k for additional support. A3 extended from 6/30/21 to 10/31/21 and added \$96k for additional support. A4 extended from 10/31/21 to 2/28/22. A5 extended from 2/28/22 to 6/30/22. A6 extended from 6/30/22 to 9/30/22 and added \$30k for additional support.	Kimley-Horn	9/9/2022	9/3/2020	9/30/2022	9/30/2022	\$434,443.00

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Grace Martinez, Acting Chief Financial Officer
Subject: **Accept Statement of Revenues and Expenses for the Period Ending November 30, 2022**

Finance Committee Recommendation

Work Program-Legislative-Planning Committee Recommendation

Staff Coordinating Council Reviewed

Staff Coordinating Council Recommendation

Action

Staff proposes that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) accept and enter into the record the Statement of Revenues and Expenses for November 2022.

This staff report provides a brief discussion of significant items and trends on the attached Statement of Revenues and Expenses through November 30, 2022. The statement has been designed to follow the Agency-wide line-item rollup as included in the approved budget. The columns have been designed to provide an easy comparison of year-to-date current actuals to the budget including dollar and percentage variances.

Significance

Year to Date Revenues: As of November's year-to-date actual, the Grand Total Revenue (page 1, line 16) is \$3.5 million higher than the adopted budget. This is primarily driven by the increase in Measure RR distribution (page 1, line 12) and Other Income (page 1, line 5) which is partially offset by Caltrain Fares (page 1, line 1). November YTD Farebox revenue is trending below budget primarily driven by lower ticket vending machine (TVM) revenue, partially offset by higher Go Pass revenue. FY23 Farebox revenue is projected to continue trending lower than budget due to slower COVID recovery and PCEP acceleration/construction work which will reduce service levels and impact Farebox revenue.

Year to Date Expenses: As of November's year-to-date actual, the Grand Total Expense (page 2, line 50) is \$6.2 million lower than the adopted budget. This is primarily driven by decreases in Professional Services (page 2, line 38) due to the timing of expenses, Fuel and Lubricants (page 2, line 24) which is partially offset by the fuel hedge revenue, and Wages and Benefits (Page 2, line 35).

Other Information: The Agency accounts for revenue and expenditures on a modified cash basis (only material revenues and expenses are accrued) on the monthly financial statement. As such,

the variance between the current year's actual and the budget may show noticeable variances due to the timing of expenditures.

Budget Impact

There are no budget amendments for the month of November 2022.

Prepared By:	Danny Susantin	Accountant III	650.622.8073
	Jennifer Ye	Director, Accounting	650.622.7890

PENINSULA CORRIDOR JOINT POWERS BOARD									
STATEMENT OF REVENUE AND EXPENSE									
Fiscal Year 2023									
November 2022									
% OF YEAR ELAPSED							41.7%		
	JULY TO NOVEMBER				ANNUAL				
	CURRENT ACTUAL	ADOPTED BUDGET	\$ VARIANCE	% VARIANCE	APPROVED BUDGET	\$ FORECAST	\$ VARIANCE		
REVENUE									
OPERATIONS:									
1	Caltrain Fares	12,079,532	12,748,000	(668,468)	(5.2%)	30,151,000	30,151,000	-	1
2	Go Pass	7,206,545	6,775,000	431,545	6.4%	16,260,000	16,260,000	-	2
3	Parking Revenue	743,350	790,000	(46,650)	(5.9%)	1,896,000	1,896,000	-	3
4	Rental Income	516,271	389,735	126,536	32.5%	935,357	935,357	-	4
5	Other Income	2,242,735	726,800	1,515,935	208.6%	1,744,319	1,744,319	-	5
6								-	6
7	TOTAL OPERATING REVENUE	22,788,433	21,429,535	1,358,898	236.3%	50,986,676	50,986,676	-	7
8									8
9	CONTRIBUTIONS:								
10	AB434 Peninsula & TA Shuttle Funding	33,333	33,333	-	.0%	40,000	40,000	-	10
11	Operating Grants	4,703,400	4,703,400	-	.0%	11,288,161	11,288,161	-	11
12	Measure RR	49,764,072	47,664,085	2,099,987	4.4%	114,300,000	114,300,000	-	12
13									13
14	TOTAL CONTRIBUTED REVENUE	54,500,806	52,400,818	2,099,987	4.0%	125,628,161	125,628,161	-	14
15									15
16	GRAND TOTAL REVENUE	77,289,239	73,830,353	3,458,885	4.7%	176,614,837	176,614,837	-	16
17									17

PENINSULA CORRIDOR JOINT POWERS BOARD									
STATEMENT OF REVENUE AND EXPENSE									
Fiscal Year 2023									
November 2022									
% OF YEAR ELAPSED							41.7%		
	JULY TO NOVEMBER				ANNUAL				
	CURRENT ACTUAL	ADOPTED BUDGET	\$ VARIANCE	% VARIANCE	APPROVED BUDGET	FORECAST	\$ VARIANCE		
18	EXPENSE							18	
19								19	
20	DIRECT EXPENSE:							20	
21	Rail Operator Service	39,733,592	40,217,405	(483,813)	(1.2%)	98,257,758	98,257,758	-	21
22	Security Services	2,838,838	3,323,072	(484,234)	(14.6%)	7,935,381	7,935,381	-	22
23	Shuttle Services	22,236	53,980	(31,744)	(58.8%)	121,600	121,600	-	23
24	Fuel and Lubricants*	5,419,944	7,308,010	(1,888,066)	(25.8%)	17,539,232	17,539,232	-	24
25	Timetables and Tickets	4,941	56,395	(51,454)	(91.2%)	135,350	135,350	-	25
26	Insurance	8,354,655	8,403,480	(48,826)	(.6%)	9,299,730	9,299,730	-	26
27	Claims, Payments, and Reserves	596,894	550,000	46,894	8.5%	1,320,000	1,320,000	-	27
28	Facilities and Equipment Maintenance	3,109,714	3,093,788	15,926	.5%	7,258,788	7,258,788	-	28
29	Utilities	1,081,803	1,090,665	(8,862)	(.8%)	2,617,600	2,617,600	-	29
30	Maint & Services-Bldg & Other	636,858	551,715	85,143	15.4%	1,754,100	1,754,100	-	30
31								31	
32	TOTAL DIRECT EXPENSE	61,799,475	64,648,510	(2,849,035)	(4.4%)	146,239,539	146,239,539	-	32
33								33	
34	ADMINISTRATIVE EXPENSE							34	
35	Wages and Benefits	5,436,825	6,711,937	(1,275,112)	(19.0%)	13,926,330	13,926,330	-	35
36	Managing Agency Admin OH Cost	1,344,733	1,487,807	(143,074)	(9.6%)	3,565,453	3,565,453	-	36
37	Board of Directors	5,725	15,465	(9,740)	(63.0%)	57,275	57,275	-	37
38	Professional Services	2,588,389	3,853,235	(1,264,846)	(32.8%)	9,305,755	9,305,755	-	38
39	Communications and Marketing	74,161	168,220	(94,059)	(55.9%)	403,730	403,730	-	39
40	Other Office Expenses and Services	683,283	1,139,719	(456,436)	(40.0%)	2,762,496	2,762,496	-	40
41								41	
42	TOTAL ADMINISTRATIVE EXPENSE	10,133,116	13,376,383	(3,243,267)	(24.2%)	30,021,039	30,021,039	-	42
43								43	
44	TOTAL OPERATING EXPENSE	71,932,591	78,024,893	(3,401,044)	(4.4%)	176,260,578	176,260,578	-	44
45								45	
46	Governance	151,481	145,835	5,646	3.9%	350,000	350,000	-	46
47								47	
48	Debt Service Expense	961,979	1,075,730	(113,751)	(10.6%)	2,581,752	2,581,752	-	48
49								49	
50	GRAND TOTAL EXPENSE	73,046,051	79,246,458	(6,200,408)	(7.8%)	179,192,330	179,192,330	-	50
51								51	
52	NET SURPLUS / (DEFICIT)	4,243,188	(5,416,105)	9,659,293	(178.3%)	(2,577,493)	(2,577,493)	-	52
53								53	
54	Draw from FY2022 surplus	-				2,577,493	2,577,493		54
55	ADJUSTED NET SURPLUS / (DEFICIT)	4,243,188				-	-		55
56								56	
57	Reserve, Beginning Balance	16,115,624				16,115,624			57
58	FY23 Set aside	-				10,763,226			58
59	Reserve, Ending Balance	16,115,624				26,878,850			59
60								60	
61	* Fuel and Lubricants costs were reduced by a realized gain of \$1,643,691 from the fuel hedge program.								61



BOARD OF DIRECTORS 2023

STEVE HEMINGER, CHAIR
CINDY CHAVEZ
DEVORA "DEV" DAVIS
JEFF GEE
SHAMANN WALTON
MONIQUE ZMUDA

MICHELLE BOUCHARD
EXECUTIVE DIRECTOR

PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF NOVEMBER 30, 2022

TYPE OF SECURITY		MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
Local Agency Investment Fund (Unrestricted)	*	Liquid Cash	2.007%	10,120,543	10,120,543
County Pool (Unrestricted)		Liquid Cash	1.505%	565,032	565,032
Other (Unrestricted)		Liquid Cash	2.767%	105,949,652	105,949,652
Other (Restricted)	**	Liquid Cash	1.000%	52,432,451	52,432,451
				\$ 169,067,679	\$ 169,067,679

Interest Earnings for November 2022	\$	383,017.02
Cumulative Earnings FY2023	\$	1,549,821.24

* The market value of Local Agency Investment Fund (LAIF) is calculated annually and is derived from the fair value factor as reported by LAIF for quarter ending June 30th each year.

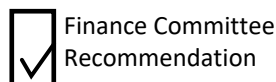
** Prepaid Grant funds for Homeland Security, PTMISEA and LCTOP projects, and funds reserved for debt repayment. The Portfolio and this Investment Report comply with the Investment Policy and the provisions of SB 564 (1995). The Joint Powers Board has the ability to meet its expenditure requirements for the next six months.

Farebox Revenues by Ticket Type	PENINSULA CORRIDOR JOINT POWERS BOARD										
	Previous Years				FY2023						
	FY2019	FY2020	FY2021	FY2022	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22		FY2023 Total YTD
REVENUE											
OPERATIONS:											
401400 (TVM)	18,431,265	11,165,620	2,458,837	6,836,440	626,228	770,942	736,862	521,754	451,992		3,107,777
401410 (Clipper)	54,621,910	37,970,696	2,924,987	7,764,755	1,129,007	1,611,378	1,377,219	1,502,886	1,366,749		6,987,239
401420 (Central)	64,908	20,799	309,748	39,911	5,139	945	9,901	11,080	2,767		29,831
401430 (Mobile App)	4,716,955	5,689,776	830,051	2,808,795	346,758	354,177	342,457	322,502	273,906		1,639,799
401500 (Gilroy)	1,903,941	1,542,171	178,759	449,281	37,440	66,110	80,675	63,053	67,606		314,885
401700 (Go-Pass)	22,929,136	19,705,372	25,737,533	15,337,175	1,417,118	1,415,836	1,432,132	1,462,192	1,479,267		7,206,545
total Farebox Revenue	102,668,114	76,094,433	32,439,915	33,236,357	3,561,691	4,219,387	3,979,245	3,883,466	3,642,288		19,286,077
Less: Go-Pass											
401700 (Go-Pass)	22,929,136	19,705,372	25,737,533	15,337,175	1,417,118	1,415,836	1,432,132	1,462,192	1,479,267		7,206,545
Revenues without Go-Pass	79,738,978	56,389,061	6,702,382	17,899,182	2,144,573	2,803,551	2,547,114	2,421,274	2,163,021		12,079,532
Tickets Sold					Jul-22	Aug-22	Sep-22	Oct-22	Nov-22		Total
TVM	2,354,393	1,465,876	315,378	755,674	86,060	86,171	83,501	74,335	61,111		391,178
Clipper	3,521,066	2,620,816	339,753	1,227,757	156,994	179,747	177,647	182,485	159,621		856,494
Central	9,167	5,044	-	4,032	319	145	770	879	477		2,590
Mobile	543,920	661,515	111,394	381,441	42,175	43,696	41,411	39,967	33,608		200,857
# of tickets sold (without go-pass)	6,428,546	4,753,251	766,525	2,368,904	285,548	309,759	303,329	297,666	254,817		1,451,119
AVG Revenue Per Ticket					Jul-22	Aug-22	Sep-22	Oct-22	Nov-22		Total
TVM	\$ 7.83	\$ 9.05	\$ 7.80	\$ 9.05	\$ 7.28	\$ 8.95	\$ 8.82	\$ 7.02	\$ 7.40		\$ 7.94
Clipper	\$ 15.51	\$ 6.32	\$ 8.61	\$ 6.32	\$ 7.19	\$ 8.96	\$ 7.75	\$ 8.24	\$ 8.56		\$ 8.16
Central	\$ 7.08	\$ 9.90	\$ -	\$ 9.90	\$ 16.11	\$ 6.52	\$ 12.86	\$ 12.60	\$ 5.80		\$ 11.52
Mobile	\$ 8.67	\$ 7.36	\$ 7.45	\$ 7.36	\$ 8.22	\$ 8.11	\$ 8.27	\$ 8.07	\$ 8.15		\$ 8.16
Total	\$ 12.40	\$ 11.86	\$ 8.74	\$ 7.56	\$ 7.51	\$ 9.05	\$ 8.40	\$ 8.13	\$ 8.49		\$ 8.32

Farebox Revenues by Ticket Type	PENINSULA CORRIDOR JOINT POWERS BOARD						
	July to November					Annual Budget	
	FY2019	FY2020	FY2021	FY2022	FY2023	FY2023	% of Budget
REVENUE							
401400 (TVM)	8,798,099	7,199,849	790,401	2,751,277	3,107,777		
401410 (Clipper)	23,392,668	23,821,145	1,101,613	2,696,384	6,987,239		
401420 (Central)	31,475	31,902	-	25,470	29,831		
401430 (Mobile App)	1,616,065	3,388,902	262,318	1,047,600	1,639,799		
401500 (Gilroy)	836,163	877,533	74,740	142,925	314,885		
401700 (Go-Pass)	9,039,820	10,014,742	12,750,283	6,167,824	7,206,545		
total Farebox Revenue	43,714,290	45,334,073	14,979,355	12,831,480	19,286,077	46,411,000	42%
Less: Go-Pass							
401700 (Go-Pass)	9,039,820	10,014,742	12,750,283	6,167,824	7,206,545	16,260,000	44%
Revenues without Go-Pass	34,674,470	35,319,332	2,229,072	6,663,656	12,079,532	30,151,000	40%
Tickets Sold							
TVM	1,124,328	948,062	118,795	309,643	391,178		
Clipper	1,497,951	1,608,964	113,502	443,629	856,494		
Central	3,816	3,585	-	2,607	2,590		
Mobile	179,215	398,136	37,360	146,176	200,857		
# of tickets sold (without go-pass)	2,805,310	2,958,747	269,657	902,055	1,451,119		
AVG Revenue Per Ticket							
TVM	\$ 7.83	\$ 7.59	\$ 6.65	\$ 8.89	\$ 7.94		
Clipper	\$ 15.62	\$ 14.81	\$ 9.71	\$ 6.08	\$ 8.16		
Central	\$ 8.25	\$ 8.90	\$ -	\$ 9.77	\$ 11.52		
Mobile	\$ 9.02	\$ 8.51	\$ 7.02	\$ 7.17	\$ 8.16		
Total	\$ 12.36	\$ 11.94	\$ 8.27	\$ 7.39	\$ 8.32		

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Lawrence Leung, Manager, Rail Contracts & Budget
Zouheir Farah, Director, Caltrain Engineering
Carlos Ortega, Deputy Director, Caltrain Systems Engineering
Subject: **Accept On-Call Communication and Signal Services Update**



Finance Committee
Recommendation



Work Program-
Legislative-Planning
Committee
Recommendation



Staff Coordinating
Council Reviewed



Staff Coordinating Council
Recommendation

Action

This report is for information only. No Board action is required.

Significance

This informational item is presented quarterly to the Board and reports on the following:

- Total amount of work directives (WDs) issued to each firm since contract inception
- List of WDs and amendments issued since the last reporting period with the WD number, title, description, JPB project manager, vendor, issuance date, start date, end date, and value

The tables below provide an update of contract activities from August 4th, 2022 thru December 6th, 2022. Table 1 summarizes the contract capacity status. Table 2 updates the percentage of capacity used against the percent time elapsed. Table 3 shows the Board approved dates and amounts. Table 4 aggregates the WD amounts issued to each of the vendors. Table 5 describes each of the WDs issued since the last reporting period.

Budget Impact

There is no impact on the budget.

Background

Pursuant to Resolution No. 2022-37, the Board of Directors (Board) awarded contracts to RSE Corporation, STV Incorporated, WSP USA, Inc., and Xorail, Inc., consisting of a five-year base term for an aggregate not-to-exceed amount of \$18,000,000.

Prepared By:	Lawrence Leung	Manager, Rail Contracts & Budget	650-508-6328
	Zouheir Farah	Director, Caltrain Engineering	650-622-7819
	Carlos Ortega	Deputy Director, Caltrain Systems Engineering	650-551-6191

Table 1

Contract Summary	Years	Amount
Total Capacity:	5.0	\$18,000,000
Work Directives Issued:		\$3,614,776
Remaining Exercised Capacity:		\$14,385,224

Table 2

Contract Days	Days Elapsed	% Time Elapsed	Capacity Used
1825	124	7%	*20%

*See Table 5 for clarification

Table 3

Contract Information	Start	End	Years	Capacity	Resolution/ Authorized
Base	8/4/2022	8/3/2027	5.0	\$18,000,000	2022-37
Amendment			0.0		
Total:			5.0	\$18,000,000	

Table 4

Vendor	RSE	STV	WSP	Xorail
Contract #	22-J-P-024A	22-J-P-024B	22-J-P-024C	22-J-P-024D
Total WDs Issued	\$3,334,578	\$280,198	\$0	\$0
Previous Reporting Period	\$0	\$0	\$0	\$0
Current Reporting Period	\$3,334,578	\$280,198	\$0	\$0

Table 5

WD#	Title	Description (Updates in Bold)	Vendor	Updated	Start	(Revised) End	Current Value
10873	Grade Crossing Improvements Final Design	Support to complete the final design for the FY21/22 Grade Crossings Improvements and provide design services during construction. The consultant shall start with the 65% plans and specifications developed by RSE and develop the 100% design and IFB plans and specifications.	RSE	11/14/2022	10/1/2022	11/30/2024	\$145,126.00
10872	Lead Fiber Optic Engineer	Seconded staff support to help with the management of Caltrain's communication infrastructure, specifically, Caltrain's fiber optic network. The consultant key personnel shall serve as the Agency's Fiber Optic Engineer Lead.	STV	11/10/2022	11/4/2022	6/30/2023	\$280,197.95
10859	Crossing Optimization	Support to acquire dedicated signal system engineering support services for Caltrain's Crossing Optimization Project and PCEP Signal, 2 speed check implementation.	RSE	11/2/2022	10/1/2022	6/30/2024	\$944,366.00
10858	San Mateo Grade Crossing Improvements	Support for design services during construction for the grade crossing improvements at the San Mateo 4th and 5th Ave grade crossings. The consultant shall answer any Request For Information and review submittals from the contractor.	RSE	10/21/2022	10/1/2022	3/31/2024	\$39,553.00
10856	Churchill Grade Crossing Improvement Design	Support for design services during construction for the grade crossing improvements at the Churchill grade crossing in Palo Alto. The consultant shall answer any Request For Information and review submittals from the contractor.	RSE	10/20/2022	10/1/2022	3/31/2024	\$39,553.00
10855	Utility Coordinator	<p>Seconded staff support for the JPB capital programs in management of program delivery under the guidance/direction of JPB staff. The Utility Coordinator shall be responsible for the coordination of all utilities within the JPB right-of-way.</p> <p>*Seconded staff has been with the agency for over 12 years. This work directive is a continuation the Utility Coordinator services through RSE.</p>	RSE	10/13/2022	10/1/2022	6/30/2027	\$2,165,980

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Acting Executive Director
From: Casey Fromson, Chief Communications Officer
Subject: **State and Federal Legislative Update**

Finance Committee Recommendation Work Program-Legislative-Planning Committee Recommendation Staff Coordinating Council Reviewed Staff Coordinating Council Recommendation

Action

Staff proposes the Committee recommend the Board receive the attached Federal and State Legislative Updates

Significance

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

Budget Impact

None.

Background

None.

Prepared By: Devon Ryan

Government &
Community Affairs Officer

650.730.6172



December 9, 2022

TO: Caltrain Board of Directors

FM: Joshua W. Shaw, Matt Robinson & Michael Pimentel, Shaw Yoder Antwih Schmelzer & Lange
Mike Robson & Bridget McGowan, Edelstein Gilbert Robson & Smith LLC

RE: **STATE LEGISLATIVE UPDATE – January 2022**

General Update

The Legislature reconvened for their Organizational Session on December 5, marking the beginning of the 2023-24 Legislative Session. As noted in last month's report there are more than 30 new members coming to the Legislature, including some new faces in the Caltrain state legislative delegation. Below is a breakdown of legislators already in Caltrain's delegation or were newly elected to serve in districts including Caltrain's service area:

Senators: Scott Wiener, Dave Cortese, John Laird, Josh Becker, Aisha Wahab

Assemblymembers: Phil Ting, Matt Haney, Marc Berman, Ash Kalra, Alex Lee, Evan Low, Robert Rivas, Diane Papan, Gail Pellerin

Along with swearing in the new members, the organizational session included introducing the first legislation of the 2023-24 session and taking formal votes for Caucus leadership and other positions like the Chief Clerk and Sergeant. Of particular interest this year was the vote to affirm the deal reached by the Assembly Democratic Caucus on the future of the Assembly Speakership. Assemblymember Rendon was reelected as Speaker, with Assemblymember Rivas voted in as Speaker-designee, slated to take over the position after June 30, 2023. This comes after a standoff within the caucus that originated in May when Assemblymember Rivas first challenged for the Speakership.

The Legislature will reconvene for the 2023 on January 4 and legislators will resume introducing new legislation then. Shortly thereafter, the Governor will release his proposed January budget. This follows a November report from the Legislative Analyst's Office (LAO) that estimated a budget deficit of \$24 billion for the 2023-24 budget year, a stark contrast to last year's record surplus.

TIRCP Application. The Caltrain team submitted its application for the Peninsula Corridor Electrification Project (PCEP) in time for the December 6 deadline.

Grants

Transit and Intercity Rail Capital Program – The Transit and Intercity Rail Capital Program (TIRCP) provides grants from the Greenhouse Gas Reduction Fund to fund transformative capital improvements that will modernize California’s intercity, commuter, and urban rail systems, and bus and ferry transit systems, to significantly reduce emissions of greenhouse gases, vehicle miles traveled, and congestion. Eligible projects include zero-emission vehicles and associate fueling or charging infrastructure of facility modifications.

Current Guidelines: Cycle 6 guidelines found [here](#)

Status: Funding cycle open. Caltrain has applied to the Existing Projects category. Award announcements are expected January 31, 2023.

Earlier this year, the CTC [hosted workshops](#) for the three SB 1 programs it oversees – the Solutions for Congested Corridors Program (SCCP), Local Partnership Program (LPP), and the Trade Corridor Enhancement Program (TCEP). The CTC will solicit applications for the next round of funding in Summer 2022 and announce project awards in Summer 2023. As a reminder, in late-2020, the California Transportation Commission [awarded grants](#) for three SB 1 programs – the [Solutions for Congested Corridors Program](#), [Local Partnership Program](#), and the [Trade Corridor Enhancement Program](#).

Grade Separation Funding - Below is a list of the funding sources that we are aware of and/or that have been used to fund grade separations in the recent years. The funding sources below are managed across various state agencies and departments, including the Public Utilities Commission (PUC), the California State Transportation Agency (CalSTA), the California Transportation Commission (CTC), and Caltrans.

PUC Section 190 Grade Separation Program – The Program is a [state funding program](#) to grade separate crossings between roadways and railroad tracks and provides approximately \$15 million annually, transferred from Caltrans. Agencies apply to the PUC for project funding.

State Transportation Improvement Program – The STIP, managed by Caltrans and programmed by the CTC, is primarily used to fund highway expansion projects throughout the state, but also supports grade separations. The STIP is programmed every two years. The [2022 STIP](#), adopted in March 2022, includes \$796 million in new STIP funding capacity. Local agencies receive a share of STIP funding, as does the State. The STIP is funded with gasoline excise tax revenues.

Transit and Intercity Rail Capital Program – As discussed above, the TIRCP is managed by CalSTA and is available to fund rail and transit projects that reduce greenhouse gas emissions. The program receives funding from Cap and Trade and the recently created Transportation Improvement Fee to the tune of approximately \$500 million per year. The State Budget included a \$3.6 billion supplement to the TIRCP. This cycle, funding is regionally subdivided with \$1.8 billion available for Southern California, inclusive of the Counties of Imperial, Los Angeles,

Orange, Riverside, San Bernardino, San Diego and Ventura, and \$1.5 billion available for the rest of the state.

Proposition 1A – This \$9.9 billion Bond Act is the primary funding source for the high-speed rail project and has been used to fund a very limited number of grade separation projects in the past, including in the City of San Mateo.

Caltrain Federal Report December 2022

FY 2023 Appropriations Update

- As Congressional leadership continues to negotiate over FY 2023 funding, Congress remains without a deal as the end of the 117th Congress approaches.
- Members are expected to pass a short-term continuing resolution (CR) this week that lasts through December 23 while negotiations continue. This extension gives members more time to find agreement on final spending levels and pass an FY 2023 omnibus package.
- If members cannot agree on FY 2023 spending, leadership indicated that passing a long-term CR that preserves current funding levels is possible. Despite Republicans' new majority in the House, Republican leadership has indicated that they would like to pass an omnibus package before the start of the 118th Congress.

DOT Announces Another Round of RAISE Grant Funding

- On November 30, the U.S. Department of Transportation (DOT) released the notice of funding opportunity (NOFO) for the second round (FY 2023) [Rebuilding American Infrastructure with Sustainability and Equity \(RAISE\) Grant Program](#). DOT will publish an updated NOFO on or before December 14 with additional information on the 2023 funding round.
- Approximately \$1.5 billion is available for awards, with \$25 million as the maximum award. DOT will award half of RAISE funding to urban areas and the other half to rural areas, focusing on historically underserved areas.
- RAISE is one of DOT's most competitive grant programs, as officials selected 166 projects for funding out of 936 applications submitted to the Department. Interested parties have until February 28, 2023, to submit applications.

FTA Discontinues Buy America Waiver for Construction Materials

- On November 7, the Federal Transit Administration (FTA) [announced](#) it would discontinue its Buy America waiver for construction materials. At the onset of IJIA implementation, FTA issued a waiver allowing grant recipients to source materials from other nondomestic sources due to cost and supply chain concerns.

- The new Buy America requirements took effect on November 10, mandating that construction materials for federally-funded transit projects be manufactured in America. FTA recommends affected parties reference the Office of Management and Budget (OMB)'s Initial Implementation Guidance on the Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure to assist with the transition to the new Buy America Preference.
- The new preference will apply to grant funding obligated after November 10th. Projects that received funding while the original waiver was active will not be required to abide by the new rule. FTA encourages interested parties to reach out with questions regarding the transition to the Buy America preference for transit.

DOT Releases Application Checklist for Transportation Workforce and Labor Plan

- On November 28, DOT released a new [checklist](#) for grant applicants' use while developing a transportation workforce and labor plan. A strong workforce plan is a top priority of the Biden Administration; and DOT recommends that this should be reflected in all DOT grant applications.
- The new checklist outlines several criteria for applicants' to consider while drafting their plan. The checklist has three main components:
 - Creating good-paying jobs with a free and fair choice to join a union
 - Expanding high-quality training and education programs to help train and place people in good-paying jobs, with a focus on populations facing systemic barriers to employment
 - Implementing policies both during procurement and during project implementation that will promote the hiring and retention of underrepresented workers
- DOT has made clear that projects that include workforce concerns will be viewed more favorably. While workforce development requirements among DOT grants are not universal, grant administrators expect high-quality proposals to address workforce concerns in applications.

Round-Up of Open Grant Opportunities

- [FY 2022 and FY 2023 Competitive Funding Opportunity: Competitive Grants for Rail Vehicle Replacement Program \(Rail Program\)](#). \$600 million available. All applications due by January 5, 2023.
- [RAISE Grant Program](#). \$1.5 billion available. All applications due by February 28, 2023.
- [FY22 Federal-State Partnership for Intercity Passenger Rail Grant Program](#). \$2.2 billion available. All applications due by March 7, 2023.

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Sam Sargent, Director, Strategy and Policy
Subject: **Metropolitan Transportation Commission (MTC)/Regional Update**

Finance Committee
Recommendation

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Action

None.

Significance

The Metropolitan Transportation Commission (MTC) provides planning, funding, coordination, and technical assistance to cities, counties, transit agencies, and other partners to bring the region together. The California Legislature created MTC in 1970 to plan and provide a cohesive vision for the Bay Area’s transportation system.

The Commission’s scope over the years has expanded to address other regional issues, including housing and development. MTC is actively considering several key policy and funding decisions that affect Caltrain, and staff wants to ensure the Joint Powers Board (JPB) is apprised of these discussions.

Budget Impact

No budget impact.

Key Regional Items this Month

1. Regional Network Management Framework – Informational

The final Network Management Business Case Advisory Group (AG) meeting was held on December 12. AG members, including Executive Director Bouchard, received an update from MTC and KPMG consultant staff on the refined near-term RNM Framework proposal.

At the November 14 meeting, AG members reviewed a preliminary version of the RNM Framework, which proposed an RNM Executive Board comprised of transit operator general managers. The preliminary RNM Framework included a “Voice of the Customer” advisory

committee, dedicated staff, and a reporting structure. AG members were supportive of the preliminary RNM structure:

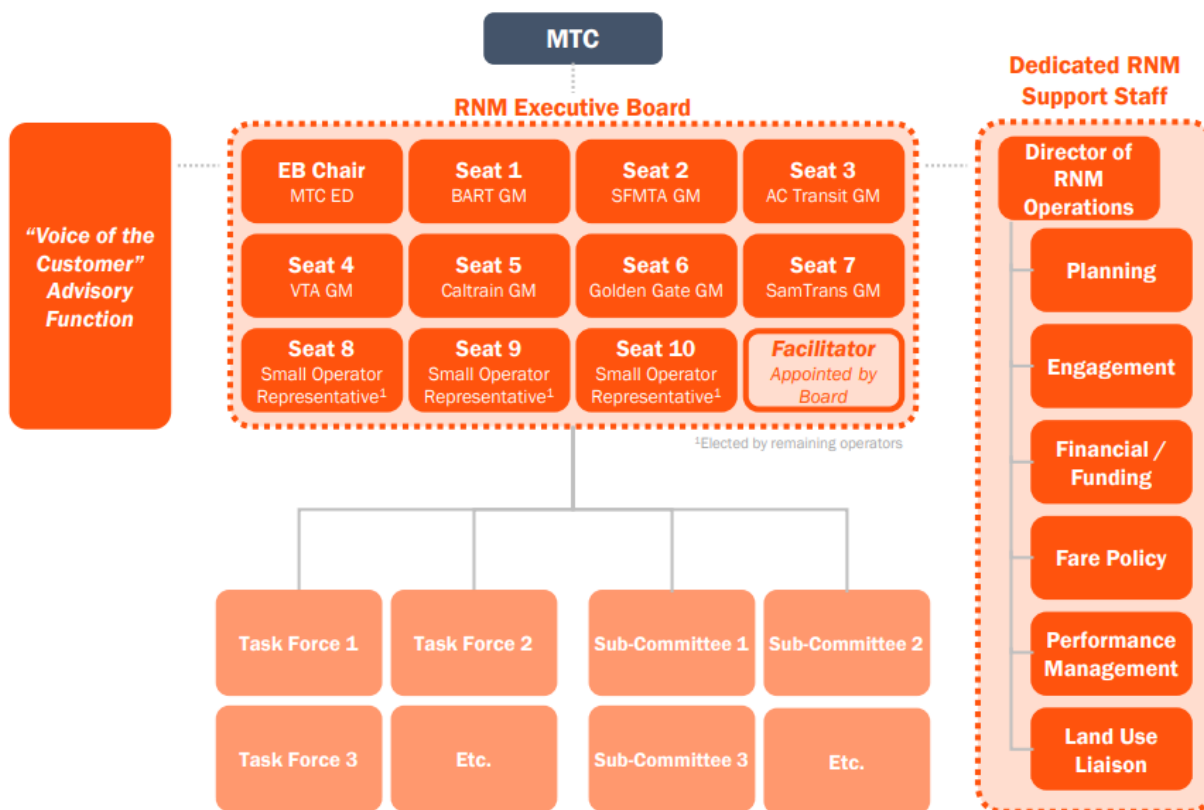


Figure 1: Preliminary RNM Framework (November 14 AG meeting)

The November 14 MTC and KPMG staff presentation also recapped the six functional areas of RNM and the need to determine the roles of operators and regional entities should play in each area. The six functional areas are (1) wayfinding, (2) fare integration policy, (3) accessibility, (4) bus transit priority, (5) rail network management and (6) network planning.

The December 12 refined RNM Framework proposal included four significant changes from the preliminary version:

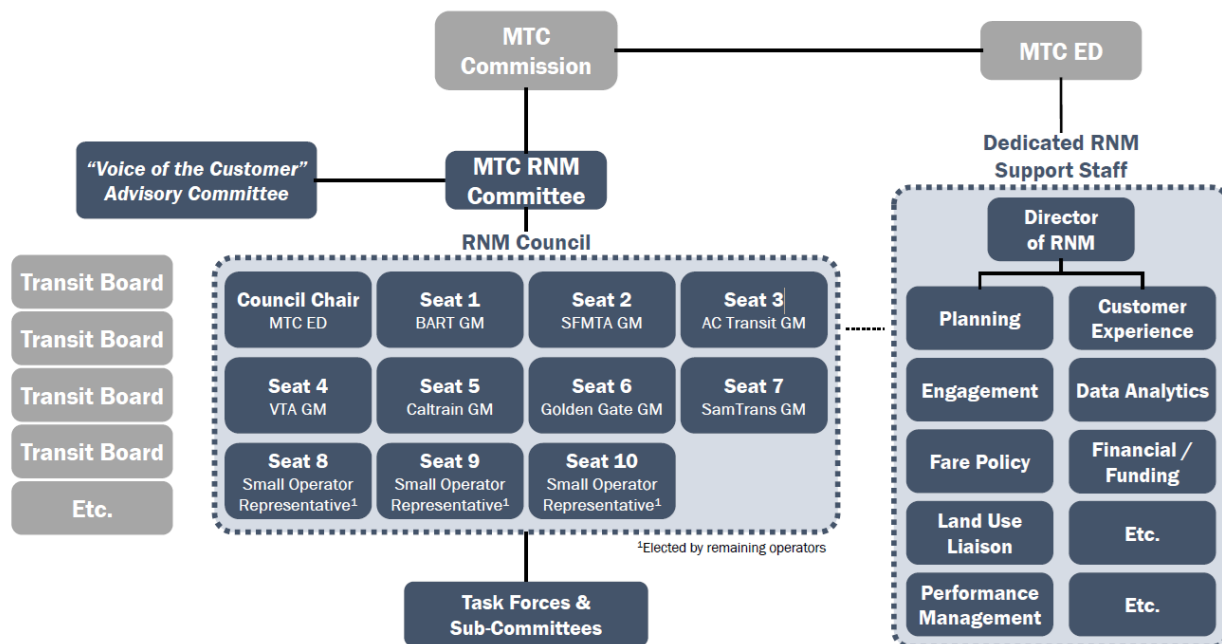


Figure 2: Refined RNM Framework (December 12 AG meeting)

1. Addition of an MTC RNM Committee

The most significant change to the RNM Framework since the November 14 AG meeting was the addition of an MTC RNM Committee. This new policy committee would include eight MTC Commissioners selected by the MTC Chair, plus three non-voting members representing the BART and AC Transit boards, and the State.

MTC staff have stated that the inclusion of BART and AC Transit board members on the RNM Committee is justified by the fact that those boards are elected and cannot have members who are members of the MTC. Transit operators with non-elected boards often have board members serving on the MTC through in their local elected capacity. Whether the State representative is a regional elected official or a senior CalSTA executive is to be determined.

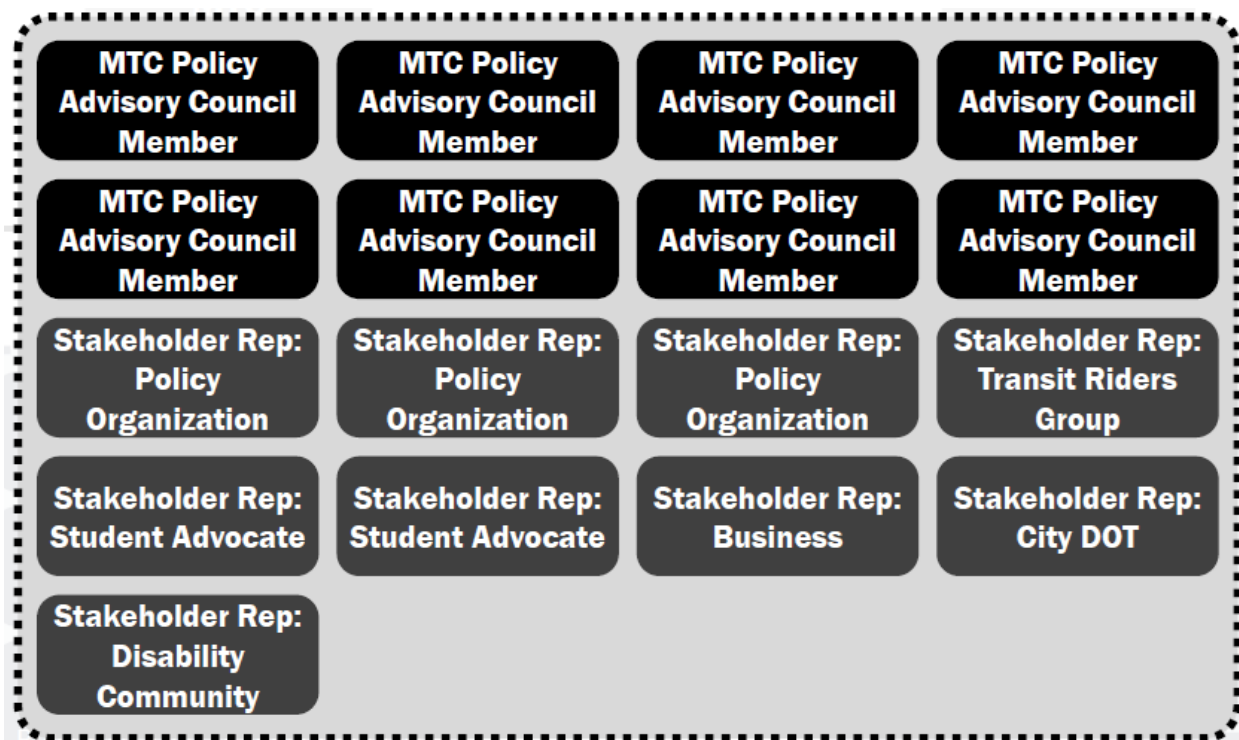
2. Renaming and Realignment of the RNM Executive Board to the RNM Council

The preliminary RNM Framework placed the general manager-focused RNM Executive Committee directly under the MTC, with the MTC Executive Director serving as chair. Under the refined RNM Framework, the RNM Executive Committee has been renamed the “RNM Council”. Still comprised of transit operator general managers and the MTC Executive Director, the RNM Council reports up to the new MTC RNM Committee, not the MTC directly.

3. Realignment of the “Voice of the Customer” Advisory Committee

Under the refined RNM Framework, the “Voice of the Customer” advisory committee now reports to the commissioners on the MTC RNM Committee and not the RNM Council.

The advisory committee includes eight members of the existing MTC Policy Advisory Committee’s Transformation Action Plan subgroup (in black below), plus nine representatives from regional policy organizations (such as SPUR and Bay Area Council), transit rider groups (such as Seamless Bay Area), business, disability groups, students, and city transportation department to be named later.



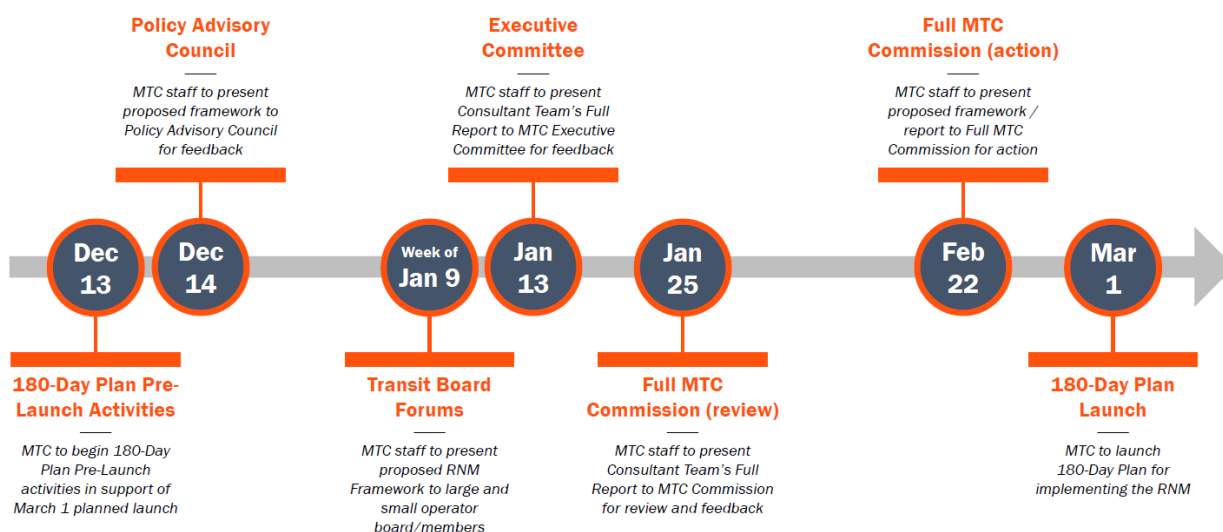
4. Additional Detail on the Dedicated RNM Staff Titles and Reporting Structure

At the November 14 AG meeting, transit operator general managers were broadly supportive of dedicated RNM staff. In the preliminary RNM Framework, the new non-operator staff support reported directly to the general managers group with a Director of RNM Operators hired by MTC.

Under the refined RNM Framework, dedicated staff report to the MTC RNM Committee and are led by a Director of RNM, who reports to the MTC Executive

Director. In the December 12 AG presentation, MTC staff estimated the fully burdened cost of 3 to 4 new RNM staff members at \$1.3 to \$2.1 million annually.

The December 12 AG presentation included a helpful next steps graphic, including this month's JPB update:



MTC has proposed a 180-day stand up timeline for the RNM framework, which begins March 1. During this period, RNM KPIs will be developed, RNM "Priority Initiatives" identified from among the six representative areas, and the first MTC RNM Committee, Voice of the Customer Advisory Committee, and RNM Council meetings held. The latter three are expected in the March to June timeframe.

Caltrain will continue to provide a strong voice in the RNM discussions, in particular the development of KPIs and defining regional success. While the AG's work is complete, Caltrain executive staff are working to ensure that the railroad's interests are represented in the lead up to MTC action on the framework on February 22.

Our commitment to regionalism has been demonstrated to our partners and MTC through the proactive work Caltrain is doing on regional wayfinding and schedule coordination at Millbrae with BART. Caltrain's focus is on the completion of electrification and the development of a regional and statewide strategy for avoiding the "fiscal cliff" in the next year and beyond. Should RNM activities impact the railroad's near-to-medium term priorities, Caltrain staff will update the Board, provide a staff recommendation on strategy, and request Board guidance.

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Pranaya Shrestha, Chief Officer, CalMod
Subject: **Authorize Execution of Agreement with San Mateo County Transit District in Connection with Bus Bridge Services for the Caltrain Peninsula Corridor Electrification Project (PCEP) Signal Cutover Weekend Closures**

Finance Committee Recommendation

Work Program-Legislative-Planning Committee Recommendation

Staff Coordinating Council Reviewed

Staff Coordinating Council Recommendation

Action

Staff Coordinating Council recommends the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB or Caltrain):

1. Authorize the execution of an agreement Between the San Mateo County Transit District (SamTrans) and the Peninsula Corridor Joint Powers Board in Connection with Bus Bridge Services for the Caltrain Peninsula Corridor Electrification Project (PCEP) Signal Cutovers (Phases 6,7, & 8 from Redwood City to Palo Alto) during Weekend Closures on December 10 and 11, and December 17 and 18, 2022 (the Agreement).
2. Authorize the Executive Director, or designee, to take any other actions necessary to give effect to the resolution.

Significance

Due to PCEP signal cutover work impeding access to portions of Caltrain’s San Francisco Peninsula Network on Main Tracks MT-1 through MT-4 between Control Point (CP) Ralston in Belmont and CP Mary in Mountain View, weekend service was disrupted on December 10 and 11, and December 17 and 18, 2022.

To ensure continuous service to Caltrain passengers between Belmont and Mountain View Stations while conducting the cutover work, the Executive Director requested that SamTrans provide high-capacity bus bridges during the weekend closures with a total estimated cost of \$216,576.00. Because this amount exceeds the authority delegated by the Board to the Executive Director, staff requests approval of the Agreement by the Board of Directors before executing the Agreement making payment

Because a previous bus bridge contract had been approved pursuant to a delegation by the SamTrans Board to the General Manager of SamTrans (and the Executive Director of Caltrain),

staff did not realize that the Agreement required approval of the JPB until after the deadline to post the agenda for the December 1, 2022, JPB meeting. To ensure continuous service for Caltrain passengers during the December weekend cutovers and in advance of the January JPB meeting, the Executive Director requested that SamTrans provide bus bridge services, subject to Board approval of the Agreement. Staff now seek Board approval of the Agreement.

Budget Impact

The agreement will be for a not-to-exceed amount of \$216,576.00. The funds for the services are within the Board-approved PCEP budget of \$2.44 billion.

Background

The PCEP will replace the 30-year-old diesel trains currently used by Caltrain with state-of-the-art electric trains and install electrification infrastructure; this requires significant construction on the corridor. Caltrain electrification construction includes signal cutover work at 16 grade crossings, requiring a 24/7 single-tracking window between Belmont and Mountain View. Caltrain temporarily reduced service levels from December 5 to December 18, 2022, to accommodate construction and ensure the new electrified service is available for passengers in 2024.

On the weekends of December 10 and 11, and December 17 and 18, 2022, Caltrain relied upon bus service between Belmont and Mountain View stations provided by SamTrans which served passengers at the Belmont, San Carlos, Redwood City, Menlo Park, Palo Alto, California, San Antonio, and Mountain View Stations. This single-tracking window during these weekends allowed the work to be completed safely and quickly, avoiding any potential delays to the project, while continuing to provide service to passengers.

Prepared By: Anna Myles-Primakoff Legal Counsel 916.442.2952

Resolution No. 2023-

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

* * *

Authorizing Execution of the Agreement with San Mateo County Transit District for Bus Bridge Services for the Caltrain Peninsula Corridor Electrification Project (PCEP) Signal Cutover Weekend Closures on December 11-12 and 17-18, 2022

Whereas, the Peninsula Corridor Electrification Corridor (PCEP) will electrify the Caltrain Corridor from San Francisco's 4th and King Caltrain Station to San Jose and will replace the 30-year-old diesel trains currently used by Caltrain with state-of-the-art electric trains and install electrification infrastructure; this requires significant construction on the corridor. Caltrain electrification construction includes signal cutover work at 16 grade crossings, requiring a 24/7 single-tracking window between Belmont and Mountain View; and

Whereas, Caltrain temporarily reduced service levels from December 5 to December 18, 2022, to accommodate construction and ensure the new electrified service is available for passengers in 2024. Due to PCEP signal cutover work impeding access to portions of Caltrain's San Francisco Peninsula Network on Main Tracks MT-1 through MT-4 between Control Point (CP) Ralston in Belmont and CP Mary in Mountain View, weekend service was disrupted on December 10 and 11, and December 17 and 18, 2022; and

Whereas, on the weekend of December 10 and 11, and December 17 and 18, 2022 Caltrain relied upon bus service between Belmont and Mountain View stations provided by SamTrans, which served passengers at the Belmont, San Carlos, Redwood City, Menlo Park, Palo Alto, California, San Antonio, and Mountain View Stations. This single-tracking window

during these weekends allowed the work to be completed safely and quickly, avoiding any potential delays to the project; and

Whereas, the Executive Director requested SamTrans to provide high-capacity bus bridges during the weekend closures to ensure continuous service to Caltrain passengers between Belmont and Mountain View Stations with a total estimated cost of \$216,576.00. Because this amount exceeds the authority delegated by the Board to the Executive Director, staff requests authorization for execution of the agreement with SamTrans by the Board of Directors.

Now, Therefore, Be It Resolved that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the execution of the Agreement with San Mateo County Transit District in Connection with Bus Bridge Services for the Caltrain Peninsula Corridor Electrification Project (PCEP) Signal Cutover Weekend Closures on December 11-12 and 17-18, 2022; and

Be It Further Resolved that the Executive Director, or designee, is authorized to take any other actions necessary to give effect to the resolution

Regularly passed and adopted this 5th day of January, 2023 by the following vote:

Ayes:

Noes:

Absent:

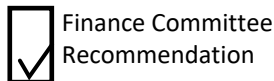
Chair, Peninsula Corridor Joint Powers Board

Attest:

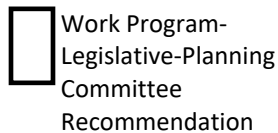
JPB Secretary

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: James C. Harrison, General Counsel
Subject: **Approve Agreements to Compensate SamTrans for Use of Space in the SamTrans Headquarters Building**



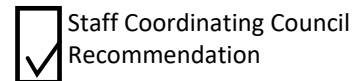
Finance Committee
Recommendation



Work Program-
Legislative-Planning
Committee
Recommendation



Staff Coordinating
Council Reviewed



Staff Coordinating Council
Recommendation

Action

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

1. Authorize the execution of an agreement to compensate the San Mateo County Transit District (SamTrans) for the fair market value of the Positive Train Control (PTC) program's use of office space at 1250 San Carlos Avenue, San Carlos, California, from approximately September 1, 2017, to December 31, 2020, in the amount of \$288,690.00.
2. Authorize the execution of a lease for a two-year base term (with the option to continue on a month-to-month basis thereafter) beginning on October 1, 2021, and payment of monthly rent of \$56,180.35 to SamTrans for the Caltrain Modernization Program's (CalMod) use of office space at 1250 San Carlos Avenue, San Carlos, California, and reimbursement for security improvements in the amount of \$41,858, for a total sum of \$1,390,186.40.

Significance

Beginning on September 1, 2017, and ending December 31, 2020, PTC program staff used office space in the basement at 1250 San Carlos Avenue without paying rent to SamTrans or reimbursing SamTrans for the use of the office space through the Independent Cost Allocation Plan, the mechanism through which the JPB reimburses SamTrans for its use of other office space. Based on an independent valuation of the space conducted by a real estate broker, SamTrans and the JPB agreed to a fair market value (FMV) rent of \$288,960.00 for the period of PTC's occupancy.

On October 1, 2021, CalMod program staff moved from leased office space into half of the first floor of 1250 San Carlos Avenue on the Walnut Street side of the building, after the occupant of the space, Sotheby's International Realty, departed. Because SamTrans does not obtain reimbursement for the JPB's use of this space through the Independent Cost Allocation Plan,

the parties have negotiated a two-year lease, beginning on October 1, 2021, through September 30, 2023, with the option to continue on a month-to-month basis thereafter. After obtaining an independent estimate of market rent conducted by a real estate broker, SamTrans and the JPB agreed to a monthly rent of \$56,180.35 per month. As part of the lease, JPB also agreed to reimburse SamTrans for security improvements (costing \$41,858) that were made to the space at the request of JPB, for a total sum of \$1,390,186.40.

Budget Impact

Payment for rent for use of SamTrans' office space by the PTC and PCEP programs will be paid from the existing PCEP and PTC budgets.

Background

Staff for the PTC program used the basement space at 1250 San Carlos Avenue from September 1, 2017, through December 31, 2020, for a total occupancy period of 40 months. During this time, SamTrans did not charge rent or recoup the costs of the JPB's use of the Basement Space pursuant to the Independent Cost Allocation Plan, which is the method by which SamTrans recovers the costs of the JPB's use of other space at 1250 San Carlos Avenue. SamTrans engaged Colliers, a firm specializing in commercial real estate services, to provide a valuation of the space. After completing the valuation, Colliers estimated the market rent at \$1.75 per square foot. SamTrans has requested that the JPB pay the full amount in back rent for the occupancy period for the total sum of \$288,960.00. JPB staff agree that the proposed rate reflects the market value of the space.

On October 1, 2021, the CalMod program, including the Peninsula Corridor Electrification Project (PCEP) team, which had formerly leased office space in San Mateo, began using half of the first floor of 1250 San Carlos Avenue on the Walnut Street side of the building as office space; the rentable area of the building is approximately 10,501 square feet. SamTrans engaged Colliers to estimate the market rent for the space and based on that analysis SamTrans and JPB staff agreed upon a monthly rent of \$56,180.35 (\$5.35 per square foot). In addition, the lease includes reimbursement for the cost of security improvements that SamTrans made at the request of JPB staff. The JPB wishes to execute a two-year lease term with SamTrans for the space, beginning on October 1, 2021, through September 30, 2023, including rent as well as the cost of the security improvements and facility and janitorial services. The CalMod team will also have use of parking, meeting rooms, and common areas throughout the buildings.

Prepared By: Anna Myles-Primakoff

Counsel

916.442.2952

Resolution No. 2023-

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

* * *

**Approve Agreements to Compensate SamTrans for Use of Office Space in the SamTrans
Headquarters Building**

Whereas, the San Mateo County Transit District (SamTrans) serves as the managing agency of the Peninsula Corridor Joint Powers Board (JPB), and as managing agency, SamTrans employs Caltrain personnel and provides Caltrain with shared services and resources, including office space, the cost of which is generally captured through SamTrans' Independent Cost Allocation Plan; and

Whereas, beginning on September 1, 2017, and ending December 31, 2020, the JPB's Positive Train Control (PTC) program staff used office space in the basement at 1250 San Carlos Avenue, for a total occupancy period of 40 months; and

Whereas, SamTrans did not charge rent or recoup the costs of the JPB's use of the office space via the Independent Cost Allocation Plan, the method by which SamTrans recovers the costs of the JPB's use of other space at 1250 San Carlos Avenue; and

Whereas, SamTrans engaged Colliers, a firm specializing in commercial real estate services, to provide a valuation of the space. After completing the independent valuation, Colliers estimated the market rent at \$1.75 per square foot; and

Whereas, SamTrans has requested that the JPB pay the full amount in back rent for the occupancy period for the total sum of \$288,960.00. JPB staff agree that the proposed rate reflects the market value of the space; and

Whereas, on October 1, 2021, the Caltrain Modernization Program (CalMod) program, including the Peninsula Corridor Electrification Project (PCEP) team, which had formerly leased office space in San Mateo, began using half of the first floor of 1250 San Carlos Avenue (approximately 10,501 square feet) on the Walnut Street side of the building as office space; and

Whereas, SamTrans engaged Colliers to estimate the market rent for the space, and based on that analysis, SamTrans and JPB staff agreed upon a monthly rent of \$56,180.35 (\$5.35 per square foot); and

Whereas, SamTrans does not obtain reimbursement for the JPB's use of this space through the Independent Cost Allocation Plan, and the JPB wishes to execute a two-year lease term with SamTrans for the space, beginning on October 1, 2021, through September 30, 2023, with the option to continue on a month-to-month basis thereafter; and

Whereas, the lease will include the cost of rent as well as reimbursement for the cost of security improvements that SamTrans made at the request of JPB, staff and facility and janitorial services. The CalMod team will also have use of parking, meeting rooms, and common areas throughout the building; and

Whereas, Staff Coordinating Council (SCC) recommends the Board of Directors (Board) of the JPB authorize the execution of an agreement to compensate SamTrans for the fair market value of the PTC program's use of office space at 1250 San Carlos Avenue, San Carlos, California, from approximately September 1, 2017, to December 31, 2020, in the amount of \$288,690.00; and

Whereas, SCC further recommends that the Board authorize the execution of a lease for a two-year base term (with the option to continue on a month-to-month basis thereafter) beginning on October 1, 2021, and payment of monthly rent of \$56,180.35 to SamTrans for

CalMod's use of office space at 1250 San Carlos Avenue, San Carlos, California, and reimbursement for security improvements in the amount of \$41,858, for a total sum of \$1,390,186.40; and

Whereas, payment for rent for use of SamTrans' office space by the PTC and PCEP programs will be paid from the existing PCEP and PTC budgets.

Now, Therefore, Be It Resolved that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director or designee to execute an agreement in a form approved by legal counsel to compensate SamTrans for the fair market value of the PTC program's use of office space at 1250 San Carlos Avenue, San Carlos, California, from approximately September 1, 2017, to December 31, 2020, in the amount of \$288,690.00; and

Be It Further Resolved That the Board authorizes the Executive Director to execute a lease in a form approved by legal counsel for a two-year base term (with the option to continue on a month-to-month basis thereafter) beginning on October 1, 2021, and payment of monthly rent of \$56,180.35 to SamTrans for CalMod's use of office space at 1250 San Carlos Avenue, San Carlos, California, and reimbursement for security improvements in the amount of \$41,858, for a total sum of \$1,390,186.40

Regularly passed and adopted this 5th day of January, 2023 by the following vote:

Ayes:

Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

JPB Secretary

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Casey Fromson, Chief Communications Officer
Subject: **Adopt 2023 Legislative Program**

Finance Committee
Recommendation

Work Program-Legislative-Planning
Committee Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Action

Staff proposes the Committee recommend the Board:

1. Adopt the 2023 Legislative Program

Significance

The 2023 Legislative Program will establish the principles that will guide the legislative and regulatory advocacy efforts. Based on those principles, staff coordinates closely with our Federal and State advocates on a wide variety of issues that are considered in Congress and the State legislature. The attached report details the issues and plans for 2023 advocacy efforts.

Budget Impact

None.

Background

None.

Prepared By: Devon Ryan

Government & Community
Affairs Officer

650.730.6172

Caltrain 2023 Legislative Program

Purpose

Legislative and regulatory actions have the potential to significantly benefit Peninsula Corridor Joint Powers Board / Caltrain (Agency) programs and services. They also have the potential to present serious challenges that threaten the Agency's ability to meet the county's most critical transportation demands.

The 2023 Legislative Program establishes the principles that will guide the Agency's legislative and regulatory advocacy efforts through the 2023 calendar year, including the first half of the 2023-24 State legislative session and 118th Congress. The program is intended to be broad enough to cover the wide variety of issues that are likely to be considered during that time and flexible enough to allow the Agency to respond swiftly and effectively to unanticipated developments.

Objectives

The 2023 Legislative Program is organized to guide the Agency's actions and positions in support of three primary objectives:

- Maintain and enhance funding opportunities to support the Agency's programs and services;
- Seek a regulatory environment that streamlines project delivery and maximizes the Agency's ability to meet transportation service demands; and
- Reinforce and expand programs that build and incentivize public transportation ridership, improve quality transportation choices, and better incorporate Caltrain service with other agencies in the Bay Area.

Issues

The Legislative Program is structured to apply these core objectives to a series of regional, state, and federal issues falling in these categories:

- Budget and Transportation Funding Opportunities
- Transportation Projects Funding Requests and Needs
- Regulatory, Legislative, and Administrative Issues

Within these categories are a detailed list of specific legislative initiatives and corresponding set of policy strategies.

Should other issues surface that require the Board's attention, actions will be guided by the three policy objectives listed above. If needed, potential action on issues that are unrelated to these policy goals will be brought to the Board for consideration.

Advocacy Process

Staff will indicate on each monthly legislative update recommended positions for pending bills. Once the Board has an opportunity to review the recommended position, staff will communicate the position to the relevant entity (such as the bill author, agency, or coalition). In rare circumstances, should a position on a bill be needed in advance of a Board meeting, staff will confer with the Board Chair. If legislation falls outside of the scope of the Board's adopted Legislative Program, Board approval will be required prior to the Agency taking a position.

Public Engagement Strategies

Staff, led by the Communications Division and its legislative consultants, will employ a variety of public engagement strategies to support the 2023 Legislative Program, including:

- Direct Engagement
Engage policymakers directly and sponsor legislation, submit correspondence and provide public testimony that communicates and advances the Agency's legislative priorities and positions.
- Coalition-based Engagement
Engage local and regional stakeholders to build awareness about specific issues and participate in local, regional, statewide and national coalitions organized to advance positions that are consistent with the 2023 Legislative Program.
- Media Engagement
Build public awareness and communicate the Agency's legislative priorities by issuing press releases, organizing media events, and through the use of social media.

The adopted legislative program will guide the Agency's legislative advocacy efforts until approval of the next program.

State and Regional	
Funding Opportunities and Challenges	
<i>Issue / Background</i>	<i>Strategy</i>
<p>General Funding Since March 2020, transit agencies were hit hard by the loss of ridership and revenue due to the COVID-19 pandemic. Caltrain ridership remains significantly lower than pre-pandemic levels, and significant additional funding is still needed to mitigate the pandemic’s impact for transit agencies.</p> <p>In 2022, the state budget included significant new funding for transportation, with additional funds (\$4 billion) proposed for FYs 2023-24 and 2024-25. These funds are for capital projects and flow through the TIRCP.</p>	<ul style="list-style-type: none"> ● Direct advocacy for additional resources to secure state funding for transit systems and work to ensure committed funds materialize in the FY 2023-24 State Budget. ● Work with other regional transit agencies, and agencies statewide, to secure a new source of operations funding for transit. ● Ensure that any new COVID relief funding suballocated through the region is based primarily on revenue losses, balanced with the needs of transit dependent riders. ● Protect against the elimination or diversion of any State or regional funds that support the agency’s transportation needs. ● Support State funding allocation requests for investments that benefit the Agency’s transportation programs and services. ● Work with legislative delegation, regional agencies, transit systems and transit associations to identify and advance opportunities for funding that would support the Agency’s transportation priorities. ● Support efforts to provide funding for the deployment of zero emission transit vehicles and infrastructure, including working with the CalSTA, CARB, and CEC on funding program requirements.
<p>Formula Funding In 2022, transit formula funding began to rebound from the lows of the COVID-19 pandemic, seeing new highs in some estimates. However, there are now signs of a recession looming, which may have negative impacts on core transit funding.</p> <p>After years of diversion to support the State’s General Fund, funding for the State Transit Assistance (STA) program has remained stable over the last few budget cycles thanks to</p>	<ul style="list-style-type: none"> ● Support the full funding of the STA program at levels called for in the 2011 reenactment of the 2010 gas-tax swap legislation. ● Support full and timely allocation of the Agency’s STIP share. ● Participate in the CTA’s TDA taskforce and support CTA efforts to engage the Legislature on TDA reform and the review of performance measures for transit.

<p>successful legal, legislative and political efforts on behalf of the transportation community. Still, more revenue is needed in order to meet the demand of increased ridership, reduce highway congestion and adhere to the State’s mandate of reducing greenhouse gas emissions, and creating livable communities.</p> <p>In 2019, the California Transit Association convened a working group, at the request of the Senate and Assembly Transportation Committees to review and provide potential changes to the Transportation Development Act (TDA). The CTA effort resulted in temporary relief in meeting farebox recovery ratio requirements to access LTF, STA, LCTOP and SOGR funds as well as several more significant and permanent changes to TDA such as adding additional exemptions for on-demand service, cost of security, transitioning to zero-emission operations, and more. In 2023, the TDA conversation will continue to assess more holistic changes to TDA for introduction in 2024 to maximize flexibility for maintaining and expanding service. The Agency is part of the working group. In 2023, the Agency will support the California Transit Association’s efforts to extend the temporary relief.</p>	
<p>Cap-and-Trade Revenues In 2012, the State began implementing the cap-and-trade market-based compliance system approved as a part of the California Global Warming Solutions Act of 2006 (AB 32). Since the program began selling allowances, the program</p>	<ul style="list-style-type: none"> • Work with the Administration and like-minded coalitions to secure the appropriation of additional cap-and-trade revenues to support the Agency’s transportation needs. • Support legislation and regional action that makes a broad array of the Agency’s emissions-reducing transportation projects, programs and services eligible for investment.

<p>has generated billions of dollars. In 2014, legislation was enacted creating a long-term funding plan for cap-and-trade which dedicates 60 percent of cap-and-trade revenues to transportation. The remaining 40 percent is subject to annual appropriation through the state budget process. In 2017, the legislature extended the program from 2020 to 2030.</p>	<ul style="list-style-type: none"> • Protect existing cap-and-trade appropriations for transit operations, capital projects and sustainable communities strategy implementation. • Work to explore Cap and Trade as a potential source for additional operating funds.
<p>Voter Threshold Legislation has been considered in recent years that provide a framework for lowering the thresholds for the State or a city, county, special JPB or regional public agency to impose a special tax.</p>	<ul style="list-style-type: none"> • Support efforts to amend the State Constitution to reduce the voter threshold required for the State or a city, county, special district or regional transportation agency to impose a special tax for transportation projects or programs and monitor local efforts to use the initiative process to place measures on the ballot with lower voter thresholds.
<p>Other State or Local Funding Options Local and regional governments continue to seek methods for funding new infrastructure, facility needs, sustainability initiatives, and projects that will support ridership growth through a variety of methods such as managed lanes and local ballot measures.</p> <p>In 2020, there was the potential for a regional transportation measure (called FASTER Bay Area), led by the Bay Area Council, Silicon Valley Leadership Group and SPUR. MTC is kicking off a listening tour regarding a potential future regional ballot. Many details about the timing, funding mechanism and expenditure plan are still being discussed.</p> <p>In 2014, the Federal Aviation Administration’s (FAA) issued a rule called the “Policy and Procedures</p>	<ul style="list-style-type: none"> • Advocate for legislation that would create new local funding tools to support transportation infrastructure and services. • Support innovative local and regional funding options that will provide financial support for the agency. • Advocate for funding sources that would assist transit agencies in obtaining funds for sustainability initiatives including water conservation, waste reduction, long-term resource efficiency of facilities and equipment, and greenhouse gas reductions. • Support funding for workforce development, retention, and housing to attract and retain quality personnel. • Support efforts that allow for public private partnerships that benefit the implementation of capital projects, efficient operation of transit services, or enhanced access to a broad range of mobility options that reduce traffic congestion. • Work to ensure the agency is at the table and appropriately funded as part of any potential regional funding measure. • Support efforts to ensure sales tax revenues generated from aviation fuel continue to fund planned transportation projects. Support the State of California in its efforts to respond and address FAA’s requests.

<p>Concerning the Use of Airport Revenue, proceeds from Taxes on Aviation Fuel.” The rule would require that local taxes on aviation fuels must be spent on airports is contrary to states’ rights to control their general application sales tax measures. The State of California has been active in addressing this issue.</p>	
<p>Transportation & Housing Connection Given the housing shortage crisis, there have been efforts at the State and regional level to link housing and zoning with transportation funding. The Surplus Lands Act which governs the disposition of government owned property is likely to be amended in the next legislative cycle.</p>	<ul style="list-style-type: none"> • Evaluate state or regional efforts that directly link transportation funding to housing and provide for higher density housing projects near transit stations. • Advocate for solutions that appropriately match decision making authority with funding (i.e. – An agency shouldn’t be financially penalized for decisions that are outside the authority of the agency). • Advocate where necessary for the Agency to be able to develop its property in the manner most beneficial to Agency needs and goals.
<p>Transportation Projects</p>	
<p>General Pre-pandemic, as the Bay Area’s population continued to grow, the region’s transportation infrastructure was strained. Although transit ridership remains far below pre-pandemic levels, we expect riders to return to public transit once major employers along the corridor bring their employees back to the office. We are already seeing highways, local streets and roads becoming heavily congested. Despite the pandemic, the demand for housing with easy access to public transit continues to grow.</p>	<ul style="list-style-type: none"> • Work with partners in the region to bring business, community, and transportation stakeholders together to enhance, support and advocate for equitable transportation and mobility in the Bay Area. • Support legislation that assists the Agency in its efforts to recruit and retain employees.
<p>Transit-Oriented Development / First and Last Mile First and last mile projects, as well as transit-</p>	<ul style="list-style-type: none"> • Support efforts to provide commuters with easy and convenient options to travel to and from major transit centers to their final destination.

<p>oriented development projects are an important part of the broad transit ecosystem that will help support robust ridership in the corridor.</p>	<ul style="list-style-type: none"> • Support the development of new and innovative first and last mile options. • Support increased funding opportunities for first and last mile projects. • Advocate for policies that promote transit-oriented developments in ways that with compliment transit services. • Support state funding incentives and streamlining processes for transit-oriented development.
<p>Transportation Demand Management (TDM) TDM is the application of strategies and policies to reduce travel demand of single-occupancy vehicles or to redistribute this demand in space or time.</p>	<ul style="list-style-type: none"> • Support efforts that provide more TDM tools and funding opportunities. • Support policies that encourage use of TDM.
<p>Electrification Project In 2012, the State Legislature appropriated Prop 1A high-speed rail funds to modernize the Caltrain corridor and lay the foundation for future high-speed rail service. Under a multi-party regional funding agreement, this investment was matched with a variety of local, regional, state and federal funding sources to electrify the corridor, install an advanced signaling system and replace 75% of Caltrain’s aging diesel trains with electric trains that will dramatically improve service between San Francisco and San Jose. The Project has a funding gap that requires additional financial resources.</p> <p>The Electrification Project is a transformational first step in the realization of a larger future for Caltrain that will be guided by the Caltrain 2040 Business Plan efforts.</p> <p>Caltrain 2040 Business Plan In October 2019, the Caltrain Board adopted a long-term 2040 Service Vision, defining an ambitious plan for growing service over the next 20-plus years. The service vision outlines the capital and operating needs to</p>	<ul style="list-style-type: none"> • Direct advocacy to support allocation of one-time general fund money, TIRCP, cap-and-trade, or other State funding, to fill the funding gap for the Electrification project to ensure timely completion of the project by 2024. • Work with state, local and regional partners to advance policies and actions that will help secure funding needed to fulfill local, regional and state commitments to the Electrification Project. • Advocate for the sale and allocation of Proposition 1A bonds to meet the commitments specified in SB 1029 with respect to the Caltrain corridor and work to include funding for Caltrain in any future Proposition 1A appropriations. • Work to address regulatory challenges that limit the implementation of solutions that will maximize Caltrain capacity and service benefits. • Advocate for funding and policies to support grade separation projects. • Support the allocation of cap-and-trade or other state / regional funding to advance implementation of Caltrain projects. • Work to address regulatory actions or policies that negatively impact Caltrain future capacity or service improvements. • Support the implementation of the Caltrain Business Plan associated projects and policies. Continue to educate the Caltrain legislative delegation and key members of the Administration on the Plan. • Ensure relevant state and regional agencies incorporate relevant elements of the Caltrain Business Plan in their long-term plans. • Support funding and regulations that are consistent with Caltrain’s equity and growth policy.

<p>achieve the vision and includes projects such as longer EMU fleet, longer platforms, level boarding, passing tracks, grade separations and station upgrades. It also identified needs to prepare the railroad to expand and integrate into a regional rail network.</p> <p>Caltrain Equity and Growth Framework In 2020, Caltrain developed a policy to advance equity within the system and neighboring communities. The policy will help address systemic inequality by taking steps to ensure the Caltrain system is accessible and useful to all. The policy also advances efforts to improve Caltrain connections to the regional transit network and provide direction on service priorities during and after the COVID-19 pandemic.</p> <p>High-Speed Rail Blended System In 2016, a new round of HSR Blended System planning, outreach and environmental clearance work kicked-off in the corridor. While this project is not being led by the JPB, the agency owns the right-of-way and has a significant interest in the process and success of the project that will “blended” with Caltrain service. Current timeline would HSR on the corridor by 2033.</p>	<ul style="list-style-type: none"> • Consistent with existing agreements between JPB and CHSRA, support efforts to plan, engage stakeholders, and implement the Blended System project on the Caltrain corridor. • Work with Caltrans and CalSTA to secure funding for pilot projects for BEMU testing and deployment. • Work with CARB to ensure that its regulatory actions do not impede delivery of Caltrain’s electrification project.
<p>Legislative, Regulatory and Administrative Issues</p>	
<p>General Every year a variety of legislation or regulatory action is pursued that would affect regulations governing transportation-related service operations, administration, planning and project delivery. In addition, opportunities exist to</p>	<ul style="list-style-type: none"> • Support opportunities to remove barriers to, and improve the ability to conduct, safe, efficient transportation operations, administration, planning and project delivery efforts, including alternative project delivery methods that provide flexibility to the agency.

<p>reform or update existing regulations that are outdated, or can be improved to address potential burdens on transportation agencies without affecting regulatory goals. Recently, there have been calls for a more coordinated and streamlined transit system in the Bay Area.</p>	<ul style="list-style-type: none"> • Oppose efforts to impose unjustified and burdensome regulations or restrictions on the Agency’s ability to conduct efficient transportation operations, administration, planning and project delivery efforts. • Engage with MTC, the Legislature, and stakeholders on policies stemming from MTC’s Blue Ribbon Transit Recovery Task Force’s Bay Area Transit Transformation Action Plan, and the “Seamless” Bay Area efforts. • Ensure that new requirements impacting transit agencies support improved connections with other transit system and don’t result in tradeoffs that have unintended consequences for key transit riders and stakeholders. • Work with the Administration to ensure guidance considers impacts on transit operations and the ability to meet transit rider mobility needs.
<p>California Environmental Quality Act (CEQA) Several regional and statewide transportation organizations continue working to modernize CEQA and minimize unnecessary delays during the environmental review process. In 2020, legislation was passed (SB 288) providing a series of temporary statutory exemptions for transit and active transportation projects under CEQA. In 2022, legislation was passed (SB 922) to extend these exemptions through 2030.</p>	<ul style="list-style-type: none"> • Closely monitor efforts to modernize CEQA. Without compromising CEQA’s effectiveness as an environmental protection policy, support proposals that advantage transportation projects, including bicycle, pedestrian and transit-oriented development projects. • Monitor the implementation and opportunities related to SB 922 (Wiener).
<p>Public Employees’ Pension Reform Act (PEPRA) In 2021, the United States Department of Labor issued new policy asserting that the implementation of PEPRA by California transit agencies precludes the department from certifying federal transit grants owed to California transit agencies. This policy, if implemented fully by USDOL, would lead to the withholding of potentially billions of dollars in federal funding to California transit agencies, including the Agency.</p>	<ul style="list-style-type: none"> • Engage the State of California, delegation, sister agencies and transportation associations to prevent the withhold the certification of federal transit grants owed to the Agency due to the implementation of PEPRA by transit agencies.

<p>Sustainable Communities Strategies Implementation In conjunction with AB 32 and SB 32 implementation, the Sustainable Communities and Climate Protection Act (SB 375) requires regions to develop Sustainable Communities Strategies (SCS) with integrated housing, land-use and transportation policies that will accommodate population growth and reduce regional greenhouse gas emissions by specific amounts. In 2017, regional authorities in the Bay Area approved the update to Plan Bay Area. The final Plan Bay Area 2050 was adopted in 2021.</p>	<ul style="list-style-type: none"> • Advocate for policies that provide adequate and equitable funding to support increased demand and dependence on the Agency’s transportation services associated with the implementation of SB 375 and Plan Bay Area. • Ensure any planning, development, or policy proposals are consistent with the Agency’s policies and planning. • Support efforts to provide ensure transit agencies are eligible for climate resiliency program funding.
<p>Executive Orders Related to GHG Emissions: Since taking office, Governor Newsom has issued two Executive Orders – N-19-19 and N-79-20 – calling for reduced emissions from the transportation sector and larger, coordinated investments in transit, active transportation and land-use. The executive orders highlight the need for expanding clean transportation options.</p> <p>Building on the executive orders above, in 2021, CalSTA adopted the Climate Action Plan for Transportation Infrastructure (CAPTI), which details how the state recommends investing billions of discretionary transportation dollars annually to aggressively combat and adapt to climate change while supporting public health, safety and equity.</p>	<ul style="list-style-type: none"> • Work to ensure state and federal funds are made available transportation agencies to achieve the goals outlined in the orders. • Engage in the State’s effort to address the transit-specific goals outlined in the executive orders. • Protect transit agencies from any negative impacts stemming from the executive orders (e.g. additional mandates without funding, changes to funding guidelines that might disadvantage transit projects).
<p>CARB In-use Loco Regulation: To meet Executive Order N-79-20 and achieve 100% zero emissions</p>	<ul style="list-style-type: none"> • Work to ensure funding programs are available to support transition to new technology

<p>from off-road vehicles and equipment operations in the state by 2035, CARB anticipates adopting an In-Use Locomotive Regulation. <i>As currently drafted, it would require all owners, operators, sellers, leasers, renters, or manufacturers to create spending accounts (based on emissions level and amount of work performed in California) for zero-emission loco purchases as early as 2023. In 2030, it would ban all locomotives 23 years or older from operating in the state.</i></p>	<ul style="list-style-type: none"> • <i>Work to ensure that CARB complete a market and technology assessment that encompasses all information on the limitations and barriers for passenger rail agencies.</i> • <i>Work to support pilot projects for zero-emissions rail technologies such as BEMUs funded by the state.</i> • <i>Participate in CARB’s rulemaking effort and advocate for workable solutions for passenger rail with staff and Board members.</i> • <i>Support efforts for an alternative pathway with individualized agency plans.</i>
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Federal	
Funding Opportunities and Challenges	
<i>Issue / Background</i>	<i>Strategy</i>
<p>Federal Appropriations In 2022, transit agencies continued to be impacted by the loss of ridership and revenue due to the COVID-19 pandemic. While federal emergency relief funding (CARES Act, CRSSA, and the American Rescue Plan) provided some relief in the near-term, significant additional funding is needed to mitigate the pandemic’s long-term impact.</p> <p>Every year, Congress adopts several appropriations bills that cover 12 major issue areas, including the Transportation, Housing and Urban Development bill. These measures provide the funding for federal agencies to spend money</p>	<ul style="list-style-type: none"> • Advocate for funding for the Caltrain Electrification Project in the FY22 Appropriations bill. • Partner with local, regional, State and national coalitions to advocate appropriation of the maximum authorized amount for programs that benefit the Agency’s transportation services and needs. • Work with local and regional coalitions to support requests for funding from discretionary programs, • Communicate frequently with the Agency’s federal delegation and key appropriators on the needs or concerns of pending appropriation bills.

<p>during the upcoming fiscal year for the programs they administer.</p> <p>In September of 2022, Congress passed a continuing resolution (CR) to keep federal agencies funded at the same level as the previous fiscal year, through December 16, 2022, and is expected to pass the FY 2023 Omnibus Appropriations bill that will include Transportation, Housing and Urban Development bill before the end of the calendar year of 2023.</p>	
<p>Tax and Finance Congress considers legislation that governs tax and finance issues that impact transit agencies.</p>	<ul style="list-style-type: none"> • Support efforts to ensure tax provisions that benefit the agency’s priorities are included in any tax or finance proposal. • Protect against the elimination or diversion of any tax policies that support the agency’s transportation needs.
<p>Transportation Projects</p>	
<p>General Support Agency projects and the efforts of partnering agencies to obtain federal funding for the Agency’s related transit projects.</p>	<ul style="list-style-type: none"> • Work with federal delegation members, as well as local, regional, and state coalitions to support the federal funding requests for Agency projects and for our partner transit agencies on projects that provide complimentary services for the agency.
<p>Caltrain Electrification Project The current Project funding plan includes funding from several federal funding sources including the FTA Capital Investments Grant Program and Community Project requests. The Project has a funding gap that requires additional financial resources.</p> <p>Positive Train Control (PTC) is a federal mandate. The current Caltrain Positive Train Control (PTC) project includes some funding from the Federal Railroad Administration (FRA).</p>	<ul style="list-style-type: none"> • Work with federal delegation members, as well as local, regional, and state coalitions to fill the Electrification Project funding gap through formula funding, discretionary grants, and the annual appropriations bills. • Advocate for additional PTC funding for operating expenses. • Support efforts to streamline regulatory administrative hurdles to supporting full PTC operations. • Support the allocation of federal funding to advance implementation of Caltrain-related projects. • Advocate for funding and policies to support grade separation projects. • Work to address regulatory actions or policies that negatively impact future capacity or service improvements.

The Electrification program is a transformational first step in the realization of a larger future for Caltrain that will be guided by the Caltrain 2040 Business Plan efforts.

Caltrain 2040 Business Plan In October 2019, the Caltrain Board adopted a long-term 2040 Service Vision, defining an ambitious plan for growing service over the next 20-plus years. The service vision outlines the capital and operating needs to achieve this vision and includes projects such as longer EMU fleet, longer platforms, level boarding, passing tracks, grade separations and station upgrades. It also identified needs to prepare the railroad to expand and integrate into a regional rail network. While the Plan is close to final, Caltrain turned its attention to COVID recovery in 2020 and plans to close out the Business Plan in 2022.

Caltrain Equity and Growth Framework In 2020, Caltrain developed a policy to advance equity within the system and neighboring communities. The policy will help address systemic inequality by taking steps to ensure the Caltrain system is accessible and useful to all. The policy also advances efforts to improve Caltrain connections to the regional transit network and provide direction on service priorities during and after the COVID-19 pandemic.

High-Speed Rail Blended System In 2016, a new round of HSR Blended System planning, outreach and environmental clearance work kicked-off in the corridor. While this project is not being led by

- Support the implementation of the Caltrain Business Plan associated projects and policies. Continue to educate the Caltrain legislative delegation and key members of the Administration on the Plan.
- Support funding and regulations that are consistent with Caltrain’s equity and growth policy.
- Consistent with existing agreements between JPB and CHSRA, support efforts to plan, engage stakeholders, and implement the Blended System project on the Caltrain corridor.

<p>the JPB, the agency owns the right-of-way and has a significant interest in the process and success of the project that will “blended” with Caltrain service. In 2022, HSR will likely finalize the EIR for the northern Caltrain corridor and request additional allocation of Prop 1A resources for the Central Valley work.</p>	
<p>Legislative, Regulatory and Administrative Issues</p>	
<p>General Every year a variety of legislation or regulatory action is pursued that would affect regulations governing transportation-related service operations, administration, planning and project delivery. In addition, opportunities exist to reform or update existing regulations that are outdated, or can be improved to address potential burdens on transportation agencies without affecting regulatory goals.</p>	<ul style="list-style-type: none"> • Support opportunities to remove barriers to, and improve the ability to conduct, safe, efficient transportation operations, administration, planning and project delivery efforts, including alternative project delivery methods that provide flexibility to the agency. • Oppose efforts to impose unjustified and burdensome regulations or restrictions on the Agency’s ability to conduct efficient transportation operations, administration, planning and project delivery efforts.
<p>Infrastructure Investment and Jobs Act (IIJA) Implementation In November 2021, Congress approved and the President signed into law the IIJA, includes \$550 billion in new formula and grant funding for infrastructure investment, including for roads and bridges, rail systems, bus systems, drinking water and clean water, the electric grid, and other programs. MTC estimates that the Bay Area will receive at least \$4.5 billion in formula fundings from IIJA.</p>	<ul style="list-style-type: none"> • Advocate for federal funds through IIJA for Agency projects and plans. • Monitor and review guidance and rulemaking proposals affecting IIJA implementation and other transportation issues. • Collaborate with local, regional, state and national transportation advocacy groups to coordinate comments and advocacy efforts that support regulations that maximize benefits for transportation programs, services and users. • Collaborate with local, regional, state and national transportation advocacy groups to coordinate proposals and advocacy efforts for IIJA funding and implementation.
<p>Inflation Reduction Act (IRA) After the passage of the IRA, federal agencies will be tasked with program implementation, granting them broad authority over the deployment of funding. While</p>	<ul style="list-style-type: none"> • Monitor closely and take action as needed during Administration implementation of provisions that may have a significant impact on transit / transportation projects and programs. • Advocate for funding for the Agency’s projects and needs

<p>focusing mainly on energy production, tax, and healthcare, the IRA provides some funding for low-emission transportation technologies.</p>	
<p>FAA Rule In 2014, the Federal Aviation Administration’s (FAA) issued a rule called the “Policy and Procedures Concerning the Use of Airport Revenue, proceeds from Taxes on Aviation Fuel.” The rule would require that local taxes on aviation fuels must be spent on airports is contrary to states’ rights to control their general application sales tax measures.</p> <p>The final FY 2021 Omnibus Appropriations bill includes report language encouraging the Department of Transportation “to continue working with State and local governments and the FAA to develop a path forward to allow the use of local sales tax revenues generated on the sale of aviation fuel to be used in a manner consistent with their enactment.”</p>	<ul style="list-style-type: none"> • Support efforts to protect the ability of local and state governments to determine how general sales tax measures are allocated. • Continue to advocate for report language in the annual appropriations bills and support legislative changes that would permanently clarify the issue. • Support the State of California in its efforts to respond and address FAA’s requests

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: James C. Harrison , General Counsel
Subject: **Adopt Amendments to Code of Conduct for Public Meetings**

Finance Committee
Recommendation

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Action

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) adopt the attached amended Code of Conduct for all Regular and Special Board, Committee, and Advisory Committee meetings to reflect recent changes in law.

Significance

Meetings of the JPB and its Committees are subject to the Ralph M. Brown Act (the Brown Act), which requires meetings of legislative bodies to be open to the public. Cal. Gov. Code § 54950 *et seq.* The governing boards of local agencies are permitted to adopt and enforce policies designed to ensure that meetings are conducted in an orderly fashion and that decorum is maintained so that all members of the public may observe and participate in the conduct of the people’s business.

In August 2022, the California Legislature enacted, and the Governor signed, Senate Bill 1100 (SB 1100), which amended provisions of the Brown Act. SB 1100 adds to the Brown Act’s guidelines governing the removal of a disruptive attendee by the presiding member of the meeting or their designee. Cal. Gov. Code § 54957.95. SB 1100 becomes effective on January 1, 2023.

The procedures related to removing an individual under SB 1100 are as follows:

1. Removal must be preceded by a warning to the individual that the individual’s behavior is disrupting the meeting and that the individual’s failure to cease their behavior may result in removal.
2. The presiding member or a designee may remove the individual if the individual does not promptly cease their disruptive behavior.
3. The warning requirement does not apply to behavior that constitutes a use of force or a true threat of force.

Cal. Gov. Code § 54957.95.

SB 1100 defines “disrupting” as engaging in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to: a

failure to comply with reasonable and lawful regulations of the legislative body regarding the conduct of meetings enacted pursuant to the Brown Act or any other law; or engaging in behavior that constitutes use of force or a true threat of force. Cal. Gov. Code § 54957.95. A “true threat of force” means a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force. *Id.*

The proposed amendments to the Code of Conduct incorporate SB 1100’s new disruptive attendee procedures and establish expectations regarding appropriate conduct in order to create an environment that promotes productivity and efficiency while fostering public participation. A draft Code was presented to the Citizens Advisory Committee on December 21, 2022; feedback received at that meeting was incorporated into the amended Code.

Budget Impact

There is no budget impact associated with receiving this report.

Background

The Brown Act was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies. The Act protects the public’s right to participate in government meetings, including by requiring notice of meetings and publication of meeting agendas and materials and prohibiting registration or payment of a fee as a condition of attendance. The governing body of a local agency must allow public criticism of the body to be freely expressed in its meetings. Cal. Gov. Code § 54954.3(c). However, the governing body may decline to take public comment on topics that are not within the subject matter jurisdiction of the body or to tolerate personal insults or slander of the board members or agencies’ staff.

The Brown Act allows governing bodies to adopt codes of conduct to preserve decorum and permit the orderly conduct of its meetings. Cal. Gov. Code § 54954.3(b). The Act also specifically permits the governing body to remove disruptive individuals from Board and Committee meetings in order to preserve order in a meeting and allow it to continue. Cal. Gov. Code § 54957.9. The Brown Act permits legislative bodies to establish procedures to readmit individuals not responsible for the disturbance when a meeting room is cleared. *Id.*

The California Legislature passed, and the Governor signed, SB 1100 in August 2022, amending the provisions of the Brown Act related to the removal of disruptive attendees. Beginning January 1, 2023, the presiding member of a meeting (or their designee) may remove a disruptive attendee upon warning if the attendee fails to comply with reasonable and lawful regulations to promote orderly conduct in meetings, or without warning if the attendee is making a use of force or a true threat of force. Cal. Gov. Code § 54957.95.

The removal authority under SB 1100 is in addition to the authority granted to legislative bodies by existing provisions of the Brown Act permitting removal of a group or groups of persons from a meeting for willfully interrupting the meeting. *See* Cal. Gov. Code §§ 54957.9, 54957.95.

This proposed amended Code of Conduct complies with the requirements of the Brown Act and promotes public participation and efficient, productive, and orderly meetings.

Prepared By:	Anna Myles-Primakoff	Legal Counsel	916-442-2952
	Quentin Barbosa	Associate	916-442-2952

Resolution No. 2023-

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

* * *

Adopting Amendments to Code of Conduct for Public Meetings

Whereas, the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) is committed to the principles of government transparency and the promotion of public participation; and

Whereas, the Board seeks to ensure that meetings are conducted in an orderly fashion and that decorum is maintained so that all members of the public may observe and participate in the conduct of the people's business; and

Whereas, the Brown Act allows governing bodies to adopt codes of conduct or rules to preserve decorum and permit the orderly conduct of their meetings. The Act also specifically permits the governing body to remove disruptive individuals from meetings, as provided in the proposed amendments to the Code of Conduct, to preserve order during a meeting and allow it to continue. Cal. Gov. Code § 54957.9; and

Whereas, the governing body of a local agency must allow members of the public the opportunity to comment on items that are not on the agenda, but does not need to permit members of the public to comment on topics that are not within the subject matter jurisdiction of the body; and

Whereas, the governing body of a local agency must allow public criticism of the body to be freely expressed in its meetings. However, the governing body does not need to tolerate personal insults or slander of the board members, committee members, or staff; and

Whereas, the Board previously adopted the most recent Code of Conduct for all public

meetings on May 5, 2022. The attached Code of Conduct offers revisions in light of Senate Bill 1100 (SB 1100), passed by the California Legislature and signed by the Governor in August 2022. SB 1100 amends the Brown Act to permit the presiding member of a meeting or their designee to remove disruptive attendees under certain the circumstances. Cal. Gov. Code § 54957.95. SB 1100 became effective on January 1, 2023; and

Whereas, Staff has presented these amendments to the Code of Conduct for public meetings to the Caltrain Citizens' Advisory Committee on December 21, 2022, and has since incorporated their feedback regarding the amendments; and

Whereas, Staff recommends that the Board adopt the attached amendments to the Code of Conduct for all Regular and Special Board, Committee, and Advisory Committee meetings.

Now, Therefore, Be It Resolved that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby adopts the attached Code of Conduct for all Regular and Special Board, Committee, and Advisory Committee meetings.

Regularly passed and adopted this 5th day of January, 2023 by the following vote:

Ayes:

Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

JPB Secretary

Code of Conduct Governing Public Participation in Meetings

of the Board of Directors of the Peninsula Corridor Joint Powers Board

Principles and Purpose

The Board of Directors of the Peninsula Corridor Joint Powers Board (“Board”) is committed to the principles of government transparency and the promotion of public participation. The Board seeks to ensure that Board and Committee meetings are conducted in an orderly fashion and that decorum is maintained so that all members of the public may observe and participate in the conduct of the people’s business. Promoting a respectful and orderly environment will ensure that all speakers have the opportunity to be heard and that members of the Board and Committees have the opportunity to hear public comment and engage in thoughtful deliberations.

The purpose of this Code of Conduct is to establish expectations regarding appropriate conduct in order to create an environment that promotes civil and respectful discussion, productivity, and efficiency while fostering public participation and a safe and welcoming environment. Caltrain encourages robust public participation in its Board and Committee meetings, and this Code of Conduct is intended to preserve free expression while addressing conduct that may disrupt or impede Board or Committee meetings. This Code of Conduct applies to all Regular and Special Board, Committee, and Advisory Committee Meetings.

I. Addressing the Board/Committee

- A. A member of the public who wishes to address the Board or Committee must seek the permission of the Chair. In the interest of facilitating the business of the Board or Committee, the Chair may limit the amount of time and the number of persons who may address the Board or Committee.
- B. In-Person Meetings
 - 1. Members of the public desiring to address the Board or a Committee at in-person meetings on a consent, discussion, closed session, or public hearing agenda item are requested, but not required, to complete a speaker request form and deposit the completed form with the Secretary of the JPB prior to the Board or Committee’s consideration of the consent calendar, the reading of the agenda item, or the opening of the public hearing.
 - 2. A person who has requested to address the Board or a Committee will be allowed up to two (2) minutes per agenda item, unless the Chair establishes a different standard based on the Board or Committee’s business needs.
 - 3. Members of the public shall have the right to address the Board or a Committee on items of interest which are within the Board or Committee’s jurisdiction. A person requesting to address the Board or Committee on a non-agenda item will be allowed up to two (2) minutes per meeting, unless the Chair establishes a different standard based on the Board or Committee’s business needs. Items

addressed by members of the public pursuant to this paragraph may be added to future agendas at the request of the Chair or two or more Board members.

C. Meetings Held Via Teleconference

1. When meetings are held via teleconference, the Secretary of the JPB shall provide the ability for members of the public to address the Board or Committee remotely via a telephonic or other Internet-based service at regular meetings.
 2. A person attending a meeting remotely and addressing the Board or a Committee on an agenda item will be allowed up to two (2) minutes per agenda item, unless the Chair establishes a different standard based on the Board or Committee's business needs.
 3. Members of the public attending a meeting remotely shall have the right to address the Board or Committee on items of interest which are within the Board or Committee's jurisdiction. A person addressing the Board or Committee on a non-agenda item will be allowed up to two (2) minutes per meeting, unless the Chair establishes a different standard based on the Board or Committee's business needs.
- D. The Board or Committee shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the Board or Committee.
- E. Any individual who engages in disruptive conduct, as defined in Section II(B) of these Rules, may be prohibited from addressing the Board or Committee on agenda items and during public comment at future meetings.
- F. When any affiliated group of persons desires to address the Board or Committee on the same subject matter, the group may select a spokesperson who may coordinate with the Chair or staff prior to the meeting, or if there are significant time constraints, the Chair may require that a spokesperson be chosen to represent the group. Subject to approval by the Chair, the Chair or staff may additionally facilitate any one of the following options for the group, including but not limited to: (i) requesting additional time for the spokesperson to speak if other members of the group cede their time; (ii) arranging speakers sequentially; or (iii) for in-person meetings, members of the group may raise their hand or stand up at their seat to show support for their designated speaker in lieu of providing remarks.
- G. Alternatively, if there are ten (10) or more speakers wishing to speak on an item, the Chair may limit all individuals to one (1) minute for their public comments on the same item.

II. Conduct

- A. Unless addressing the Board or Committee or entering or leaving the Board Room, all persons in the audience shall sit only in designated seating provided by the JPB. Standing is permitted though no person shall stand or sit in the aisles or block the doorways.
- B. Disruptions

1. A speaker may be sanctioned as described herein only if the speaker's conduct actually disrupts the orderly conduct of the meeting or interferes with the Board or Committee's ability to conduct its business. For purposes of this Rule, "disruption" of a Board or Committee meeting may include, but is not limited to, speaking beyond the time limits set by these Rules or the Chair, being unduly repetitious, engaging in an extended discussion of irrelevancies, failing to yield to the Chair, or otherwise violating a provision of the Code of Conduct or any reasonable JPB regulation designed to preserve decorum and orderly conduct in public meetings.
2. Each person who addresses the Board or Committee shall not engage in personal attacks, or use loud, threatening, profane, or abusive language that disrupts, disturbs, or otherwise impedes the orderly conduct of the Board or Committee meeting. Any such language or any other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the Board or Committee meeting is prohibited.
3. The Chair may find that a speaker is disrupting the orderly conduct of the meeting if a comment is unrelated to the agenda item under consideration, or if the speaker's conduct violates any other provision in this Code of Conduct. If the Chair finds that a speaker is disrupting the orderly conduct of the meeting, the speaker shall forfeit their remaining time, or the Chair may issue a warning to the attendee of their disruption and order their removal from the meeting should they fail to heed the warning.
4. Meeting attendees shall not engage in conduct that disrupts the orderly conduct of any meeting, including, but not limited to, the utterance of loud or threatening language, whistling, clapping, stomping of feet, speaking over or interrupting the recognized speaker, repeated waving of arms, or other disruptive acts. Whether conduct rises to the level of being disruptive shall be determined by the Chair.
5. The Chair has the authority to issue a warning or remove from a meeting a person violating the Code of Conduct or any lawful order issued by the Chair. Removal must be preceded by a warning that the attendee's behavior violates the Code of Conduct or another reasonable JPB regulation to preserve orderly conduct and that the attendee's failure to promptly comply with the Code of Conduct or other regulation may result in their removal from the public meeting. Cal. Gov. Code § 54957.95. The presiding member or their designee may remove the individual if the individual does not promptly cease their disruptive behavior and comply with the Code of Conduct or other reasonable regulation. Cal. Gov. Code § 54957.95. If the person does not promptly leave the meeting after an order to do so by the Chair, the Chair may request that security remove the person from the meeting.
6. The Chair or their designee may remove a person from the meeting without any warning when that person engages in behavior that constitutes a threat of force or use of force. Cal. Gov. Code § 54957.95. For purposes of this Rule, a "true threat of force" means a threat that has sufficient indicia of intent and seriousness that a

reasonable observer would perceive it to be an actual threat to use force. Cal. Gov. Code § 54957.95.

7. Any person removed from a meeting shall be excluded from further attendance at the remainder of the meeting.
 8. If any meeting is willfully interrupted or disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting unfeasible, the Chair may recess the meeting or order the person or group of persons willfully interrupting the meeting to leave the meeting or be removed from the meeting.
 9. If any meeting is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the person or persons willfully interrupting or disrupting the meeting, the Chair may recess the meeting or order the meeting room cleared and continue in session. Only matters appearing on the posted agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend or remain in the meeting. Cal. Gov. Code § 54957.9. The Chair may also readmit attendees after the room has been cleared. *Id.* In the event the room is cleared, attendees who were not responsible for the disturbance may request staff to readmit them once the meeting has recommenced. The determination of whether an individual, who is not a member of the press or media, seeking readmittance was responsible for the disturbance shall be at the discretion of the Chair or the Chair's designee.
- C. Meetings Held Via Teleconference
1. The prohibitions on disruptive conduct described in Section II(B) of this Code of Conduct also apply to meetings held via teleconferencing.
 2. The Chair may issue a warning or remove from the telephonic conference or online forum a person violating the Code of Conduct or any lawful order issued by the Chair. If the person does not promptly exit the conference or forum after an order to do so by the Chair, the Chair may request that the Secretary of the JPB remove the person.
 3. Removal must be preceded by a warning that the attendee's behavior violates the Code of Conduct or another reasonable JPB regulation to preserve orderly conduct and that the attendee's failure to promptly comply with the Code of Conduct or other regulation may result in their removal from the public meeting. Cal. Gov. Code § 54957.95. The presiding member or their designee may remove the individual if the individual does not promptly cease their disruptive behavior and comply with the Code of Conduct or other reasonable regulation. Cal. Gov. Code § 54957.95. However, the Chair or their designee may remove a person from the meeting without any warning when that person engages in behavior that constitutes a threat of force or use of force. Cal. Gov. Code § 54957.95.

4. Any person removed from a meeting shall be excluded from further attendance at the remainder of the meeting. The exclusion from the meeting shall be enforced by the Secretary of the JPB upon being so directed by the Chair.

Contact:

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Public comments may be sent via email to publiccomment@caltrain.com. Please indicate in your email the agenda item to which your comment applies. Public comments received will be included in the board's weekly correspondence, which is posted to the Caltrain website.

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Pranaya Shrestha, Chief Officer, Caltrain Modernization Program
Subject: **Peninsula Corridor Electrification Project (PCEP): Monthly Progress Report and Update on 2023 Construction and Service Impact Plan**

Finance Committee Recommendation

Work Program-Legislative-Planning Committee Recommendation

Staff Coordinating Council Reviewed

Staff Coordinating Council Recommendation

Action

Staff Coordinating Council recommends the Board receive the Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report (MPR).

No action required.

Significance

Staff prepares and submits a report covering the PCEP monthly.

Budget Impact

There is no impact on the budget.

Background

The MPR is intended to provide funding partners, stakeholders, and the public a PCEP overview and an overall update on project progress. This document provides information on the scope, cost, funding, schedule, and project implementation.

Prepared By: Pranaya Shrestha Interim Chief Officer, Caltrain 720.757.9191
Modernization Program



Caltrain Modernization Program Peninsula Corridor Electrification Project (PCEP)



Executive Monthly Progress Report

November 30, 2022

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1.0 EXECUTIVE SUMMARY

1.1 Introduction

The Peninsula Corridor Electrification Project (PCEP) will upgrade 51 miles of diesel service to electrified service from San Francisco to San Jose (Tamien Station). The PCEP scope of work includes design and construction of an overhead contact system, traction power facilities, modification of the existing signaling and grade crossing protection system to make it compatible with the electrified railroad, substation improvements at Pacific Gas and Electric (PG&E) substations, and modifications at existing tunnels and Caltrain's maintenance facility. It also includes the design, manufacturing, assembly, testing, and delivery of the Electric Multiple Units (EMUs).

Caltrain completed a thorough assessment of all aspects of the program including cost, schedule, risks and organization after the global settlement in 2021. Caltrain re-baselined the program budget and schedule in December of 2021. Caltrain is committed to deliver PCEP and achieve revenue service in September of 2024.

1.2 Program Cost and Budget

On December 6, 2021, the JPB adopted a new PCEP program budget of \$2,442,690,697. As of November 2022, the project is on budget:

- The current project total cost at completion (EAC) is the same as Board adopted budget of \$2.44 billion.
- As of November 2022, a total of \$3.10M has been drawn down from the Shared Risk Pool of \$50 million. In November 2022, \$0.21M was drawn from the Shared Risk Pool.
- As of November 2022, a total of \$3.47M has been drawn from the project contingency of \$40 million. In November 2022, \$2.10M was drawn from project contingency.
- As of November 2022, no new awards have been made from the Project incentive pool of \$18.5 million.
- As of November 2022, no incentive was issued from the milestone incentive pool of \$15 million.

1.3 Program Progress and Schedule

As of November 30, 2022, the overall project completion is 78.44%. The current program schedule is projecting a PCEP substantial completion date of April 2024 and Revenue Service by September 2024. Staff is preparing a 2023 path to completion and service impact plan that will include system integration testing, signal cutovers, and proactive OCS construction productivity mitigations for the remaining PCEP work.

1.4 Change Management Board (CMB)

In November 2022, the following change orders were brought to CMB for approval:

- Guadalupe River Bridge Replacement Project (non-PCEP Change Order)
- Gannett Fleming PCEP Engineering Consultant Services Contract Capacity Increase and Contract Extension

1.5 This Month's Accomplishments

The project team has completed the following notable activities for the month of November 2022:

- Started implementing energized rail isolation and protection procedure.
- Perform Emergency Preparedness Plan (EPREP) rehearsal and finalized new timetables.
- Continued 25kV in-depth OCS awareness training for all TASI staff and tenant railroad trainers prior to full Segment 4 energization.
- Held another CMB and PCEP partnering session and finalized procedures for the implementation of the Configuration Management Board from the Funding Partners Oversight Protocol.
- Continued to work with PG&E on the interconnect construction cost reimbursement timeline.
- Held Executive Partnering session with BBII, Rail Operations and TASI.
- Continued TPS1 Single Phase Study for Line 1 and Line 2.
- Performed lessons learned and corrective actions for TPS 2 because of the unsuccessful short circuit test held on November 5, 2022.
- Continued safety special task force working group, including TASI, Rail Operations and PCEP to address communications, process, and procedure improvements.
- Continued to recruit experienced and qualified resources. Key positions for PCEP delivery have been filled.
- Performed regression tests for previous 2SC cutover location application logic update.
- Continued installation and pretesting activities for Segment 2 major cutover at Menlo Park, Redwood City, and Palo Alto from December 5 - December 19, 2022. Performed weekly readiness review with Contractors, TASI, Rail Operations and Rail Planning.
- Performed final reviews of SamTrans Weekend Bus Bridge service agreement in support of December cutover.
- Continued providing PCEP progress updates to funding partners, leadership, elected officials, citizens, and business community. The funding task force is completing TIRCP grant application for formal submission.
- Continued Rail Activation effort on path to energization for Segment 4 and CEMOF.
- Finalized RWIC needs for the remaining field work for 2022 among BBII, Rail Operations and TASI.
- Completed OCS Segment 4 Sectionalization Testing.
- Reviewed path for completion plan that requires more track access and work windows on weekends to maximize productivity for the remaining infrastructure, signal cutover, and testing. Assessed impact to customers and Rail Operations.
- Assembled a special task force and steering committee for implementation of path to completion, weekend area enclosures with Communications, Customer Service, Rail Planning and Rail Operations.

1.6 Upcoming work

For the next six months, the PCEP team has set additional goals as described below:

- Complete 25kV in-depth OCS awareness training for all TASI staff and tenant railroad trainers prior to full Segment 4 energization.
- Finalize path to completion work planning and commence communications with JPB board members and the public.
- Continue to work with PG&E on the interconnect construction cost reimbursement timeline.
- Continue to hold Executive and Project Team Partnering sessions in January 2023.
- Finalize Program Management Plan (PMP) and Quality Management Plan (QMP).
- Continue to address TPS 2 findings and complete documentation required to perform short circuit retest.
- Energize drill track to enable EMU re-commissioning and PTC testing.
- Continue pursuing federal and local grants to close the funding gap.
- Hold Monthly CMB meeting for program status and change order approval.
- Complete last major Segment 2 cutover at Ralston and Mayfield in December.
- Complete Segment 4 mainline live runs and full energization.
- Finalize isolation and protection scope performed by the contractor and commence commercial discussion for isolation service.
- Perform project schedule reforecast that reflects the path to completion and weekend area closures for the remaining PCEP work.

The PCEP Project is currently on budget and on time for achieving Revenue Service in September of 2024.

1.7 Critical Items

As of November 2022, the top critical items and related actions are highlighted below.

Table 1-1. Critical Issues and Actions

Critical Issues	Actions
Overhead Contact System (OCS) installation delay due to low productivity Note: The project OCS work was on hold from March 10, 2022, to March 28, 2022 during the safety stand down.	<ul style="list-style-type: none"> • Additional BBII OCS crew training for regulation and variance in the OCS design / installation due to re-design & accommodations to resolve foundation Differing Site Conditions (DSC) issues – Done. • Hiring additional BBII OCS staff members to prevent schedule slippage and help in future installation planning – Done. • Hold OCS construction scheduling recovery workshop for remaining OCS installation and testing – Done. • Increase OCS crews and OCS wiring equipment to increase productivity – Done. • More track access including weekend area closures for remaining Segments 1 and 2 OCS construction and testing.
Timely completion of Segment 2 Signal/2SC cutover	<ul style="list-style-type: none"> • Perform comprehensive cutover planning; develop and track dashboard for each cutover, including design submittal, duct bank completion, flagger needs. • Work closely with Rail Operations to maximize track access, including weekend bus bridge. • Advance notification to the public on train schedule service changes for weekend shutdown.

Critical Issues	Actions
	<ul style="list-style-type: none"> • Last major cutover for Segment 2 is planned for December 5, 2022 through December 19, 2022.
Funding of \$410 million program gap	<ul style="list-style-type: none"> • Special task force was in place to identify federal and state grant opportunities to pursue – Done. • Targeted advocacy is ongoing. • Prepare earmarks grant scope and application. • Submit TIRCP grant application.
Lack of field railway worker in charge (RWIC) for increased work crews	<ul style="list-style-type: none"> • Design-builder brought in more watchmen for off-track work. • TASI to expedite RWIC hiring and training. • Explore third party field resource procurement path. • Assess operational impact for expanding work limits with track and time.

2.0 SAFETY

There were two reportable injuries in November (1 back and 1 ankle injury). The Reportable Injury Rate (RIR) for 2022 through November is 3.08. Overall, since the project’s inception, the RIR is at 1.95.

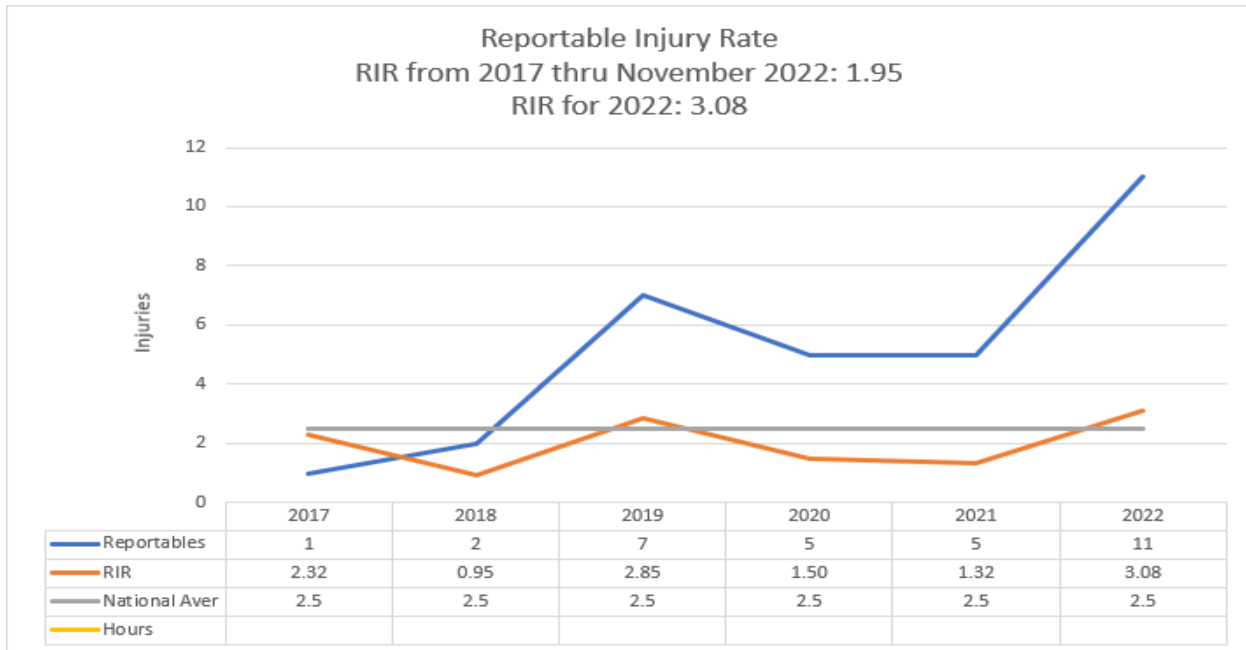


Figure 2-1. Project Reportable Injury Rate (RIR) by Year

Completed Work

Safety staff continues to coordinate with contractors to identify opportunities to improve safety performance. Organizational-wide safety briefings are being performed to ensure staff understand the application of post incident mitigation measures including rules and procedural changes designed to enhance safety. Project Safety continues to reinforce jobsite safety practices throughout the Caltrain alignment, investigate incidents, and identify mitigation measures to prevent re-occurrences. Safety project coordination meetings continue to be conducted monthly to promote a clear understanding of project safety requirements. In addition, Caltrain Safety continues weekly calls with the lead safety staff from Caltrain, PCEP, BBII, and TASI to discuss safety performance and ongoing initiatives.

Upcoming Work

The Fire/Life Safety Committee continues to work with the San Jose and Santa Clara Fire Departments on Emergency Preparedness in preparation for the energization of Segment 4. The safety team has updated the OCS and EMU emergency responder safety familiarization presentations to include voiceover features for use by the Fire Departments. The presentation will also be shared with other emergency responder jurisdictions through the project Fire/Life Safety Committee. A full-scale emergency exercise that included an electrification incident response component was conducted on November 20, 2022. Segment 3 Fire Department safety awareness training has been scheduled for January and February 2023 for Sunnyvale

and Mountain View Fire Departments. Additional training is currently being coordinated with other Segment 3 Fire Departments.

OCS safety awareness training continues to be provided and made available for Fire Department trainers, third party contractors, and tenant railroad personnel with additional classes to be scheduled as needed. PCEP will continue to train key management personnel and provide training material for use in training their respective personnel.

3.0 IMS PROGRAM SCHEDULE

3.1 Introduction

The Integrated Master Schedule (IMS) Program Summary Schedule depicted in **Figure 3-1** shows the schedule status of the major PCEP projects. The forecasted dates for this program schedule were based on the source documents to the IMS as of December 1, 2022. The Revenue Service Date (RSD) and Full Funding Grant Agreement (FFGA) Revenue Completion Date (RCD) remains September 26, 2024, and December 31, 2024 respectively.

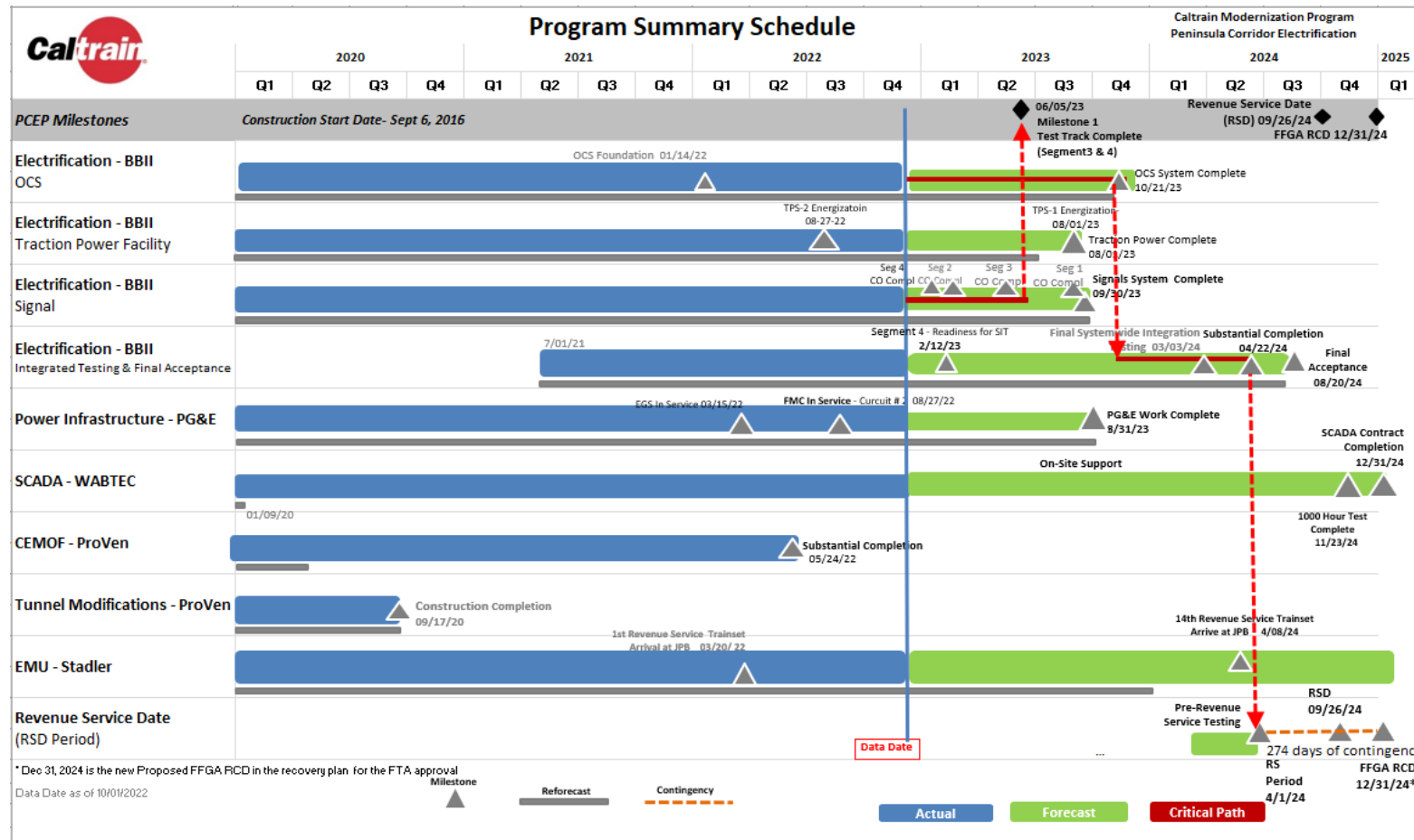


Figure 3-1. Master Program Summary Schedule

3.2 Critical Path Analysis

The current critical path for PCEP starts with installation of the OCS poles in Segment 1 and continues with the installation of the Static and Feeder Wire in Segments 1 and 2, followed by Sectionalization Testing, Systems Integrated Testing, Substantial Completion and Final Acceptance. The criticality of the path has slipped another two (2) days from the June 2022 Reforecast Schedule and now shows a negative 22 day total float.

The current near critical path is the Regulation of OCS Segments 3, 2, and 1. This near critical path is within three (3) days of the most critical path.

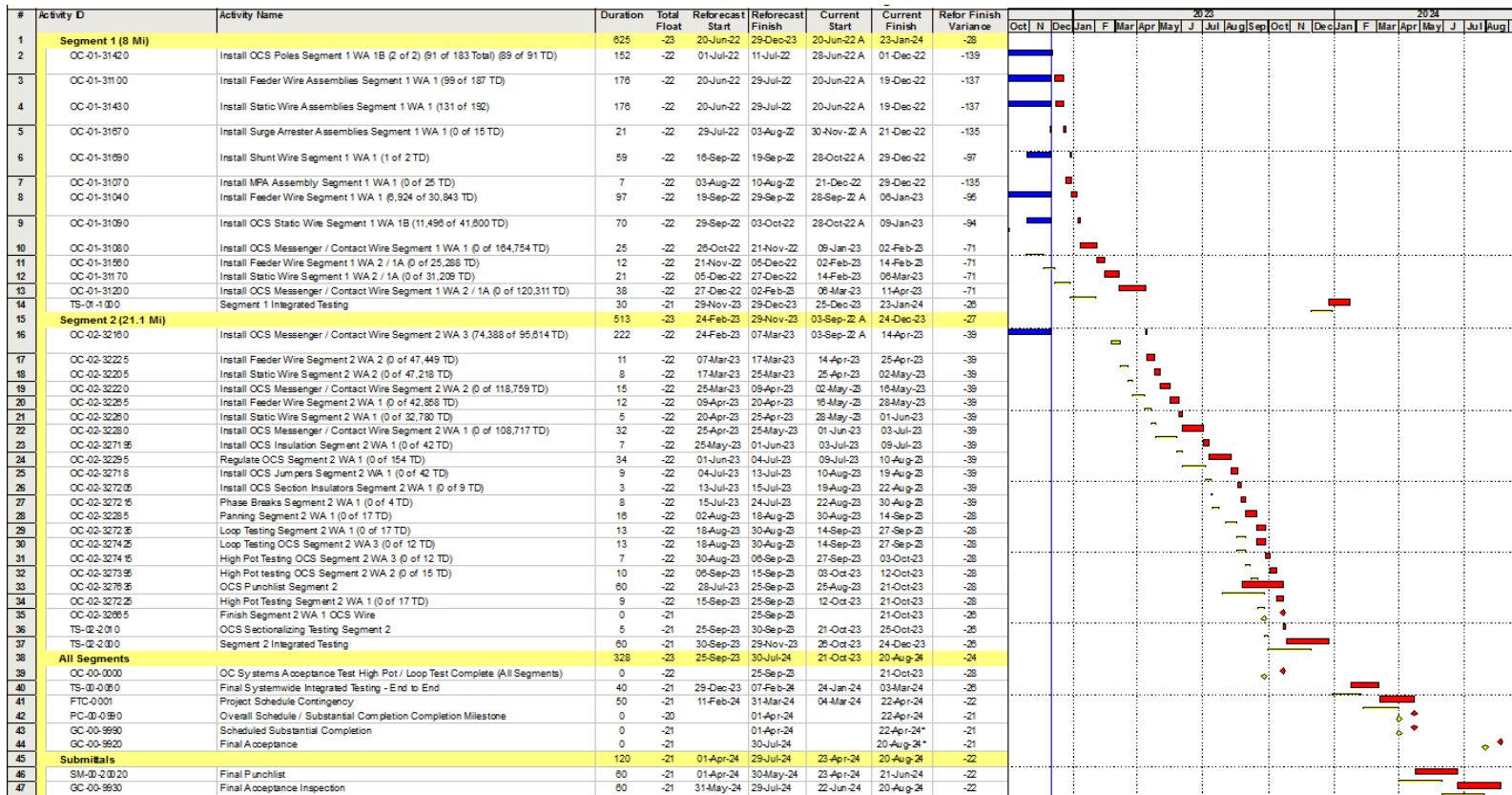


Figure 3-2. Critical Path Schedule

3.3 Schedule Contract Milestone Analysis

Milestone 1, redefined to include Segment 3 and 4 for more electrified mileage, is scheduled by June 2023. The current forecast date for full alignment Substantial Completion is now April 22, 2024 with Scheduled Final Acceptance now forecasted for August 20, 2024.

Contractor	Milestones	Reforecast (June 2022) Dates	Current (November 2022) Forecast	Milestone Finish Date Variance	Remarks
BBII	Segment 4 Completion	15-Nov-22	12-Feb-23	-89	Delayed by grounding and bonding delays and delays to Segment 4 integrated testing
BBII	Completion of Milestone 1 (Segments 3 and 4)	30-Apr-23	05-Jun-23	-36	Delayed by Seg 2 Phase 1 signal cutover installation delays which, in turn, delayed installation of Segment 3 signal cutovers and sectionalization testing
BBII	Traction Power Substation #1 Energization	03-Jun-23	01-Aug-23	-59	Delayed by replacement of the batteries and revisions of the enclosure at TPSS-1 to meet PG&E requirements
BBII	Signal Cutovers and Systems Completion	16-Sep-23	30-Sep-23	-14	Delayed by Seg 2 Phase 1 signal cutover installation delays which, in turn, delayed installation of Seg 3 and 1 signal cutovers
BBII	OCS Construction Completion	25-Sep-23	21-Oct-23	-26	Delayed by installation delays of OCS beams, poles and static & feeder wiring in Segment 2
Stadler	14th Trainset Arrival at JPB Site	12-Oct-23	08-Apr-24	-179	Stadler is experiencing track access availability, workforce availability and material issues with their Suppliers.
BBII	System Integration Testing Start (Segment 4)	29-Dec-23	24-Jan-24	-26	Delayed by energization delay of Overhead Contact System (OCS)
BBII	System Integration Testing Completion	07-Feb-24	03-Mar-24	-25	Delayed by installation of Overhead Contact System (OCS) in Segments 2 and 1.
BBII	Substantial Completion	01-Apr-24	22-Apr-24	-21	Delayed by Integrated Testing and Project Contingency
BBII	Scheduled Final Acceptance	30-Jul-24	20-Aug-24	-21	Delayed by Final Completion and Final Acceptance Testing
JPB	Revenue Service Date (RSD)	26-Sep-24	26-Sep-24	0	
JPB	FFGA Revenue Completion Date (RCD)	31-Dec-24	31-Dec-24	0	

Note: The Stadler variance is measured from the February 2022 Rebaseline Schedule.

4.0 COST AND BUDGET

4.1 Introduction

This section presents an update on program cost and budget. On December 6, 2021, the JPB adopted a new Program budget of \$2.44 billion. Table 4-1 depicts a summary level of program budget, costs, and estimate at completion based on the latest update of the Electrification and EMU projects as of November 30, 2022.

4.2 Program Budget and Cost

Table 4-1. Budget Summary by Project

Description of Work	Current Budget (A) ¹	Cost This Month (B) ²	Cost To Date (C) ³	Estimate To Complete (D)	Estimate At Completion (E) = (C) + (D)	Variance at Completion (F) = (A) – (E)
Electrification	\$1,749,139,438	\$24,451,355	\$1,442,597,055	\$306,542,383	\$1,749,139,438	\$0
EMU	\$693,551,258	\$668,740	\$498,961,700	\$194,589,559	\$693,551,258	\$0
PCEP TOTAL	\$2,442,690,697	\$25,120,095	\$1,941,558,755	\$501,131,942	\$2,442,690,697	\$0

1. Column A "Current Budget" includes re-baseline and executed change orders and awarded contracts.
2. Column B "Cost This Month" represents the cost of work performed this month.
3. Column C "Cost To Date" includes actuals (amount paid) and accruals (amount of work performed) to date.

Table 4-2 depicts program budget, costs, and estimate at completion summarized by major elements of work. This budget table provides additional detail for the program and is broken down by major contracts for Electrification and EMU, minor contracts, real estate, utilities, project management oversight and other indirect support costs.

Table 4-2. Budget Summary by Major Elements

Description of Work	Re-Baseline Budget	Current Budget	Cost This Month	Cost To Date	Estimate To Complete	Estimate At Completion
Electrification	\$1,097,149,881	\$1,097,149,881	\$19,594,997	\$854,350,409	\$242,683,472	\$1,097,033,881
EMU Procurement	\$556,072,601	\$556,204,966	\$0	\$414,698,351	\$141,506,615	\$556,204,966
Minor Construction Contracts (Tunnel, CEMOF, SCADA, Non-BBI OCS)	\$67,055,072	\$68,091,194	\$140,791	\$64,594,782	\$3,496,412	\$68,091,194
Real Estate Acquisition & Support	\$34,914,177	\$34,914,177	\$13,387	\$23,909,072	\$11,005,105	\$34,914,177
PG&E, Utilities	\$132,088,995	\$132,088,995	\$454,202	\$201,523,435	-\$69,434,440	\$132,088,995
Management Oversight & Support	\$312,699,697	\$315,007,767	\$2,685,205	\$254,735,921	\$60,271,846	\$315,007,767
TASI Support	\$114,488,767	\$114,488,767	\$1,452,022	\$88,522,827	\$25,965,940	\$114,488,767
Finance Charges	\$9,898,638	\$9,898,638	\$62,123	\$9,244,932	\$653,706	\$9,898,638
Insurance	\$6,581,851	\$6,581,851	\$0	\$4,897,449	\$1,684,402	\$6,581,851
Other Required Projects & Services	\$9,084,176	\$9,084,176	\$19,742	\$3,072,126	\$6,012,050	\$9,084,176
Environmental Mitigation	\$14,438,866	\$14,438,866	\$0	\$1,242,229	\$13,196,637	\$14,438,866
Caltrain Capital Overhead (ICAP)	\$48,217,887	\$48,217,887	\$697,627	\$20,767,221	\$27,450,666	\$48,217,887
Contingency	\$40,000,089	\$36,523,532	\$0	\$0	\$36,639,532	\$36,639,532
Total	\$2,442,690,697	\$2,442,690,697	\$25,120,095	\$1,941,558,755	\$501,131,942	\$2,442,690,697

4.3 Program Shared Risk Pool and Contingency

Caltrain and Balfour Beatty Infrastructure, Inc. (BBII) continue implementing new mechanisms to ensure a collaborative approach to Project delivery. The management team meets every week to review the issues log focusing on risk mitigation and issues resolution.

As part of global settlement, a shared risk pool of \$50 million was established to manage risks and mitigation proactively and collaboratively with the design-build contractor. Table 4-3 shows the current shared risk drawdown for the current month and to-date as well as the remaining balance of the shared Risk Pool by Risk Category. Any shared risk items (27 Risk IDs listed below in Table 4-3) that are above \$250,000 require Change Management Board (CMB) approval.

Table 4-3. Shared Risk Pool Status as of November 2022

Risk ID	Risk Description	Risk Amount	Current Month	Executed to Date	Remaining Balance
1	Permanent Power Availability	\$268,572	\$0	\$160,916	\$107,656
2	Different Site Condition for OCS Foundation	\$3,500,000	\$0	\$986,104	\$2,513,896
3	Different Site Condition for Duct bank	\$2,800,000	\$0	\$125,666	\$2,674,334
4	Condition of existing Fiber backbone infrastructure	\$3,150,000	\$100,252	\$232,814	\$2,917,186
5	Availability of TASI Resource	\$5,777,820	\$0	\$0	\$5,777,820
6	Signal Cutover access and work window	\$5,607,150	\$0	\$0	\$5,607,150
7	Condition of existing signal system	\$538,572	\$0	\$29,125	\$509,447
8	EMI Nonconformance by EMU Vendor	\$750,000	\$0	\$0	\$750,000
9	Reed Street Cutover	\$90,000	\$0	\$0	\$90,000
10	Availability of low voltage power for cutover testing	\$1,120,000	\$0	\$0	\$1,120,000
11	Third party Permits	\$150,000	\$0	\$0	\$150,000
12	SCADA integration for the entire alignment	\$159,524	\$0	\$0	\$159,524
13	Tunnel OCS Compatibility	\$167,500	\$0	\$0	\$167,500
14	Supply chain issue due to COVID 19	\$300,000	\$0	\$28,923	\$271,077
15	End to end Systems integration commissioning	\$2,100,000	\$0	\$0	\$2,100,000
16	Existing Caltrain Operating systems interface and integration	\$1,400,000	\$0	\$0	\$1,400,000
17	Third party Approval	\$150,000	\$0	\$0	\$150,000
18	Impact from Caltrain other capital or third-party projects	\$2,166,683	\$0	\$159,342	\$2,007,340
19	Track access delay for BBII Construction	\$1,800,000	\$114,381	\$128,986	\$1,671,015
20	Additional light Maintenance and Protection Needs	\$280,000	\$0	\$144,500	\$135,500
21	Crossing Protection	\$220,000	\$0	\$102,334	\$117,666
22	Power facilities	\$500,000	\$0	\$0	\$500,000
23	NCR's	\$0	\$0	\$0	\$0
24	Potholing	\$1,700,000	\$0	\$107,547	\$1,592,453
25	Pre-Revenue Service Operational Testing	\$250,000	\$0	\$0	\$250,000
26	TRO Contingency	\$3,000,000	\$0	\$0	\$3,000,000
27	Contingency	\$12,000,000	\$0	\$900,000	\$11,100,000
NA	Unidentified	\$54,179	\$0	\$0	\$54,179
	BBII Risk Pool Total	\$50,000,000	\$214,633	\$3,106,257	\$46,893,743

In addition to the established Risk Pool with BBII, the Re-Baseline Budget includes a program contingency of \$40 million to cover non-BBII potential changes and unknown costs. Table 4-4 provides a detailed status of approved transfers from contingency due to executed Contract Change Orders and approved Budget Transfers.

Table 4-4. Program Contingency Drawdown Balance

Change Order	Description	Current Budget Contingency	EAC Contingency
Project Contingency	Previously Reported Balance	\$38,631,602	\$36,647,602
BT-029D	GFI Electrification FY23-24 Additional Staff	(2,108,070)	
BT-029D	GFI Electrification FY23-24 Additional Staff-EAC Contingency True-Up		(8,0870)
	PROJECT CONTINGENCY REMAINING BALANCE	\$36,523,532	\$36,639,532

Note: EAC Contingency reflects forecast contingency.

4.4 Electrification Design Builder Contract Incentives

The Global Settlement with BBII also includes incentives based on Milestone completions and remaining contract incentives. Table 4-6 provides a status of Design-Build Contractor incentives Budgeted, Awarded, and remaining Balance.

Table 4-5. BBII Incentives

Incentives	Budgeted	Awarded	Balance
Contract Incentive:			
Quality	\$1,250,000	\$1,000,000	\$250,000
Safety	\$2,500,000	\$875,000	\$1,625,000
Community Outreach	\$2,500,000	\$1,750,000	\$750,000
DBE	\$900,000	\$0	\$900,000
Total Contract Incentive	\$7,150,000	\$3,625,000	\$3,525,000
Milestone Incentive:			
Early Signal and Crossing Cutover	\$4,000,000	\$0	\$4,000,000
Early Project Substantial Completion (NTE)	\$8,000,000	\$0	\$8,000,000
Early Revenue Service	\$3,000,000	\$0	\$3,000,000
Total Milestone Incentive	\$15,000,000		\$15,000,000

4.5 Program Cash Flow and Funding

The remaining program expenditures are cash flowed in Figure 4-1 to illustrate by July 2023 additional funding will be needed to complete the program.

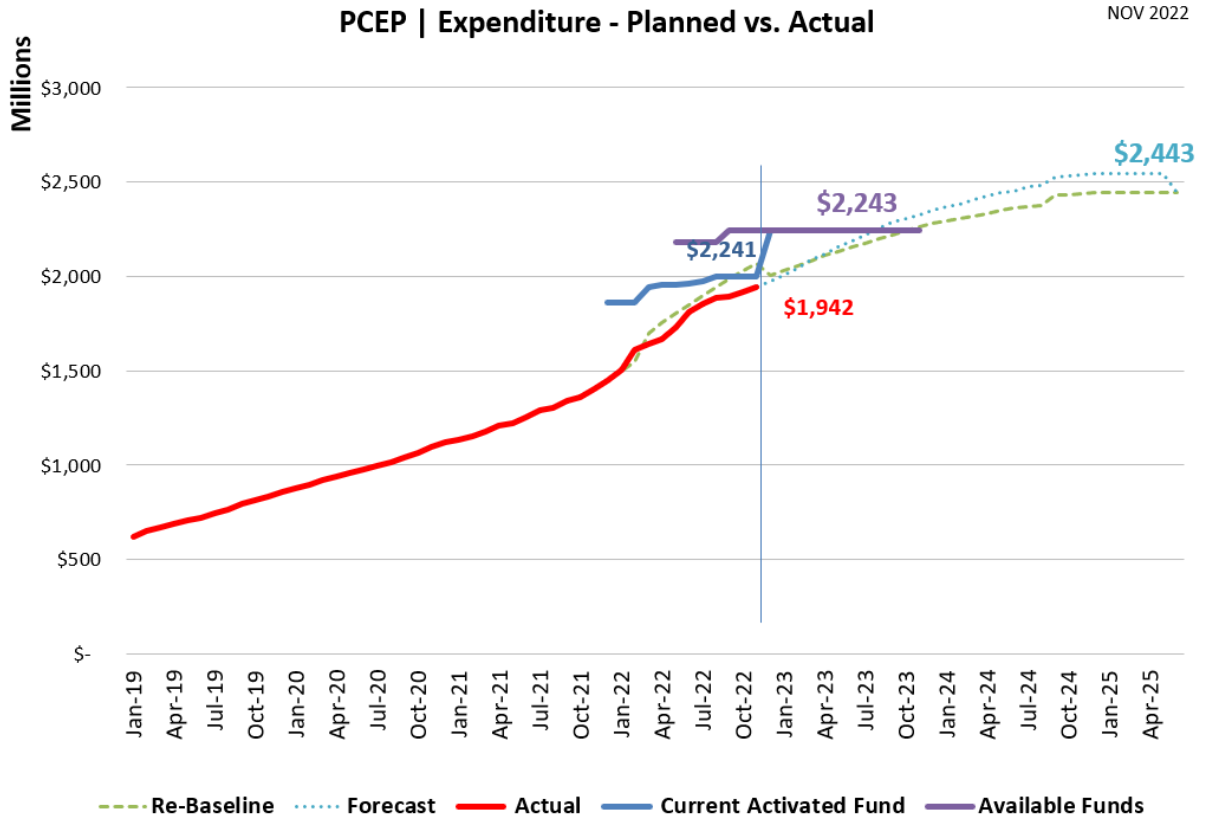


Figure 4.1 Expenditure – Funding Cash Flow

4.6 Issues

Table 4-6. Cost and Funding Issues Identified, and Actions Taken for November 2022

Issues	Actions
Additional funding setup for \$410M Funding Gap.	<ul style="list-style-type: none"> Actively pursuing additional State and Federal funding sources. Dedicated task force has been established at the executive level. Prepare earmarks grant scope and application for April submission.

5.0 CHANGE MANAGEMENT

5.1 Introduction

The change management process establishes a formal administrative work process associated with the initiation, documentation, coordination, review, approval, and implementation of changes during the design, construction, or manufacturing of PCEP. The change management process accounts for the impacts of the changes and ensures prudent use of contingency.

5.2 Change Orders/Shared Risk Pool

5.2.1 Executed Shared Risk

The following Shared Risk items were executed in November 2022:

- TPF Communications Network ASE Link (Field Order 586) was executed on November 8, 2022 for \$100,252.
- Track Access Delay (December 2021) was executed on November 15, 2022 for \$42,667.
- Track Access Delay (January 2022) was executed on November 8, 2022 for \$19,003.
- Track Access Delay (February 2022) was executed on November 8, 2022 for \$26,777.
- Track Access Delay (March 2022) was executed on November 8, 2022 for \$25,934.

5.2.2 Approved Change Orders

- EMU Change Order of \$110,367 for additional special tools to provide for Y Connector Boxes at CEMOF.

5.2.3 Upcoming Change Orders/Shared Risk Items

- Twenty-one (21) shared risk items, totaling \$918,451 are being routed for management approval signatures.
- Electrification Change Order for Guadalupe Bridge OCS Removal and Replacement.
- Change to add manual phase breaks for EMU, totaling \$43,520.

5.3 Issues

Table 5-1. Change Management Issues Identified and Actions Taken for November 2022

Issues	Actions
Segment 4 Maintenance Option in the existing BBII Contract was never exercised. Maintenance of OCS/TPS for Segment 4 will be needed post Segment 4 substantial completion once Caltrain is using it for EMU testing under 25kV.	<ul style="list-style-type: none"> • Define EMU testing and burn in work schedule. • BBII provides isolation and protection once Segment 4 is powered up. • BBII will provide maintenance lite during EMU testing and burn in. • Prepare Request for Proposal for OCS/TPS Maintenance Service for public procurement. • Develop evaluation criteria for Maintenance Service proposals. • Recommend for award and obtain JPB board approval.
Increase security service to prevent on-going theft problem.	<ul style="list-style-type: none"> • Working with design build contractor to identify ROW security surveillance needs and work out commercial arrangement for shared cost. • A dedicated security committee with focus on addressing theft issue including homeless encampment operations.

**CITIZENS ADVISORY COMMITTEE (CAC)
PENINSULA CORRIDOR JOINT POWERS BOARD (JPB)
SAN MATEO COUNTY TRANSIT DISTRICT ADMINISTRATIVE BUILDING
Bacciocco Auditorium, 2nd Floor
1250 San Carlos Avenue, San Carlos CA 94070**

DRAFT MINUTES OF DECEMBER 21, 2022

MEMBERS PRESENT: A. Brandt, R. Jaques (Alternate), L. Klein, R. Kutler, P. Leung, M. Pagee (Alternate), B. Shaw (Chair), JP. Torres, Tuzman (Vice Chair), S. Seebart, E. Shapiro

MEMBERS ABSENT: P. Joshi (Alternate)

STAFF PRESENT: N. Dhaliwal, P. Givens, A. Myles-Primakoff, J. Navarrete, G. Rogers, D. Ryan, D. Santoro, K. Scribner, S. Sargent

Due to COVID-19, this meeting was conducted as a Zoom and in person meeting.

Chair Brian Shaw called the meeting to order at 5:40 p.m. and led the Pledge of Allegiance.

REPORT OF NOMINATING COMMITTEE

Member Steven Seebart reported that the nominating committee nominated Chair Brian Shaw and Vice Chair David Tuzman to continue to serve in their current capacity as Chair and Vice Chair, respectively. Both accepted the nominations.

APPROVAL OF CHAIR AND VICE CHAIR

Motion/Second: Leung / Seebart

Ayes: Brandt, Klein, Kutler, Shapiro, Torres

Abstain: none

Absent: none

APPROVAL OF MINUTES OF NOVEMBER 16, 2022

Motion/Second: Torres / Tuzman

Ayes: Brandt, Klein, Kutler, Leung, Seebart, Shapiro, Shaw

Abstain: none

Absent: none

PUBLIC COMMENT

None

CHAIRPERSON'S REPORT

Chair Brian Shaw requested that the committee provide two or three topics at the next meeting to be added to the 2023 Work Plan. Staff and the CAC Chair will work on refining the current list and incorporating any new topics to the current Work Plan. Chair Shaw then mentioned that this meeting will continue with hybrid format through February and then in March it will

likely go back to being fully in person. He also mentioned that the Brown Act requirements may change or may be amended to allow for continued hybrid format and will keep the committee informed of any changes.

COMMITTEE COMMENTS

Member Rosalind Kutler requested an explanation or reference material to the CAC member attendance rules from the Brown Act Training presented at the previous month's meeting. Chair Shaw stated that the protocols are different for members that are out of town and members that are ill, and that each member will go through the process, as necessary.

Member Jean-Paul Torres congratulated staff on the \$10M that Senator Padilla's office announced to close the gap with Caltrain electrification and mentioned that there is still about \$410M to go.

Member Adrian Brandt also requested that the attendance rules be readily available for the CAC members and suggested having them posted on the website. Although, the presentation is available online under last month's meeting agenda tab, members might have trouble locating the presentation. Member Brandt looks forward to the Work Plan being reviewed and updated with relevant topics. He then mentioned that although it is apparent that staff is working toward keeping the electrification project from being extended, the service reductions are impacting passengers. Lastly, he provided information from the Palo Alto Rail Committee meetings.

Vice Chair David Tuzman shared his experience with New York transit and mentioned a twelve-ride fare option that was easy to use and understand and hopes the Bay Area may incorporate this option in the future.

Member Patricia Leung announced that the Santa Clara Station Area Task Force is looking for members to join and suggested anyone that is interested in joining, to find more information on the City of Santa Clara website.

Member Emilia Shapiro suggested adding the two topics to the Work Plan. Passenger notifications during service delays and overall safety on Caltrain to prevent fatalities, including incidents that occur at grade crossings.

Member Brandt provided details on the vehicle strike that occurred in Burlingame. He also shared information regarding grade crossing equipment used in Florida and would like to see staff implement a pilot program in Burlingame.

Member Kutler suggested having alternate transportation routes available to the public during the temporary schedule.

Member Brandt mentioned that Caltrain has a Twitter account, Caltrain Alerts, that alert the passengers about delays, however, does not advise of the reason for delay and suggested adding it so that the passenger may estimate the time it will take to restore service.

Member Torres asked whether Caltrain is considering using an alternative social media platform to display alerts given the current situation at Twitter. He then recognized conductors for making plenty of announcements regarding the temporary schedule change.

Public Comments:

Doug DeLong, Mt. View, shared his concerns with the San Francisquito Creek Bridge replacement. He mentioned that there would be lengthy service suspension and suggested the CAC agendaize this topic to rule out that approach. He then requested that staff warn passengers, on the train, when there are incidents on the tracks so that they may make alternative transportation arrangements.

Jeff Carter, Millbrae, via Zoom Q&A, shared Doug's, member of the public, concerns regarding the San Francisquito Creek Bridge replacement. He then shared his concerns regarding upcoming CAC hybrid meetings. Jeff suggested keeping two items on the Work Plan, Go Pass/Clipper ridership data and distance-based fares. Lastly, he suggested Caltrain considering the accumulator ride pass.

DRAFT LEGISLATIVE PROGRAM

Navi Dhaliwal, Government Affairs Officer, presented the Draft Legislative Program. The full presentation can be found on caltrain.com in the agenda packet.

Committee Comments:

Chair Shaw asked whether staff will be open to committee members sending their questions for the board meeting in January and Ms. Dhaliwal confirmed.

Member Torres asked whether there were ideas on operational funding sources. Ms. Dhaliwal confirmed.

Member Brandt asked whether there were a regional push for some type of revenue. Ms. Dhaliwal confirmed at a statewide level. Mr. Brandt asked whether there was anything at the MTC level and Ms. Dhaliwal stated that she would follow-up with the committee. Mr. Brandt then asked whether Caltrain is looking to have real estate revenue stream for the operations. Ms. Dhaliwal stated that she would follow-up with staff and get back to the committee.

Member Steve Seebart asked what the objectives and approach are to increasing ridership. Ms. Dhaliwal stated that there is a focus on ensuring that there is a funding to support fare programs.

Member Larry Klein asked whether policies would align with High-Speed Rail for a blended concept and whether there is advocacy for additional funding for grade separation projects as

High-Speed Rail is dependent on those projects. Ms. Dhaliwal stated that staff is working in close communication with high-speed rail. Ms. Dhaliwal stated that this program is specific to State and Federal legislature. Mr. Sam, Sargent, Director of Strategy and Policy further discussed the relationship with High-Speed Rail and stated that staff may come back to the committee to further discuss future funding of grade separation projects.

Member Brandt suggested that Caltrain not spend money on quad gates because Caltrain has a good record of cars not driving around gates and quad gates do not solve the problem of cars driving onto the tracks.

Member Seebart asked for a timeline of the grade separation projects. Mr. Sargent responded that another department would have further details and suggested agendaing for a future meeting. Ms. Dhaliwal stated that she would follow-up with that department to ensure a grade crossing strategy update is provided to this committee.

Chair Shaw shared his concern with the locomotive car regulation that is forthcoming as Caltrain will continue to have diesel trains after electrification Caltrain will need funding to purchase new approved cars and suggested this topic be added to the Work Plan.

Public Comments:

None

PROPOSED AMENDMENTS TO CODE OF CONDUCT FOR PUBLIC MEETINGS

Anna Myles-Primakoff, Olson Remcho, LLP, presented the Proposed Amendments to Code of Conduct for Public Meetings. The full presentation can be found on caltrain.com.

Committee Comments:

Member Kutler asked for clarification regarding disruption of a meeting that is not abusive conduct. Ms. Myles-Primakoff provided clarification.

Member Brandt stated that there are many instances that fall short of a threat and said that it seems like an amorphous area of judgment and wondered whether there is any way to make it clear.

Member Patricia Leung wondered what the recourse for the person being removed from the meeting would be. Ms. Myles-Primakoff stated that if that person thinks the removal does not comply with the Brown Act, they may bring a suit for a Brown Act violation and shared further details.

Public Comments:

Jeff Carter, Millbrae, via Zoom Q&A, asked whether the in-person comment procedure is still being followed.

Chair Shaw asked for the intent and the process in with dealing with a disruption. Ms. Myles-Primakoff stated that the reason for proposing to Caltrain that they amend their policy now is because this law goes into effect on January 1, 2023. In terms of the Legislature's intent, it is her understanding that it was a reaction to the increasing disruptions at local legislative bodies across the state in the past few years.

Chair Shaw asked the committee to provide staff with feedback before the by January 5th, 2023 board meeting.

STAFF REPORT UPDATE

David Santoro, Acting Chief Operating Officer reported (The full report can be found on caltrain.com):

On-time Performance (OTP) –

- **November:** The November 2022 OTP was 83.2% compared to 96.4% for November 2021.
 - **Vehicle on Tracks** – There were six days, November 11, 13, 14, 15, 17 and 29, with a vehicle on the tracks, which caused train delays.
 - **Mechanical Delays** – In November 2022 there were 1721 minutes of delay due to mechanical issues compared to 592 minutes in November 2021.
 - **Vehicle Strike** – There was one vehicle strike on November 22 at Broadway Crossing, which caused 19 trains to be delayed.
 - **Trespasser Strike** – There were four trespasser strikes on November 4, 23, 26 and 28, resulting in three fatalities. The strike on the 4th was a non-fatality incident in San Francisco, which caused 1 train to be annulled, and 15 trains to be delayed. The strike on the 23rd was a fatality at Bellevue Avenue in San Mateo, which caused 20 trains to be delayed. The strike on the 26th was a fatality in San Francisco, which caused 1 train to be terminated, 1 train to be annulled, 2 trains to be partially annulled, and 2 additional trains to be delayed. The strike on the 28th was a fatality in Santa Clara, which caused 8 trains to be delayed.
- **October:** The October 2022 OTP was 90.8% compared to 93.8% for October 2021.
 - **Trespasser Strikes** – There was one trespasser strike on October 14 in San Francisco, resulting in a non-fatality, which caused 1 train to be annulled and 21 trains to be delayed.

Mr. Santoro reviewed the upcoming Holiday service.

Committee Comments:

Member Seebart asked to include the reason for the vehicle on the tracks in the monthly staff report. Mr. Santoro stated that he can include the location of these incidents in the report. Chair Shaw stated that the reason may not be determined for reporting.

Member Brandt mentioned that the time of day of the vehicle on tracks was previously reported and that all of them had occurred after dark. He suggested staff work on a pilot where gates sit across the track in the down position to help prevent cars from driving on to the tracks. Mr. Santoro reported that Caltrain has hired a new Chief of Safety that is dedicated to the railroad and is looking at ways to warn drivers not to drive onto the tracks.

Public Comments:

Doug DeLong, Mt. View, shared his concerns with the recent on time performance due to construction. He questioned whether staff is giving expectations to the customer that Caltrain cannot meet and hopes staff can resolve this issue.

JPB CAC Work Plan

January 18, 2023

- CAC role in Measure RR oversight update
- 2023 Electrification Construction and Temporary Service Plan (Ted Burgwyn)

February 15, 2023

- Measure RR audit report
- Suicide Prevention Initiatives

March 15, 2023

- Go Pass Donation Program
-

April 19, 2023

-

May 17, 2023

-

Suggested Items:

- Go Pass cost per ride factors – requested by Chair, Brian Shaw on 6/19/19
- San Mateo County Climate Action Plan – requested by Member Rosalind Kutler on 10/16/19
- MTC Means-Based Discount Fare program update

- Caltrain connections with other agencies – requested by Member Rosalind Kutler on 12/18/19 and Alternate Member Rob Jaques on 12/15/21
- Update on grade crossing pilot six months after installation – requested by Member, Patrick Flautt on 12/18/19
- Operating Costs – requested by Member Adrian Brandt on 2/13/20
- Rail Corridor Use Policy – requested by Member Anna Dagum on 10/21/20
- Industry Safe Functionality
- Blue Ribbon Task Force
- Clipper Data Availability
- Construction Obstacles
- Wireless Solution Technology – requested by Member Adrian Brandt on 12/8/21
- Redwood City Station Development - requested by Member Adrian Brandt on 12/8/21
- Dual speed check installation/Constant Warning, Downtown Extension, elevated four track station, future Dumbarton Rail extension and the Google campus being planned at the Diridon station, PCEP project wireless overlay system and level boarding and the status of fully vaccinated staff - requested by Member Adrian Brandt on 12/15/21
- Transit Oriented Development & historic station preservation outreach - requested by Member Patricia Leung on 12/15/21
- Equity evaluation on the most recent schedule change and Go Pass qualification requirements - requested by Member Rosalind Kutler on 12/15/21
- Staffing structure, Governance Update, Visual Messaging Display rollout plan, Equity Plan implementation/update and periodic updates from Government Affairs regarding funding sources and how infrastructure bills may impact Caltrain - requested by Member David Tuzman on 12/15/21
- Caltrain Wayfinding improved, specifically with single tracking - requested by Member Jean-Paul Torres on 12/15/21
- Conductor's communication tools and how they may interface with the public. Regional trip planning and availability for riders that do not have access to mobile devices - requested by Alternate Member Melody Pagee on 12/15/21
- Distance-based fares on Caltrain. Deep dive on it from a practical standpoint - requested by Chair, Brian Shaw on 12/15/21
- iPhones for Conductors
- Constant Warning
- Engineering Standards
- Brainstorming sessions for Conductor iPhone applications
- Fare Enforcement Update – requested by Chair, Brian Shaw on 7/20/22
- Proof of Payment
- Clipper Next Gen Validator Project Update

- Grade Crossing Presentation – requested by Member Adrian Brandt on 9/21/22
- Look into allowing non-service animals on Caltrain with a travel carrier - requested by Vice-Chair David Tuzman on 9/21/22
- Code of Conduct

DATE, TIME, AND LOCATION OF NEXT REGULAR MEETING:

The next meeting will be January 18, 2023, at 5:40 pm, via Zoom and in person meeting.

Adjourned at 7:10 pm.

DRAFT

Resolution No. 2023-

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

Resolution Recognizing National Slavery & Human Trafficking Prevention Month

Whereas, the Peninsula Corridor Joint Powers Board (Caltrain) supports the observation of National Slavery & Human Trafficking Prevention Month during the month of January to raise awareness of, and opposition to, modern slavery and human trafficking; and

Whereas, the Trafficking Victims Protection Act of 2000, as amended (TVPA), defines severe forms of trafficking in persons as sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; and

Whereas, the TVPA also defines severe forms of trafficking as the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery; and

Whereas, according to the U.S. Department of State, approximately 1,334 individuals were trafficked in 2022; and

Whereas, in 2018, Caltrain supported AB 2034, which required specified businesses and other establishments that operate intercity passenger rail, light rail or bus station to provide employee training on how to both recognize the signs of human trafficking and report those signs to the appropriate law enforcement agency; and

Whereas, Caltrain created posters that were displayed inside station boards with information for employees and passengers to call the National Human Trafficking Resource Center or the California Coalition to abolish Slavery and Trafficking if they suspected unusual behavior; and

Whereas, the United States should hold accountable all individuals, groups, organizations, governments, and countries that support, advance, or commit acts of modern slavery and human trafficking; and

Whereas, because the people of the United States remain committed to protecting individual freedom, there is a national imperative to eliminate human trafficking and modern slavery; and

Whereas, through education, the United States must also work to end human trafficking and modern slavery in all forms in the United States and around the world; and

Now, Therefore, Be It Resolved that the Peninsula Corridor Joint Powers Board (Caltrain) does hereby recognize January as National Slavery & Human Trafficking Prevention Month.

Regularly passed and adopted this 5th day of January, 2023 by the following vote:

Ayes:

Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board



Attest:

JPB Secretary