

**BICYCLE ADVISORY COMMITTEE (BAC)
SAN MATEO COUNTY TRANSIT DISTRICT ADMINISTRATIVE BUILDING
Bacciocco Auditorium, 2nd Floor
1250 San Carlos Avenue, San Carlos CA 94070**

MINUTES OF SEPTEMBER 15, 2016

MEMBERS PRESENT: J. Brazil, W. Brinsfield, D. Provence, E. Saum, G. Turner, S. Vanderlip

MEMBERS ABSENT: A. Banerjee, C. Young

STAFF PRESENT: N. Debessay, B. Tietjen

Chair Wes Brinsfield called the meeting to order at 5:45 p.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Jay West, San Francisco, stated he has been using Caltrain bike lockers for three years at various locations. Mr. West said on August 10, 2016 there was an attempted break-in at his locker. Mr. West said the lockers are in an enclosed gate and have very strong locks on them. Mr. West said his locker was damaged during the attempted break-in. Mr. West said he called maintenance and the Transit Police to report the attempted break-in. Mr. West said the maintenance crew did not successfully replace the locker doors. Mr. West said the door was still not fixed two days later and his locker was successfully broken into. Mr. West said there didn't seem to be any follow-up with Transit Police and he believes that there should be prosecution if there is a suspect. Mr. West said he would like assistance in getting his personal belongings back.

Chair Brinsfield asked who Mr. West reported the incident to. Mr. West said he reported it to Transit Police with the San Mateo County Sheriff's Office. Mr. West said he told Transit Police that he was concerned that another attempt would occur. Mr. West said the Transit Police should prosecute if they know who the suspect is.

APPROVAL OF MINUTES OF JULY 21, 2016

Motion/Second: Saum/Turner

Ayes: Brazil, Brinsfield, Provence, Turner, Saum, Vanderlip

Absent: Banerjee, Young

CALMOD UPDATE

Casey Fromson, Manager, Government Affairs, presented:

- Electrification Infrastructure
 - Design Build Contract
 - Best Value Proposal: Balfour Beatty
 - Negotiations through end of June
 - Authorization Limited Notice to Proceed (July 7, 2016)
 - PG&E

- Master Agreement Executed
 - Continue Coordination on Power Quality Study
- Tunnel Modifications
 - 65% Design Plans Completed
 - Final Design Targeted End of 2016
- CEMOF
 - Schematic Design Complete
 - Preliminary Design to Start Once Vehicle Design is Available
- Utility Relocation
 - Monthly Utility Coordination meetings continued with telecom and power carriers
 - Final verification requests were submitted to utility companies
- Electric Trains (EMU)
 - EMU Contract
 - Single Proposer: Stadler
 - Negotiations through end of June
 - Authorization Limited Notice to Proceed (July 7, 2016)
 - EMU Related Activities
 - Buy America Pre-Award Audit Conducted at Salt Lake City Facility
 - Continue Work on System Interface Matrix
- Other Activities
 - Safety (updating plans, processes)
 - Third Party Agreements (cities / counties, utilities, Caltrans etc)
 - Risk Management (223 risks; 97 retired)
 - Quality (internal audits)
 - Environmental Consultation and Permits
 - Real Estate (66 appraisal packages)
 - Community Outreach
- Project Oversight
 - Peninsula Corridor Joint Powers Board -Monthly Reports
 - Project Team - Weekly Executive Team and Contractor Meetings
 - Funding Partners –Oversight Protocol, part of 7-Party Sup. MOU
 - FTA-Program Management Plan; PMOC Assigned
- Funding Update
 - All Local, Regional, State Funding Secured
 - 7-Party Supplemental MOU Approved
 - \$20m Grant State Cap & Trade (TIRCP)
 - FTA Core Capacity (\$647m)
 - Accepted into Engineering Phase, second in the country
 - Submitted Application for FY18 President Budget
 - Preparing to Request the Full Funding Grant Agreement

- Cost and Funding
- Schedule

Mr. Brazil asked what work the Limited Notice to Proceed (LNTP) allows the contractor to do. Ms. Fromson said on the infrastructure contract, the Limited Notice to Proceed allows them to progress design and do light work on the corridor like utility work and potholing. Ms. Fromson said on the Electric Multiple Unit (EMU) contract it would allow progression of design as well. The Limited Notice to Proceed does not allow procurement big components of the vehicles.

Mr. Brazil asked if 'retired risks' means they have been addressed. Ms. Fromson said yes that is what that means.

Mr. Brazil asked if the 66 appraisal packages for real estate properties are already owned or need to be acquired. Ms. Fromson said along the 51 mile corridor those are packages and land that needs to be acquired as part of the project. Ms. Fromson said for a vast majority of them they are slivers of land and some might be just an 'electrical safety zone' which ensures no structures or vegetation comes in contact with the poles or wires.

Mr. Brazil asked if the \$647 million remaining is part of the Federal Transit Administration (FTA) Core Capacity funds that Caltrain is making progress towards securing. Ms. Fromson said yes.

Mr. Saum asked about the status of the remaining lawsuit. Ms. Fromson said the hearing was pushed back from its original date. Ms. Fromson said there remarks before the judge a few weeks ago and that there is now a 90 day period for the judge to make a decision.

Mr. Turner asked if there is a now a contact at FTA that Caltrain can speak to regarding the number of bikes on racks. Mr. Saum said he believed that was the Federal Railroad Administration (FRA) that needs to weigh in on that issue.

Mr. Turner asked if the Communications Based Overlay Signal System (CBOSS) project is still proceeding. Ms. Fromson said it is a separate project but it falls under the general Caltrain Modernization Program. Ms. Fromson said all of the construction has been completed on that project and they are in the testing phase. Ms. Fromson said that railroads across the country are facing challenges since it is a new technology.

Mr. Turner asked when it is anticipated to be completed. Ms. Fromson said the latest update to the Board stated that CBOSS would be in revenue service at the end of 2016 and accepted in 2017. Ms. Fromson said the team is looking over the schedule and there will be more updates in the future but the team is anticipating meeting the Federal deadline. Mr. Turner asked if the Federal deadline was extended. Ms. Fromson said yes.

Mr. Vanderlip asked if there was an issues with using the money from California High Speed Rail Authority (CAHSRA) for the electrification project. Ms. Fromson said that as

part of the seven party agreement, CAHSRA committed to finding a way to give Caltrain the funds they committed. Ms. Fromson said that could be through Prop 1A or some other mechanism that the State will use to get Caltrain the funds. Ms. Fromson said Assembly Bill (AB) 1889 passed and that the bill further clarifies that the bond funds can be used for projects such as Peninsula Corridor Electrification Project (PCEP).

Mr. Vanderlip asked if grade separations would continue. Ms. Fromson said that the agency as a whole is working on grade separations in partnership with the corridor cities. Ms. Fromson said there are roughly eight cities throughout the corridor that are actively seeking grade separation projects. Ms. Fromson said in Santa Clara County there is a ballot measure which includes \$700M for grade separations for three cities in that county. Ms. Fromson said San Mateo County already has a measure that helps funds grade separations. Ms. Fromson said Caltrain is working closely with cities along the corridor with regards to grade separations.

Mr. Vanderlip asked about the different door heights for Caltrain and high-speed rail . Ms. Fromson said there would be two sets of doors and that when the new trains are first in service the high doors would not be used . Ms. Fromson said at some point in the future it would be discussed to potentially use the higher set of doors.

Ms. Saum asked if CEMOF has the size and capacity to maintain the EMUs and diesel sets. Ms. Fromson said part of the design for the project is looking at how to make the space at CEMOF efficient for all types of equipment.

Mr. Turner asked if Caltrain is confident that AB 1889 would be signed by the Governor or if there should be some outreach to encourage citizens to reach out to their legislators. Ms. Fromson said the agency was confident it would be signed.

BROWN ACT PRESENTATION

Catherine Groves, Hanson Bridgett, presented:

- Government Ethics Laws
 - Minimum standard
 - Not always common sense
 - Appearances matter – Media/Public Opinion
- Who is Subject To the Brown Act?
 - Legislative Body
 - Any Committee created by Board of Directors
 - Any Committee Created by Committee
 - Applies to BAC
- What Does the Brown Act Require
 - Local legislative bodies' meetings open & public
 - Agenda posted 72 hours prior to meeting
 - Time for public comment
 - Report out individual votes of every member present for all actions
- What's a "Meeting"?
 - Majority of members of legislative body
 - Same place and time

- Hear, discuss, deliberate or take action
- Within subject matter jurisdiction of legislative body
- What is not a "Meeting"?
 - Contact between Member and a Non-Member
 - Conference open to public
 - but no caucusing or discussion among members about business within the body's subject matter jurisdiction
- Closed Session Exception
 - Limited topics, usually just for JPB Board
 - Very unlikely to apply to BAC
 - Specified format, notice, requirements
 - Ask counsel first!
 - Duty of confidentiality
- Committees
 - • Standing Committees (Brown Act bodies)
 - Less than a quorum
 - Indefinite time period
 - Created by parent body & has regular meetings
 - Public can be part of committee
 - BAC charter prohibits standing committees
 - Ad Hoc Committees (Not Brown Act bodies)
 - Less than a quorum
 - Other BAC members can attend as member of the public (can't vote) as long as there isn't a quorum. BUT avoid serial meetings & be aware of public perception!
 - Finite charge and must report back to parent body within a year
 - Parent body can't create by formal action or establish meeting schedule
 - Public can attend, but cannot be part of committee.
- Risky Business: Quorums outside of noticed meetings
 - Serial conversations
 - E-mail, social media sites, blogs, and other technology
 - Other agencies' meetings
 - Social engagements
- Frequently Asked Questions & Special Points
- Penalties/Enforcement
 - Opportunity to cure
 - Civil action
 - Criminal action
 - Public opinion

Mr. Vanderlip asked since there is not a legal obligation for the BAC to follow the Brown Act, could the members be penalized for violations of the Brown Act. Ms. Groves said she would get back with an answer.

Mr. Turner asked if the BAC were to go through the standard process could they remove the Brown Act provisions in the charter since that provision was placed by the

committee in the first place. Ms. Groves said technically yes you could remove that obligation from the charter.

Mr. Tietjen said this could be explored and he would report back. Mr. Tietjen said that if the committee is following the Brown Act regardless, staff would recommend keeping the provision in the charter.

Chair Brinsfield asked if the committee cannot vote to form an ad hoc committee. Ms. Groves said you could indicate you would like to have an ad hoc committee but the legislative body cannot take formal action to form the ad hoc committee.

Mr. Brazil asked if an ad hoc committee is required to be open to the public. Ms. Groves said she did not believe so but will confirm.

Mr. Turner asked if the jurisdiction of the agency meant any of the three counties for Caltrain. Ms. Groves said the jurisdiction was any of the three counties that Caltrain serves.

Mr. Turner asked if he were to call into from San Francisco, would he still have to make the room publicly available. Ms. Groves said yes, you would still have to post the meeting location in order to vote and count towards the quorum.

Mr. Saum asked if the intent of not taking minutes when there is not a quorum present is to prevent a serial meeting. Ms. Grove said it is not an official meeting so minutes should not be taken. Ms. Groves said notes could be taken but should not be circulated in order to avoid creating a serial meeting.

Mr. Brazil asked if individual members would be liable in a civil suit regarding Brown Act violations. Ms. Groves said she would look into that question.

Chair Brinsfield asked if the members not present would get the information from the presentation. Mr. Tietjen said he would reach out to the missing members and share the packet of information.

AD HOC COMMITTEE REPORTS

Bike Bump Form Update

Mr. Turner reported:

- He met with staff on August 19
- The form will be changed to include a field that states how many additional bikes were bumped
- There were three ways considered to publicize the form better
 - Take-one on board
 - On the display boards at each station
 - Regularly send out through Twitter feed and other social media
- The search function did not pull up the form and was hard to locate

Mr. Brazil asked if the additional bikes bumped field would always be cumulated or they would be averaged in order to avoid duplicate reports. Mr. Turner said based on the bumps that are currently being reported that he did not see it as a major concern. Mr. Turner said that would have to be evaluated.

Mr. Brazil said his concern was that there is no way of knowing if people reporting are a small or large portion of people actually being bumped.

Chair Brinsfield said he preferred the 'Additional Bikes Bumped' field as opposed to the 'Total Number of Bikes' field.

Vice Chair Provence said he sees the form having two purposes. Vice Chair Provence said that the form informs riders with real-time information on bike capacity and informs staff of the appropriate train set to use.

Mr. Turner said before Caltrain took over management of the bike bump form, the Bikes on Board group had reported much higher bike bumps. Mr. Turner said he thought the form is currently underreporting bumps and that adding the new field would help get a more accurate report.

Vice Chair Provence said with the Bike on Board form there was a big advocacy push to get more bike space on board. Vice Chair Provence said now that there is the third bike car the second use may be less important.

Mr. Brazil said there is still an important need for the data. Mr. Brazil said there has to be station area solutions and those have to be funded. This form could help provide data showing the need for those solutions.

Mr. Turner said the bike bump data could help justify an increase in the amount of bikes on trains or add more simple parking solutions. Mr. Turner said he would like to see the Twitter feed of bike bumps go on the Visual Messaging System to inform riders at the station.

Chair Brinsfield said he agrees that there are two purposes to the form. Chair Brinsfield said the form is going to still satisfy both of those purposes and that getting the word downstream is the most important part right now. Chair Brinsfield said if he is downstream, he would only need to know if one bike is bumped for him to make a decision. Chair Brinsfield said he would consider adding some information about the bike bumps on the bike cars themselves.

Mr. Brazil said at some point almost half of Caltrain customers could be accessing the system by bikes. Mr. Brazil said at some point the committee should be able to convince Caltrain invest in diagnostic technology that provides real-time information to riders.

Mr. Turner said he would like to recommend that Caltrain move forward with implementing the changes discussed. Vice Chair Provence said he concurs with the changes and that the form could still serve an advocacy purpose. Chair Brinsfield

clarified that the second option of adding the "Additional Bikes Bumped" field to the form was the consensus.

Mr. Turner said he did not think the ad hoc committee needs to be continued. Chair Brinsfield said the ad hoc committee would be discontinued.

CHAIRPERSON'S REPORT

2016 Work Plan

Chair Brinsfield said there are two more meetings for the year. Chair Brinsfield said the Brown Act Training presentation needs to be agenzized for the year.

Mr. Brazil asked what the ENVISION Silicon Valley update would look like in November. Chair Brinsfield said that has not been determined.

STAFF REPORT – Brent Tietjen

Mr. Tietjen reported:

- Caltrain proclaimed September as Rail Safety Month
- Ford has announced a sponsorship of Bay Area Bike Share
 - Bikes would increase from 700 to 7,000 by 2018
- Bike Parking Management Plan
 - Intercept survey was completed in summer
 - On-line survey has not been administered yet
 - A full report would be presented in November
- Bike bump report would be edited to show additional bikes bumped
- Ellen Barton's seat is vacant since she is no longer employed through the San Mateo County

Chair Brinsfield said Palo Alto is embarking on their own bike share system and the surrounding cities of Redwood City and Mountain View are also considering bike share systems.

Mr. Brazil asked if diversity could be considered during future recruitments.

WRITTEN CORRESPONDENCE

The written correspondence packet was distributed.

COMMITTEE REQUESTS

Mr. Saum requested the committee have a presentation and conversation with the new car manufacturers.

DATE, TIME AND LOCATION OF NEXT MEETING:

November 17, 2016 at 5:45 p.m., San Mateo County Transit District Administrative Building, 2nd Floor Bacciocco Auditorium, 1250 San Carlos Avenue, San Carlos, CA.

Meeting adjourned at 7:19 p.m.