



JEFF GEE, CHAIR
DEV DAVIS, VICE CHAIR
PAT BURT
CINDY CHAVEZ
STEVE HEMINGER
RICO E. MEDINA
RAY MUELLER
SHAMANN WALTON
MONIQUE ZMUDA

MICHELLE BOUCHARD
EXECUTIVE DIRECTOR

AGENDA

Peninsula Corridor Joint Powers Board

February 02, 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 but may participate in-person provided that they satisfy the safety protocols listed below.**

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>

Directors, staff and the public also may participate in person at: San Mateo County Transit District, Bacciocco Auditorium - Second Floor, 1250 San Carlos Ave., San Carlos, CA, provided they comply with the following safety protocols:

Please Note the Following COVID-19 Protocols for In-person Attendance:

1. Visitors experiencing the following symptoms of COVID-19 may not enter the building:
 - Cough
 - Shortness of breath
 - Muscle Pain
 - Sore Throat
 - Fever
 - Chills
 - Loss of taste or smell
2. Visitors must use the hands-free temperature scanners upon entry. An alert will occur and entrance will be prohibited if a temperature is measured at 100.4 or above.
3. Visitors must show proof of Covid-19 vaccination or a negative COVID-19 PCR test (with results obtained within last 7 days). Masks will be required for visitors who do not show proof of full vaccination (defined as two weeks after the second dose in a two-dose series, such as for the Pfizer-BioNTech and Moderna vaccines, or two weeks after a single dose of the J&J/Janssen vaccine).

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

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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.

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

February 02, 2023 – Thursday

9:00 am

PART I OF MEETING (CALL TO ORDER): 9:00 am

1. Call to Order / Pledge of Allegiance
2. Swearing-in of newly appointed Board Members:
 - Pat Burt Representing Valley Transportation Authority
 - Rico E. Medina Representing San Mateo County Transit District

3. Roll Call

PART II OF MEETING (CLOSED SESSION): 9:10 am estimated

4. General Counsel Report – Closed Sessions: Conference with Legal Counsel - Significant exposure to litigation pursuant to § 54956.9(b). Two potential cases.

PART III OF MEETING (REGULAR SESSION): 9:50 am estimated

5. General Counsel Report – Report Out from Above Closed Session
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

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

8. Consent Calendar
Members of the Board may request that an item under the Consent Calendar be considered separately.
 - 8.a. Regular Consent Calendar
 - 8.a.i. Meeting Minutes of January 5, 2023 Motion
 - 8.a.ii. Renew Findings to Authorize Holding Meetings via Teleconference through February 28, 2023, Pursuant to Assembly Bill (AB) 361 Resolution
 - 8.a.iii. Report of the Interim Chief Financial Officer Informational
 - 8.a.iv. Accept Statement of Revenues and Expenses for the Period Ending December 31, 2022 Motion
 - 8.a.v. Authorize the Executive Director to Enter into an Agreement to Underground a Interconnect Facility to Traction Power Station 1 in South San Francisco* Resolution
 - 8.a.vi. State and Federal Legislative Update Informational
 - 8.a.vii. Caltrain Ridership Growth Task Force Update Informational
 - 8.a.viii. Metropolitan Transportation Commission (MTC)/Regional Update Informational
 - 8.b. Declare Certain Real Property Located at Redwood City Caltrain Station Exempt Surplus Land Pursuant to the Surplus Land Act Resolution
9. African American History Month Resolution Resolution
10. Award of Contract to and Authorize Execution of Agreement with Compass in Connection with Bus Bridge Services for the Caltrain Peninsula Corridor Electrification Project (PCEP) 2023 Bus Bridge Services* Resolution
11. Amend Balanced Budget and Financial Reserve Policy to Allow for Biennial Budgets Resolution
12. Authorize Agreement with SamTrans to Establish Caltrain Chief Safety Officer Position Motion
13. San Francisco Downtown Extension (DTX) Draft Caltrain Principles for Negotiations Motion
- ~~14. Metropolitan Transportation Commission (MTC)/Regional Update~~ Informational

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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~~15-14~~. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report Informational

~~16-15~~. Reports

~~1615~~.a. Report of the Citizens Advisory Committee Informational

~~1615~~.b. Report of the Chair Informational

~~1615~~.c. Report of the Local Policy Maker Group (LPMG) Informational

~~1615~~.d. Report of the Transbay Joint Powers Authority (TJPA) Informational

~~1716~~. Correspondence

~~1817~~. Board Member Requests

~~1918~~. Date/Time of Next Regular Meeting: Thursday, March 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.

~~2019~~. Adjourn

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 TOPS and AMP Committee: Two Wednesdays before the Board meeting, 1:30pm and 3:30 pm respectively. 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. The Public may attend this meeting in person. *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

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time that the public records are distributed or made available to the legislative body.

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

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: James C. Harrison, General Counsel
Subject: **Records for Public Inspection – Notice and Claims to be Discussed in Closed Session (Conference with Legal Counsel: Anticipated Litigation)**

Finance Committee
Recommendation

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Action

No further Board action is required.

Significance

The following records, which are attached hereto, will be discussed in closed session during the conference with legal counsel regarding anticipated litigation at the February 2, 2023, meeting:

Agenda Item 4:

- A. Claim of William Rogers dated October 5, 2022
- B. Claim of Sarah Rogers dated October 5, 2022
- C. San Mateo County Transportation Authority Letter regarding “Tender of Claims related to the August 17, 2021 Collision” dated January 6, 2023

Budget Impact

There is no budget impact associated with receiving this report.

Background

Pursuant to the Ralph M. Brown Act (the “Brown Act”), local government agencies may meet in closed session with their legal counsel when discussing significant exposure to litigation. Gov. Code. §54956.9(b). The Brown Act permits local government agencies to meet in closed session when there are facts and circumstances, including transactional occurrences that might result in litigation against the agency, and that are known to a potential plaintiff or plaintiffs. Gov. Code § 54956.9(e)(2). When meeting in closed session under this exception, the facts or circumstances giving rise to the meeting must be “publicly stated on the agenda or announced.” *Id.* The receipt of the claims of William and Sarah Rogers arising from the

August 25, 2022, incident and the tender letter from the San Mateo County Transportation Authority regarding the August 17, 2021, collision constitute significant exposure to litigation pursuant to the Brown Act. Therefore, these records are included as the public statement of facts and circumstances, as required by Government Code section 54956.9(e)(2).

Furthermore, claims that have been received by a local government agency and are the subject of a closed session conference with legal counsel regarding anticipated litigation are records subject to public inspection unless an exception applies. Gov. Code § 54956.9(e)(3). Specifically, Government Code section 54956.9(e)(3) provides that such facts and circumstances include: "The receipt of a claim pursuant to the Government Claims Act...or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5." Accordingly, these claims and correspondence are required to be disclosed as public records.

Prepared By: Anna Myles-Primakoff Counsel 916-442-2952

PENINSULA CORRIDOR JOINT POWERS BOARD ("CALTRAIN") CLAIM FORM

Item #4.
2/2/2023

Please provide the following information by printing clearly. Attach separate sheets, if necessary.

1. Claimant's Name and Post Office Address (Street Address or P.O. Box):	2. Send Official Notices and Correspondence to the following Person and Post Office Address (Street Address or P.O. Box):		
Name: William Rogers	Name: Michael A. Kelly and Andrew P. McDevitt Walkup, Melodia Kelly & Schoenberger		
A [REDACTED]	Address: 650 California Street, 26 th Floor		
C [REDACTED]	City: San Francisco	State: Ca	Zip: 94108
P [REDACTED]	Phone: (415) 981-7210		

3. Claimant's Date of Birth:	4. Date and Time of Incident, Occurrence or Transaction:	5. Location of Incident, Occurrence, or Transaction:
9/10/1985	8/25/22 at approx. 1:00 a.m.	between PCJPB Milepost 31.8 and 31.9

6. Basis of Claim: *State in detail all facts and circumstances of the incident, occurrence, or transaction. Identify all persons, entities, property and CALTRAIN employees involved. State why you believe CALTRAIN is responsible for the alleged indebtedness, obligation, injury, damage or loss.*

On August 25, 2022, Claimant William Rogers fell through gravel-covered wood decking adjacent to the Caltrain tracks that cross over Oregon Expressway in Palo Alto. Mr. Rogers dropped approximately 25 feet to the roadway below and sustained serious injuries.

At all relevant times, the property where the incident occurred was designed and planned by the Peninsula Corridor Joint Powers Board, and was constructed by and under the direction and supervision of Peninsula Corridor Joint Powers Board, and was and is operated, maintained, controlled, and owned by Peninsula Corridor Joint Powers Board, and was and is public property within the County of Santa Clara and the State of California. The Peninsula Corridor Joint Powers Board controlled, individually or jointly with one or more other public and private entities, the subject property at all times relevant to this claim.

The Peninsula Corridor Joint Powers Board is liable to Claimant William Rogers pursuant to California law, including but not limited to Government Code Sections 815, 815.2, 815.4, 815.6, 835, 835.2, 835.4, 840, 840.2, 840.4, and 840.6 and Civil Code Section 3479, 3484, 3491 and 3501. The Peninsula Corridor Joint Powers Board is liable based on the failure of its independent contractors to discharge nondelegable duties, including the duty to maintain improvements on the land and property where the incident occurred in a reasonably safe condition. The subject bridge, walking surface, wood decking and adjacent property were in a dangerous condition at the time of the incident. The dangerous condition created a reasonably foreseeable risk of the kind of incident that occurred. The negligent and/or wrongful conduct of the agents, independent contractors and employees of the Peninsula Corridor Joint Powers Board created the dangerous condition. The Peninsula Corridor Joint Powers Board should have known of the dangerous condition for a long enough time to have protected against it and/or warned of it. A reasonably careful person in William Roger's position would not have noticed or anticipated the dangerous condition without adequate warning as the condition was a trap to users of the property. The dangerous condition was a substantial factor in causing the incident and William Roger's injuries.

Name, Address, and Telephone Nos. of Witnesses:

Name and I.D. Number of CALTRAIN Employee, if known, who caused injury, damage or loss:

Type of CALTRAIN Vehicle and Identification No., if applicable:

Type of Vehicle and License Plate Number of Claimant's Vehicle, if applicable:

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 SANTRAMS-CALTRAIN
 FINANCE
 INSURANCE & CLAIMS

7. Description of Claimant's injury, damage or loss as of the date of this claim:

As a direct and proximate result of the dangerous condition of the property as well as the negligence and carelessness of the Peninsula Corridor Joint Powers Board, Claimant Will Rogers sustained severe personal injuries, including a fractured skull, traumatic brain injury, broken pelvis, multiple rib fractures and multiple fractures to his spine, and other injuries presently unknown and undiagnosed.

As a further direct and proximate result of the matters set forth above and of the subject incident and injuries experienced by Claimant, Claimant has been rendered unable to engage in any occupation or work of any kind. Claimant has suffered wage loss and will suffer future wage loss and diminution of earning capacity, and loss of ability to provide household services.

As a further direct and proximate result of said matters, and of said acts and injuries, Claimant was compelled and did incur expenses for ambulance, medical, hospital, and nursing services, care and attention, and for other medical expenses and household expenses, and Claimant will be compelled to incur further such expenses for an indefinite time, including attendant care, home modifications and other permanent life care expenses.

As a further direct and proximate result of Claimant's injuries, Claimant has experienced noneconomic damages including, but not limited to, physical pain, mental suffering and emotional distress.


8: Amount of Claimant's injury, damage or loss and method of computation. Attach any supporting documents.

Total Amount \$ _____ (if less than \$10,000)

If more than \$10,000, please indicate whether the claim would be a: Limited civil case (\$25,000 or less) _____

Unlimited civil case (over \$25,000) X

I understand that if my claim is successful, any monies paid to me may be offset by any monies I owe CALTRAIN. I also understand that there may be civil or criminal penalties for presenting a fraudulent claim or making a false statement, and those penalties may include imprisonment or a fine, or both.

<p>9.  Signature of Claimant or Representative</p>	<p>10. <u>October 5, 2022</u> Date</p>
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PENINSULA CORRIDOR JOINT POWERS BOARD ("CALTRAIN") CLAIM FORM

Item #4.
2/2/2023

Please provide the following information by printing clearly. Attach separate sheets, if necessary.

1. Claimant's Name and Post Office Address (Street Address or P.O. Box):	2. Send Official Notices and Correspondence to the following Person and Post Office Address (Street Address or P.O. Box):
Name: Sarah Rogers [Redacted]	Name: Michael A. Kelly and Andrew P. McDevitt Walkup, Melodia Kelly & Schoenberger
[Redacted]	Address: 650 California Street, 26 th Floor
[Redacted]	City: San Francisco State: Ca Zip: 94108
[Redacted]	Phone: (415) 981-7210

3. Claimant's Date of Birth:	4. Date and Time of Incident, Occurrence or Transaction:	5. Location of Incident, Occurrence, or Transaction:
11-19-1992	8/25/22 at approx. 1:00 a.m.	between PCJPB Milepost 31.8 and 31.9

6. Basis of Claim: *State in detail all facts and circumstances of the incident, occurrence, or transaction. Identify all persons, entities, property and CALTRAIN employees involved. State why you believe CALTRAIN is responsible for the alleged indebtedness, obligation, injury, damage or loss.*

On August 25, 2022, Claimant William Rogers fell through gravel-covered wood decking adjacent to the Caltrain tracks that cross over Oregon Expressway in Palo Alto. Mr. Rogers dropped approximately 25 feet to the roadway below and sustained serious injuries.

At all relevant times, the property where the incident occurred was designed and planned by the Peninsula Corridor Joint Powers Board, and was constructed by and under the direction and supervision of Peninsula Corridor Joint Powers Board, and was and is operated, maintained, controlled, and owned by Peninsula Corridor Joint Powers Board, and was and is public property within the County of Santa Clara and the State of California. The Peninsula Corridor Joint Powers Board controlled, individually or jointly with one or more other public and private entities, the subject property at all times relevant to this claim.

The Peninsula Corridor Joint Powers Board is liable to Claimant William Rogers pursuant to California law, including but not limited to Government Code Sections 815, 815.2, 815.4, 815.6, 835, 835.2, 835.4, 840, 840.2, 840.4, and 840.6 and Civil Code Section 3479, 3484, 3491 and 3501. The Peninsula Corridor Joint Powers Board is liable based on the failure of its independent contractors to discharge nondelegable duties, including the duty to maintain improvements on the land and property where the incident occurred in a reasonably safe condition. The subject bridge, walking surface, wood decking and adjacent property were in a dangerous condition at the time of the incident. The dangerous condition created a reasonably foreseeable risk of the kind of incident that occurred. The negligent and/or wrongful conduct of the agents, independent contractors and employees of the Peninsula Corridor Joint Powers Board created the dangerous condition. The Peninsula Corridor Joint Powers Board knew or should have known of the dangerous condition for a long enough time to have protected against it and/or warned of it. A reasonably careful person in William Roger's position would not have noticed or anticipated the dangerous condition without adequate warning as the condition was a trap to users of the property. The dangerous condition was a substantial factor in causing the incident and William Roger's injuries.

Name, Address, and Telephone Nos. of Witnesses:

Name and I.D. Number of CALTRAIN Employee, if known, who caused injury, damage or loss:

Type of CALTRAIN Vehicle and Identification No., if applicable:

Type of Vehicle and License Plate Number of Claimant's Vehicle, if applicable:

SANTRANS-CALTRAIN
FINANCE
INSURANCE & CLAIMS
2022 OCT -7 A 11:07

7. Description of Claimant's injury, damage or loss as of the date of this claim:

Claimant Sarah Rogers is and was the lawful spouse of Claimant William Rogers.
As a direct, legal, and proximate result of the culpability and fault of the Peninsula Corridor Joint Powers Board, Claimant Sarah Rogers suffered the loss of support, service, love, companionship, affection, society, intimate relations, and other elements of consortium, all to her general damage.

8: Amount of Claimant's injury, damage or loss and method of computation. Attach any supporting documents.

Total Amount \$ _____ (if less than \$10,000)

If more than \$10,000, please indicate whether the claim would be a: Limited civil case (\$25,000 or less) _____
Unlimited civil case (over \$25,000) X

I understand that if my claim is successful, any monies paid to me may be offset by any monies I owe CALTRAIN. I also understand that there may be civil or criminal penalties for presenting a fraudulent claim or making a false statement, and those penalties may include imprisonment or a fine, or both.

9. _____ Signature of _____	10. <u>October 5, 2022</u> Date
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Michael A. Kelly
mkelly@walkuplawoffice.com

October 5, 2022

Via FedEx Only

CALTRAIN
Attn: Risk Management Department
1250 San Carlos Avenue, 2nd Floor
San Carlos, CA 94070

SAMTRANS-CALTRAIN
FINANCE
INSURANCE & CLAIMS
2022 OCT -7 A 11: 07

Re: *Claims of William and Sarah Rogers*
Date of Incident: 8/25/22

Dear Risk Management Department:

Enclosed for filing is an original and one copy of the Government Claim Form Against Peninsula Corridor Joint Powers Board ("CALTRAIN") submitted on behalf of our clients, William and Sarah Rogers. Please note that there is one Claim form for William and Rogers and one Claim form for Sarah Rogers.

Please process the originals and kindly return to our office the date-stamped copies of each claim. A business reply envelope is included for the purpose of forwarding the date-stamped forms to our office.

Should you have any questions or need additional information, please do not hesitate to call the undersigned. Thank you.

Very truly yours,

MICHAEL A. KELLY

MAK\af
Enclosures

JOAN L. CASSMAN
PARTNER
DIRECT DIAL (415) 995-5021
DIRECT FAX (415) 995-3414
E-MAIL jcassman@hansonbridgett.com



January 6, 2023

VIA E-MAIL

jharrison@olsonremcho.com

Peninsula Corridor Joint Powers Board
c/o James Harrison
Olson Remcho LLP
1901 Harrison Street, Suite 1550
Oakland, CA 94612

Re: Tender of Claims related to the August 17, 2021 Collision

Dear James:

As you know, I serve as General Counsel for the San Mateo County Transportation Authority (the "TA"). On February 10, 2022 the TA received a claim from Shira Waltzer ("Claimant") seeking damages for personal injuries arising from an August 17, 2021 incident ("Incident") in Burlingame, California, involving Caltrain NB #263 colliding with a motor vehicle at or near the Broadway grade crossing. Claimant thereafter filed a civil action against the TA on October 4, 2022 for dangerous condition of public property and negligence. Claimant generally asserts that the Caltrain operator carelessly and negligently operated the subject train causing it to collide with a vehicle, causing her injuries. A copy of the claim and complaint are attached.

The TA tenders to the PCJPB its defense, indemnification, and all other rights for this claim and lawsuit arising from the Incident. The TA will continue to forward any such claims or lawsuits to the PCJPB if any are received related to the Incident.

Please confirm as soon as possible the PCJPB's acceptance of the TA's tender. The TA already filed an answer in this action on December 2, 2022. Should you have any questions or need additional information, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joan L. Cassman", written over a horizontal line.

Joan L. Cassman
Partner

Enclosures

cc: Alexandra Atencio (aatencio@hansonbridgett.com)
Thomas A. Willis (TWillis@olsonremcho.com)
Breana L. Burgos (BBurgos@hansonbridgett.com)

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

Electronically
FILED

by Superior Court of California, County of San Mateo

ON 9/21/2022

By /s/ Maria Coronel
Deputy Clerk

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

CITY OF BURLINGAME, a public entity; COUNTY OF SAN MATEO, a public entity; CALTRAIN aka PENINSULA CORRIDOR JOINT POWERS BOARD, a public entity; SAN MATEO COUNTY TRANSIT DISTRICT, a public entity; SAN MATEO COUNTY TRANSPORTATION AUTHORITY, a public entity, and DOES 1 through 50, inclusive.

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

SHIRA WALTZER, an individual.

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

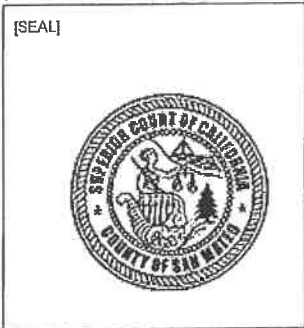
The name and address of the court is:
(El nombre y dirección de la corte es): San Mateo Superior Court
Southern Branch, 400 County Center, Redwood City, CA 94063

CASE NUMBER:
(Número del Caso): 22-CIV-03671

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Christopher J. Lee / Golshani Lee LLP, 9915 Mira Mesa Blvd, Suite 300, San Diego, CA 92131 / 858-360-6494

DATE: 9/21/2022 Neal I. Taniguchi Clerk, by /s/ Maria Coronel, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): **San Mateo county transportation Authority, A public Entity**
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

 <p style="text-align: center;">SUPERIOR COURT OF SAN MATEO COUNTY Civil Division 400 County Center, 1st Floor, Room A Redwood City, CA 94063 (650) 261-5100 www.sanmateocourt.org</p>	FOR COURT USE ONLY 2/2/2023
	<p>FILED</p> <p>SAN MATEO COUNTY</p> <p>9/22/2022</p> <p>Clerk of the Superior Court /s/ Maria Coronel DEPUTY CLERK</p>
PETITIONER/PLAINTIFF: SHIRA WALTZER	
RESPONDENT/DEFENDANT: CITY OF BURLINGAME, A PUBLIC ENTITY; COUNTY OF SAN MATEO, A PUBLIC ENTITY; CALTRAIN; SAN MATEO COUNTY TRANSIT DISTRICT, A PUBLIC ENTITY; SAN MATEO COUNTY TRANSPORTATION AUTHORITY, A PUBLIC ENTITY; DOES 1 THROUGH 50, INCLUSIVE	
NOTICE OF ASSIGNMENT FOR ALL PURPOSES (CIVIL) AND NOTICE OF CASE MANAGEMENT CONFERENCE	CASE NUMBER: 22-CIV-03871

By order of the Presiding Judge pursuant to San Mateo County Superior Court Local Rule 3.200(a) the above entitled matter is assigned for all purposes to: **Judge Marie S. Weiner in Department 2.**

**An Initial Case Management Conference is set before the Civil Commissioner
(and not with the assigned Judge), as follows:**

DATE: 1/23/2023

TIME: 9:00 AM

LOCATION: 800 North Humboldt Street, San Mateo, CA 94401

REMOTE APPEARANCES ARE STRONGLY ENCOURAGED. Please visit our website for information on remote appearances and use the "Civil Commissioner" Credentials:

https://www.sanmateocourt.org/general_info/remote_appearance.php

ASSIGNED DEPARTMENT INFORMATION

To schedule a Law and Motion Hearing, please see Local Rule 3.402, or visit the assigned Judicial Officer's webpage at: www.sanmateocourt.org/civiljudges.

Contact information for your assigned department is as follows:

Judicial Officer	Department Phone	Department E-mail
Marie S. Weiner	650-261-5102	Dept2@sanmateocourt.org

CASE MANAGEMENT CONFERENCE INFORMATION

You are hereby given notice of your Initial Case Management Conference. The date, time and department are noted above.

1. In accordance with applicable California Rules of the Court and Local Rules, you are hereby ordered to:
 - a) Serve all named defendants and file proofs of service on those defendants with the court within 60-days of filing the complaint (CRC 3.110(b); Local Rule 3.804).
 - b) Serve a copy of this Notice, blank form of the Case Management Statement and ADR Information Package on all named parties in this action (Local Rule 3.804(a)). Documents are available online under the CIVIL CMC Packet section at: http://sanmateocourt.org/court_divisions/civil/

- c) File and serve a completed Case Management Statement at least 15 days before the Case Management Conference (CRC 3.725; Local Rule 3.805(c)). Failure to do so may result in monetary sanctions or the continuance of the CMC.
- d) Meet and confer, in person or by telephone, to consider each of the issues identified in CRC 3.724 no later than 30 days before the date set for the Case Management Conference (Local Rule 3.805(b)).

2. Parties may proceed to an Appropriate Dispute Resolution process ("ADR") by filing a *Stipulation and Order to ADR* (Local Form ADR-CV-1). File and serve the completed *Stipulation and Order to ADR* form at least 12 days prior to the Case Management Conference (Local Rule 3.805(f)). You may find this form and information regarding the Civil ADR Program online at http://sanmateocourt.org/court_divisions/adr/civil/

For additional information, you may visit the Judicial officer's webpage at: www.sanmateocourt.org/civiljudges

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that I am the clerk of this Court, not a party to this cause; that I served a copy of this notice on the below date, by hand by electronic service to the parties or their counsel of record at the email addresses set forth below and shown by the records of this Court or by placing a copy thereof in separate sealed envelopes addressed to the address shown by the records of this Court, and by then sealing said envelopes and depositing same, with postage fully pre-paid thereon, in the United States Mail at Redwood City, California.

Date: 9/22/2022

Neal I Taniguchi, Court Executive Officer/Clerk

By: /s/ Maria Coronel
Maria Coronel, Deputy Clerk

Notice being served on:

CHRISTOPHER J LEE
GOLSHANI LEE LLP
9915 MIRA MESA BOULEVARD
SUITE 300
SAN DIEGO, CA 92131

1 Christopher J. Lee, Esq. (SBN 309193)
2 Shervin Golshani, Esq. (SBN 297320)
3 **GOLSHANI LEE LLP**
4 9915 Mira Mesa Blvd., Suite 300
5 San Diego, CA 92131
6 Phone (858) 360-6454

7 Attorneys for Plaintiff,
8 SHIRA WALTZER

Electronically FILED
by Superior Court of California, County of San Mateo
ON 9/21/2022
By /s/ Maria Coronel
Deputy Clerk

9 **SUPERIOR COURT OF CALIFORNIA**

10 **COUNTY OF SAN MATEO – SOUTHERN BRANCH**

11	SHIRA WALTZER, an individual;)	Case No. 22-CIV-03871
12)	
13	Plaintiff,)	PLAINTIFF’S COMPLAINT
14)	
15	vs.)	
16)	
17	CITY OF BURLINGAME, a public entity;)	
18	COUNTY OF SAN MATEO, a public entity;)	
19	CALTRAIN aka PENINSULA CORRIDOR)	
20	JOINT POWERS BOARD, a public entity;)	
21	SAN MATEO COUNTY TRANSIT)	
22	DISTRICT, a public entity; SAN MATEO)	
23	COUNTY TRANSPORTATION)	
24	AUTHORITY, a public entity, and DOES 1)	
25	through 50, inclusive;)	
26)	
27	Defendants.)	

28 Plaintiff SHIRA WALTZER alleges causes of action against Defendants CITY OF BURLINGAME, COUNTY OF SAN MATEO, CALTRAIN aka PENINSULA CORRIDOR JOINT POWERS BOARD, SAN MATEO COUNTY TRANSIT DISTRICT, and SAN MATEO COUNTY TRANSIT AUTHORITY, and DOES 1 through 50, inclusive, as follows:

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GENERAL ALLEGATIONS

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1. Plaintiff SHIRA WALTZER (“Plaintiff”) is an individual and a resident and citizen of the State of California.

2. Defendant CITY OF BURLINGAME (“Defendant Burlingame”) is a public entity, operating as a municipal corporation within the State of California.

3. Defendant COUNTY OF SAN MATEO (“Defendant San Mateo”) is a public entity, operating as a municipal corporation within the State of California.

4. Defendant CALTRAIN aka PENINSULA CORRIDOR JOINT POWERS BOARD (“Defendant Caltrain”) is a public entity, authorized to and doing business within the State of California.

5. Defendant SAN MATEO COUNTY TRANSIT DISTRICT is a public entity, authorized to and doing business within the State of California.

6. Defendant SAN MATEO COUNTY TRANSIT AUTHORITY is a public entity, authorized to and doing business within the State of California.

7. Plaintiff presently does not know the true names and capacities of the defendants sued as DOES 1 through 50, inclusive. Plaintiff will seek leave of court to amend this complaint when Plaintiff ascertains such defendants’ names and capacities.

8. On August 17, 2021, Plaintiff sustained injuries while was riding on the Caltrain, Northbound Train No. 263 (“subject train”). As the subject train neared the Broadway grade crossing, between Carolan Avenue and California Drive, it collided with a motor vehicle.

9. Upon information and belief, Defendant Burlingame owns the property on and around the area where the Caltrain operates at the Broadway grade crossing. Defendant Burlingame is responsible for the maintenance, design, control, traffic flow, and traffic control of the area, roadway, and property upon which the Caltrain operates at the Broadway grade crossing in Burlingame, California.

10. Upon information and belief, Defendants COUNTY OF SAN MATEO, CALTRAIN aka PENINSULA CORRIDOR JOINT POWERS BOARD, SAN MATEO COUNTY TRANSIT DISTRICT, and SAN MATEO COUNTY TRANSIT AUTHORITY are

1 generally responsible for the Caltrain, the tracks upon which the Caltrain operates, the
2 ownership, maintenance, driving and control of the Caltrain, and training and hiring of engineers,
3 conductors, staff, train personnel, employees, and operators for the Caltrain.

4 11. On February 4, 2022, Plaintiff made a written Presentation of Claim for damages
5 to Defendants COUNTY OF SAN MATEO, CALTRAIN aka PENINSULA CORRIDOR
6 JOINT POWERS BOARD, SAN MATEO COUNTY TRANSIT DISTRICT, and SAN MATEO
7 COUNTY TRANSIT AUTHORITY in accordance with the provisions of Gov. Code. §§ 910
8 and 945.5. A true and correct copy of the Presentation of Claim is attached to the complaint as
9 “**Exhibit A**” and incorporated in this complaint by reference.

10 12. On February 8, 2022, Plaintiff made a written Presentation of Claim for damages
11 to Defendant Burlingame in accordance with the provisions of Gov. Code, §§ 910 and 945.5. A
12 true and correct copy of the Presentation of Claim is attached to the complaint as “**Exhibit B**”
13 and incorporated in this complaint by reference.

14 13. On March 22, 2022, Defendant Burlingame delivered to Plaintiff a written Notice
15 of Rejection of the Presentation of Claim of February 8, 2022, pursuant to Gov. Code, § 913. A
16 true and correct copy of such Notice of Rejection claim is attached to this Complaint as “**Exhibit**
17 **C**” and incorporated in this complaint by reference.

18 14. On March 29, 2022, Defendant Caltrain delivered to Plaintiff a written Notice of
19 Rejection of the Presentation of Claim of February 4, 2022, pursuant to Gov. Code, § 913. A
20 true and correct copy of such Notice of Rejection claim is attached to this Complaint as “**Exhibit**
21 **D**” and incorporated in this complaint by reference.

22 15. On April 6, 2022, Defendant San Mateo delivered to Plaintiff a written Notice of
23 Rejection of the Presentation of Claim of February 4, 2022, pursuant to Gov. Code, § 913. A
24 true and correct copy of such Notice of Rejection claim is attached to this Complaint as “**Exhibit**
25 **E**” and incorporated in this complaint by reference.

26 16. Plaintiff’s Presentation of Claim of February 4, 2022 was rejected by Defendants
27 SAN MATEO COUNTY TRANSIT DISTRICT and SAN MATEO COUNTY TRANSIT
28

1 AUTHORITY by failure to act on or before March 21, 2022, the last day of the 45-day time limit
2 specified in Gov. Code, § 912.4 subd. (c).

3 **JURISDICTION AND VENUE**

4 17. Jurisdiction in this court is proper because Plaintiff was injured when she was
5 riding on the subject train when it collided with a vehicle at the Broadway grade crossing in
6 Burlingame, California.

7 **FIRST CAUSE OF ACTION**

8 **Dangerous Condition of Public Property Under Gov. Code § 835**

9 **(Against Defendants City of Burlingame, County of San Mateo, Caltrain aka Peninsula**
10 **Corridor Joint Powers Board, San Mateo County Transit District, San Mateo County**
11 **Transit Authority, and DOES 1 through 25)**

12 18. Plaintiff repeats, re-alleges, and incorporates by reference each and all of the
13 allegations contained in this Complaint.

14 19. Defendants CITY OF BURLINGAME, COUNTY OF SAN MATEO,
15 CALTRAIN aka PENINSULA CORRIDOR JOINT POWERS BOARD, SAN MATEO
16 COUNTY TRANSIT DISTRICT, and SAN MATEO COUNTY TRANSIT AUTHORITY
17 (collectively “the Government Entities”) and/or its employees are liable pursuant to California
18 Government Code §§ 835, et seq. The area at which the August 17, 2021 Caltrain collision
19 occurred constitutes a dangerous condition as a result of a dangerous and unreasonable design,
20 including but not limited to a dangerous grade crossing, dangerous intersection, dangerous
21 roadway, insufficient traffic control and flow, inadequate signage, inadequate traffic safety and
22 circulation, without adequate safeguards to protect against train versus motor vehicle collisions.
23 The dangerous condition of the tracks and/or Caltrain was created or perpetuated by negligent
24 acts or omissions of the Government Entities’ agents acting within the scope of their duties. The
25 property on which the dangerous condition was present was designed, constructed, maintained,
26 owned and/or controlled by the Government Entities and/or its employees. The dangerous
27 condition created a foreseeable risk of the kind of incident and injury that occurred when used in
28 a manner that was reasonably foreseeable. Further, the Government Entities had notice of the

1 dangerous condition for a long enough time to have protected against the risk. As a direct and
2 proximate result of the dangerous condition, Plaintiff was injured.

3 20. The Government Entities had actual and/or constructive knowledge that the
4 property was in a dangerous condition and was improperly maintained, and had actual and/or
5 constructive knowledge that the property lacked sufficient safeguards and warnings notifying
6 drivers and persons of the dangerous roadway, grade crossing, and oncoming vehicles.
7 Moreover, the Government Entities and/or its employees created and/or had notice of the
8 dangerous condition for a sufficient time prior to the incident to take measures to protect against
9 the risk of the dangerous condition, either by providing safeguards, repairing the condition, or
10 warning of potential harm.

11 21. As a direct and proximate result of the Government Entities' unlawful actions,
12 negligence, and carelessness, Plaintiff suffered personal injuries upon the subject train's impact
13 with a motor vehicle, including exacerbation of a preexisting traumatic brain injury and physical
14 pain and discomfort requiring medical care and treatment in an amount currently unknown to
15 Plaintiff. Plaintiff is informed and believes and upon such information that she will incur
16 additional expenses in the future, the amount of which is currently unknown.

17 22. As a further direct and proximate result of the Government Entities' unlawful
18 actions, negligence, acts, omissions and conduct of its employees and agents, and of said injuries
19 to Plaintiff, Plaintiff was prevented from attending her usual activities. Plaintiff is informed and
20 believes that she will be prevented from attending to her usual activities in the future, all to her
21 general damages in an amount that will be shown according to proof.

22 **SECOND CAUSE OF ACTION**

23 **Negligence**

24 **(Against Defendants City of Burlingame, County of San Mateo, Caltrain aka Peninsula**
25 **Corridor Joint Powers Board, San Mateo County Transit District, San Mateo County**
26 **Transit Authority, and DOES 26 through 50)**

27 23. Plaintiff repeats, re-alleges, and incorporates by reference each and all of the
28 allegations contained in this Complaint.

1 24. The operator of the subject train, while in the course and scope of his/her
2 employment with the Government Entities carelessly and negligently operated the subject train,
3 negligently and carelessly impacting and colliding with a vehicle at or near the Broadway grade
4 crossing.

5 25. The Government Entities set speed limits and operated the subject train at a high
6 rate of speed unwarranted for the conditions, failed to timely slow and stop the train when it
7 became apparent that a vehicle at the Broadway grade crossing posed a danger on or near the
8 tracks, failed to adequately supervise, test, train or evaluate the engineer/operator of the subject
9 train and insure s/he was trained and competent to operate and drive the subject train, failed to
10 timely warn passengers of the approaching danger, failed to have in place a video warning
11 system advising the engineer/operator of upcoming danger or vehicles on or near the tracks,
12 failed to maintain the property to keep vehicles off the tracks, failed to have an employee
13 monitor the area and keep it clear with knowledge that the area had a vehicle stopped on the
14 tracks and often had vehicles stopped on the tracks, and maintained the tracks in a dangerous
15 condition.

16 26. As a direct and proximate result of the Government Entities' unlawful actions,
17 negligence, and carelessness, Plaintiff suffered personal injuries upon the subject train's impact
18 with a motor vehicle, including exacerbation of a preexisting traumatic brain injury and physical
19 pain and discomfort requiring medical care and treatment in an amount currently unknown to
20 Plaintiff. Plaintiff is informed and believes and upon such information that she will incur
21 additional expenses in the future, the amount of which is currently unknown.

22 27. As a further direct and proximate result of the Government Entities' unlawful
23 actions, negligence, acts, omissions and conduct of its employees and agents, and of said injuries
24 to Plaintiff, Plaintiff was prevented from attending her usual activities. Plaintiff is informed and
25 believes that she will be prevented from attending to her usual activities in the future, all to her
26 general damages in an amount that will be shown according to proof.

27
28 //

PRAYER

WHEREFORE, Plaintiff prays for judgment against the defendants, and each of them, as to each and every cause of action as follows:

1. For general damages according to proof;
2. For medical expenses, and all incidental expense according to proof;
3. For interest from the date of the respective accidents to the time of judgment;
4. For costs of suit incurred herein; and
5. For such other and further relief as the court deems proper.

DEMAND FOR JURY TRIAL

NOTICE IS HEREBY GIVEN that Plaintiff demands trial by jury in the above-captioned matter.

Dated: September 20, 2022

GOLSHANI LEE LLP

By: 

Christopher J. Lee, Esq.
Shervin Golshani, Esq.
Attorneys for Plaintiff,
SHIRA WALTZER

EXHIBIT A

CLAIM AGAINST THE COUNTY OF SAN MATEO, SAN MATEO COUNTY TRANSIT DISTRICT, SAN MATEO COUNTY TRANSPORTATION AUTHORITY, PENINSULA CORRIDOR JOINT POWERS BOARD, AND CALTRAIN

Claimant's Name: Shira Waltzer

Claimant's Address: 133 Lake Ave., Piedmont, California 94611

Address to which notices are to be sent: Jamie M. Ritterbeck, Corey C. Garrard, and N. Jessica Lujan of Gomez Trial Attorneys, 655 West Broadway, Ste. 1700, San Diego, CA 92101

Phone: (619) 237-3490

Amount of Claim: Total exceeds \$25,000.00

Date & Location of Incident: 8/17/2021, at or near 4:35 p.m. on Caltrain NB#263 (the "CALTRAIN") in Burlingame, California, when the CALTRAIN collided with a motor vehicle at or near the Broadway grade crossing.

How did it occur (*describe damage or loss*): Claimant Shira Waltzer ("Claimant") suffered personal injuries when the Caltrain she was riding on (the "CALTRAIN") collided with a motor vehicle at the Broadway grade crossing.

Claimant is informed and believes and upon such information and belief alleges that COUNTY OF SAN MATEO, SAN MATEO COUNTY TRANSIT DISTRICT, PENINSULA CORRIDOR JOINT POWERS BOARD, and CALTRAIN (collectively, the "Government Entities") were at all times and places herein responsible for the CALTRAIN, the tracks upon which the CALTRAIN operates, the property on and around the area upon which the CALTRAIN operates, the ownership, maintenance, driving, and control of the CALTRAIN, and training and hiring of engineers, conductors, staff, train personnel, employees, and operators for its trains, including the CALTRAIN.

The operator of the CALTRAIN, while in the course and scope of his/her employment with the Government Entities, carelessly and negligently operated the CALTRAIN, negligently and carelessly impacting and colliding with a vehicle at or near the Broadway grade crossing.

The Government Entities set speed limits and operated the CALTRAIN at a high rate of speed unwarranted for the conditions, failed to timely slow and stop the train when it became apparent that a vehicle at the Broadway grade crossing posed a danger on or near the tracks, failed to adequately supervise, test, train or evaluate the engineer/operator of the CALTRAIN and insure s/he was trained and competent to operate and drive the CALTRAIN, failed to timely warn passengers of the approaching danger, failed to have in place a video warning system advising the engineer/operator of upcoming danger or vehicles on or near the tracks, failed to maintain the property to keep vehicles off the tracks, failed to have an employee monitor the area and keep it clear with knowledge that the area had a vehicle stopped on the tracks and often had vehicles stopped on the tracks, and maintained the tracks and CALTRAIN in a dangerous condition.

The dangerous condition of the tracks and/or CALTRAIN was created or perpetuated by negligent acts or omissions of the Government Entities' agents acting within the scope of their duties. The property on which the dangerous condition was present was designed, constructed, maintained, owned and/or controlled by the Government Entities and/or its employees. The condition created a reasonably foreseeable risk of the kind of incident and injury that occurred

CLAIM AGAINST THE COUNTY OF SAN MATEO, SAN MATEO COUNTY TRANSIT DISTRICT, SAN MATEO COUNTY TRANSPORTATION AUTHORITY, PENINSULA CORRIDOR JOINT POWERS BOARD, AND CALTRAIN

when used in a manner in which it was reasonably foreseeable that it would be used. Further, the Government had notice of the dangerous condition for a long enough time to have protected against it.

The Government Entities had actual and/or constructive knowledge the tracks and CALTRAIN were in a dangerous condition and/or were improperly maintained, and/or lacked sufficient safeguards and/or warnings notifying passengers and vehicle operators of the dangerous conditions. Moreover, the Government Entities' employees created and/or had notice of the dangerous condition a sufficient time prior to the incident to take measures to protect against the risk of the dangerous condition, either by providing safeguards, stopping and/or slowing the CALTRAIN, repairing the condition, or warning of potential harm.

As a direct and proximate result of the Government Entities unlawful actions, negligence and carelessness, Claimant suffered personal injuries upon the CALTRAIN's impact with a motor vehicle, including exacerbation of a preexisting traumatic brain injury, physical pain and discomfort, requiring medical care and treatment in an amount not now known to Claimant, and Claimant is informed and believes and upon such information and belief alleges that she will incur additional expenses in the future in an amount not now known to her.

As a further direct and proximate result of said unlawful actions, negligence, acts, omissions and conduct of the Government Entities, and each of them, and of said injuries to Claimant, Claimant was prevented from attending her usual activities, and Claimant is informed and believes and upon such information and belief alleges that she will be prevented from attending to her usual activities in the future, all to Claimant's damage in an amount not now known to her.

Claimant seeks economic damages for past and future medical expenses, past and future loss of wages and loss of earning capacity, and non-economic damages for past and future physical pain, suffering, loss of enjoyment of life, physical impairment, inconvenience, grief, anxiety, and emotional distress.

Name of Public Employee(s) causing injury, damage or loss (if known): Public Employee names are unknown at this time. The government entities causing injury, damage, and loss are County of San Mateo, San Mateo County Transit District, San Mateo County Transportation Authority, Peninsula Corridor Joint Powers Board, and/or Caltrain.

I declare under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California, on February 4, 2022,

GOMEZ TRIAL ATTORNEYS



Jamie M. Ritterbeck, Esq.

Corey C. Garrard, Esq.

N. Jessica Lujan, Esq.

Attorneys for Claimant SHIRA WALTZER

EXHIBIT B

CLAIM AGAINST THE CITY OF BURLINGAME

Please return to: City Clerk
501 Primrose Rd.
Burlingame, CA 94010



(date stamp)

Please type or print clearly, (this form can be completed online before printing)

Claimant's Name: Shira Waltzer

Claimant's Address: 133 Lake Ave., Piedmont, CA 94611
Street or PO Box, City State Zip

Claimant's Home Phone: Attorney's No. (619) 237-3490 Claimant's Work Phone: Contact through Attorney

Amount of Claim: More than \$25,000.00 Attach copies of bills/estimates

If amount claimed is more than \$10,000, indicate where jurisdiction rests: Municipal Court Superior Court

Address to which notices are to be sent, if different than above:

Name: Jamie M. Ritterbeck, Corey C. Garrard, N. Jessica Lujan | Gomez Trial Attorneys
Address: 655 West Broadway, Ste. 1700, San Diego, CA 92101
Street or PO Box, City State Zip

Date of incident: 08/17/2021 Time of incident: At or near 4:35 p.m.

Location of incident: Caltrain NB#263 collided with a motor vehicle at the Broadway grade crossing in Burlingame, CA

Describe the incident or accident including your reason for believing that the city is liable for your damages:

See Attachment.

Describe all damages which you believe you have incurred as a result of this incident:

See Attachment

Names of public employee(s) causing the damages you are claiming:

Unknown at this time.

I hereby declare, under penalty of perjury, that I have read the foregoing and that the same is true to the best of my knowledge.

Date: 2/8/22

Signature: _____

Any person, who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both. Claims for personal injury or damage to personal property must be filed within 180 days of the incident; all other claims must be filed within one year of the incident' See Government Code Section 900 et seq.

Describe the incident or accident including your reason for believing that the city is liable for your damages:

Claimant Shira Waltzer ("Claimant") suffered personal injuries when the Caltrain she was riding on (the "CALTRAIN") collided with a motor vehicle at the Broadway grade crossing in Burlingame, California (the "Subject Collision").

Claimant is informed and believes and upon such information and belief alleges that the City of Burlingame was and is at all times and places herein the owner of and responsible for the property on and around the area upon which the CALTRAIN operates at the Broadway grade crossing and the roadway and property on and around the roadway at the Broadway grade crossing. The City of Burlingame was at all times and places herein responsible for the maintenance, design, control, traffic flow, and traffic control of the area, roadway, and property on and around the roadway at the Broadway grade crossing.

The City of Burlingame and/or its employees are liable pursuant to California Government Code sections 835, et seq. The area at which the Subject Collision occurred constitutes a dangerous condition as a result of a dangerous and unreasonable design, including but not limited to a dangerous grade crossing, dangerous intersection, dangerous roadway, insufficient traffic control and flow, inadequate signage, inadequate traffic safety and circulation, without adequate safeguards to protect against train versus motor vehicle collisions. The dangerous condition was created or perpetuated by negligent acts or omissions of the City of Burlingame's agents acting within the scope of their duties. As a direct and proximate result of the unreasonably dangerous condition, Claimant was injured.

The property on which the dangerous condition was present was designed, constructed, maintained, owned and/or controlled by the City of Burlingame and/or its employees. The condition created a reasonably foreseeable risk of the kind of incident and injury that occurred when used in a manner in which it was reasonably foreseeable that it would be used. (See Gov. Code §§ 830(a), 835.) Further, the City of Burlingame had notice of the dangerous condition for a long enough time to have protected against it.

The City of Burlingame had actual and/or constructive knowledge the property was in a dangerous condition and/or was improperly maintained, and/or lacked sufficient safeguards and/or warnings notifying drivers and persons of the dangerous roadway, grade crossing, and oncoming trains. Moreover, the City of Burlingame and/or its employees created and/or had notice of the dangerous condition a sufficient time prior to the incident to take measures to protect against the risk of the dangerous condition, either by providing safeguards, repairing the condition, or warning of potential harm.

Describe all damages which you believe you have incurred as a result of this incident:

As a direct and proximate result of the City of Burlingame's unlawful actions, negligence and carelessness, Claimant suffered personal injuries upon the CALTRAIN's impact with a motor vehicle, including exacerbation of a preexisting traumatic brain injury, physical pain and discomfort, requiring medical care and treatment in an amount not now known to Claimant, and

Claimant is informed and believes and upon such information and belief alleges that she will incur additional expenses in the future in an amount not now known to her.

As a further direct and proximate result of said unlawful actions, negligence, acts, omissions and conduct of the City of Burlingame, and of its employees and agents, and of said injuries to Claimant, Claimant was prevented from attending her usual activities, and Claimant is informed and believes and upon such information and belief alleges that she will be prevented from attending to her usual activities in the future, all to Claimant's damage in an amount not now known to her.

Claimant seeks economic damages for past and future medical expenses, past and future loss of wages and loss of earning capacity, and non-economic damages for past and future physical pain, suffering, loss of enjoyment of life, physical impairment, inconvenience, grief, anxiety, and emotional distress.

EXHIBIT C



The City of Burlingame

CITY HALL — 501 PRIMROSE ROAD
BURLINGAME, CALIFORNIA 94010-3997

OFFICE OF THE
CITY ATTORNEY

TEL: (650) 558-7204

March 22, 2022

Shira Waltzer
c/o Jamie M Ritterbeck, Corey C. Garrard, N. Jessica Lujan
Gomez Trial Attorneys
655 West Broadway, Ste 1700
San Diego, CA 92101

RE: REJECTION OF CLAIM NO. BU-1499

Dear Ms. Waltzer:

This letter is in reference to your claim filed on February 11, 2022. The claim is being rejected as of this date, March 22, 2022.

WARNING

Subject to certain exceptions, you have only six (6) months from the date that this notice was deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

As allowed by California Code of Civil Procedure Sections 128.5 and 1038, the City of Burlingame will seek to recover all incurred costs and attorney fees from you and your attorney should you ultimately serve the City of Burlingame with a lawsuit and it is later determined the suit was not brought in good faith or on reasonable grounds. If you feel you must name the City of Burlingame in the lawsuit to protect yourself, we urge you not to serve the City of Burlingame with a summons and complaint until you are certain there is a justiciable controversy with the City of Burlingame.

Sincerely,

Scott Spansail

Scott N. Spansail
Assistant City Attorney

cc: The Plan JPA

EXHIBIT D



BOARD OF DIRECTORS 2022

STEVE HEMINGER, CHAIR
CHARLES STONE, VICE CHAIR
DEVORA "DEV" DAVIS
CINDY CHAVEZ
JEFF GEE
GLENN HENDRICKS
DAVE PINE
SHAMANN WALTON
MONIQUE ZMUDA

MICHELLE BOUCHARD

PENINSULA CORRIDOR JOINT POWERS BOARD

NOTICE OF ACTION TAKEN ON CLAIM

Jamie M. Ritterback
Gomez Trial Attorneys
655 West Broadway, suite 1700
San Diego, CA 92101

REFERENCE: Claim of *Shira Waltzer*

Notice is hereby given that the claim that was received by the Peninsula Corridor Joint Powers Board, 1250 San Carlos Avenue, San Carlos, California 94070, on the 9th day of February, 2022 was:

Rejected by Operation of Law

on the 29th day of March, 2022.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this Notice was personally delivered or deposited in the mail to file a state court action on this claim. See Government Code Section 945.6. Your time for filing an action in federal court may be less than this six months.

Pursuant to Government Code section 913, your client is to be advised of the right to consult an attorney in connection with this matter. Since you have already been retained, the notification of this right is being given to your client through you.

Steve Wagman
Claims Specialist

PENINSULA CORRIDOR JOINT POWERS BOARD
1250 San Carlos Ave. – P.O. Box 3006
San Carlos, CA 94070-1306 650.508.6269

PROOF OF SERVICE BY MAIL

I, the undersigned, hereby certify under penalty of perjury that I am over the age of 18 years and not a party to the within matter; my business address is San Mateo County Transportation, 1250 San Carlos Avenue, San Carlos, California 94070.

I am readily familiar with the business practices for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence is deposited with the United States Postal Service on the same day in the ordinary course of business.

On this date, at my place of business, following ordinary business practices, I placed the within Notice of Action Taken on Claim for collection, mailing and deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid, addressed in the manner set forth below:

Jamie M. Ritterback
Gomez Trial Attorneys
655 West Broadway, suite 1700
San Diego, CA 92101

Executed on **March 30, 2022** at San Carlos, California.



Steve Wagman

EXHIBIT E

COUNTY OF SAN MATEO
COUNTY EXECUTIVE'S OFFICE

Michael P. Callagy
County Executive Officer /
Clerk of the Board

County Government Center
400 County Center, 1st Floor
Redwood City, CA 94063
650-363-4121 T
650-363-1916 F
www.smcgov.org

April 6, 2022

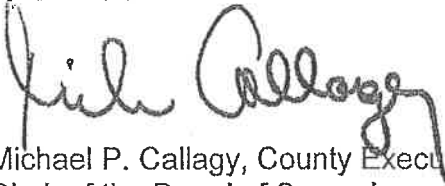
Gomez Trial Attorneys
Attn: Jamie Ritterbeck, Corey Garrard, and/or Jessica Lujan
655 West Broadway, Ste. 1700
San Diego, CA 92101

Notice is hereby given that the claim filed on behalf of Shira Waltzer, which was received in the office of the Board of Supervisors on February 9, 2022, was presented to the Board of Supervisors on March 22, 2022, and rejected in its entirety by said Board.

WARNING: Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a state court action on this claim. (See Government Code Section 945.6)

You may seek the advice of an attorney of your choice in connection with this matter. If you do desire to consult an attorney, you should do so immediately.

Very truly yours,



Michael P. Callagy, County Executive Officer/
Clerk of the Board of Supervisors

MPC:sp

cc: Rocio Kiryczun, Director, Human Resources Department
Claimant: Shira Waltzer



APPROPRIATE DISPUTE RESOLUTION INFORMATION SHEET

SUPERIOR COURT OF CALIFORNIA, SAN MATEO COUNTY

In addition to the court provided voluntary and mandatory settlement conferences, this court has established, in partnership with the community and Bar Association, the Multi-Option ADR Project. Recognizing that many civil disputes can be resolved without the time and expense of traditional civil litigation, the San Mateo County Superior Court encourages the parties in civil cases to explore and pursue the use of Appropriate Dispute Resolution

WHAT IS APPROPRIATE DISPUTE RESOLUTION?

Appropriate Dispute Resolution (ADR) is the general term applied to a wide variety of dispute resolution processes which are alternatives to lawsuits. Types of ADR processes include arbitration, mediation, neutral evaluation, mini-trials, settlement conferences, private judging, negotiation, and hybrids of these processes. All ADR processes offer a partial or complete alternative to traditional court litigation for resolving disputes.

WHAT ARE THE ADVANTAGES OF USING ADR?

ADR can have a number of advantages over traditional court litigation.

- **ADR can save time.** Even in a complex case, a dispute can be resolved through ADR in a matter of months or weeks, while a lawsuit can take years.
- **ADR can save money.** By producing earlier settlements, ADR can save parties and courts money that might otherwise be spent on litigation costs (attorney's fees and court expenses).
- **ADR provides more participation.** Parties have more opportunity with ADR to express their own interests and concerns, while litigation focuses exclusively on the parties' legal rights and responsibilities.
- **ADR provides more control and flexibility.** Parties can choose the ADR process most appropriate for their particular situation and that will best serve their particular needs.
- **ADR can reduce stress and provide greater satisfaction.** ADR encourages cooperation and communication, while discouraging the adversarial atmosphere found in litigation. Surveys of disputants who have gone through ADR have found that satisfaction with ADR is generally high, especially among those with extensive ADR experience.

Arbitration, Mediation, and Neutral Evaluation

Although there are many different types of ADR processes, the forms most commonly used to resolve disputes in California State courts are Arbitration, Mediation and Neutral Evaluation. The Multi-Option ADR Project a partnership of the Court, Bar and Community offers pre-screened panelists with specialized experience and training in each of these areas.

Arbitration: An arbitrator hears evidence presented by the parties, makes legal rulings, determines facts and makes an arbitration award. Arbitration awards may be entered as

judgments in accordance with the agreement of the parties or, where there is no agreement, in accordance with California statutes. Arbitrations can be binding or non-binding, as agreed by the parties in writing.

Mediation: Mediation is a voluntary, informal, confidential process in which the mediator, a neutral third party, facilitates settlement negotiations. The mediator improves communication by and among the parties, helps parties clarify facts, identify legal issues, explore options and arrive at a mutually acceptable resolution of the dispute.

Neutral Evaluation: Involves presentations to a neutral third party with subject matter expertise who may render an opinion about the case the strengths and weaknesses of the positions, the potential verdict regarding liability, and a possible range for damages.

CIVIL ADR PROCEDURES FOR THE SAN MATEO COUNTY SUPERIOR COURT

- Upon filing a Complaint, the Plaintiff will receive this **information sheet** from the Superior Court Clerk. Plaintiff is expected to include this information sheet when he or she **serves the Complaint** on the Defendant.
- All parties to the dispute may voluntarily agree to take the matter to an ADR process. A stipulation is provided here. Parties chose and contact their own ADR provider. A Panelist List is available online.
- If the parties have not agreed to use an ADR process, an initial Case Management Conference (“CMC”) will be scheduled within 120 days of the filing of the Complaint. An **original and copy of the Case Management Conference Statement must be completed and provided to the court clerk no later than 15 days prior to the scheduled conference.** The San Mateo County Superior Court Case Management Judges will strongly encourage all parties and their counsel to consider and utilize ADR procedures and/or to meet with the ADR director and staff where appropriate.
- If the parties voluntarily agree to ADR, the parties will be required to sign and file a **Stipulation and Order to ADR.**
- A timely filing of a stipulation (at least 10 days prior to the CMC) will cause a notice to vacate the CMC. ADR stipulated cases (other than judicial arbitration) will be continued for further ADR/Case Management status review in 90 days. If the case is resolved through ADR, the status review date may be vacated if the court receives a dismissal or judgment. The court may upon review of case information suggest to parties an ADR referral to discuss matters related to case management, discovery and ADR.
- Any ADR Services shall be paid for by the parties pursuant to a separate ADR fee agreement. The ADR Director may screen appropriate cases for financial aid where a party is indigent.
- Local Court Rules require your cooperation in evaluating the ADR Project and will expect a brief evaluation form to be completed and submitted **within 10 days of completion of the process.**

You can find ADR forms on the ADR webpage: www.sanmateocourt.org/adr. For more information contact the Multi-Option ADR Project at (650) 261-5075 or 261-5076.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO
MULTI OPTION ADR PROJECT
HALL OF JUSTICE AND RECORDS
400 COUNTY CENTER
REDWOOD CITY, CALIFORNIA 94063

ADR Stipulation and Evaluation Instructions

In accordance with *Local Rule 3.904(b)*, all parties going to ADR must complete a Stipulation and Order to ADR and file it with the Clerk of the Superior Court. In accordance with *Local Rule 2.1.7*, all parties, except for self-represented litigants, are **required** to file the Stipulation and Order to ADR **electronically**.

There is no filing fee for filing the stipulation. An incomplete stipulation will be returned to the parties by the Clerk's Office. All stipulations **must** include the following:

- Signatures for all attorneys (and/or parties in pro per);
- The name and phone number of the neutral;
- Date of the ADR session (date must include month, day and year. TBD or tentative responses will not be accepted); and
- Service List (Counsel need not serve the stipulation on parties).

Parties mutually agree on a neutral and schedule ADR sessions directly with the neutral. If parties would like a copy of the Court's Civil ADR Program Panelist List and information sheets on individual panelists, they may visit the Court's website at www.sanmateocourt.org/adr.

If Filing the Stipulation Prior to an Initial Case Management Conference

To stipulate to ADR prior to the initial Case Management Conference (CMC), parties must file a completed stipulation at least 12 days before the scheduled Case Management Conference. The clerk will vacate the Case Management Conference, and the general civil action will be referred to the ADR Analyst [*Local Rule 3.805(f)*].

If Filing Stipulation Following a Case Management Conference or Following an Order to Vacate Case Management Conference and Order to ADR

When parties are referred to ADR at the CMC, or parties receive an Order Vacating Case Management Conference and Order to ADR, they have 21 days from the date of the CMC or Order to file a Stipulation and Order to ADR with the Court [*Local Rule 3.904(b)*].

Post-ADR Session

Submit post-ADR session evaluations within 10 days of completion of the ADR process. Evaluations are to be filled out by both attorneys and clients. A copy of the Evaluation by Attorneys and Client Evaluation will be mailed by the ADR department as the mediation session date approaches, or can be downloaded from the Court's web site [*Local Rule 3.905(c)*].

If not all disputes are resolved through the ADR session, file a Statement of Nonagreement (ADR-CV-11) with the Court to facilitate the setting of a post-ADR Case Management and Trial Setting Conference before the assigned Civil Judge [*Local Rule 3.905(b)*].

Non-Binding Judicial Arbitration

Names and dates are not needed for stipulations to judicial arbitration. The Judicial Arbitration Administrator will send a list of names to parties once a stipulation has been submitted.

For further information regarding San Mateo Superior Court's Civil ADR and Judicial Arbitration Programs, visit the Court's website at www.sanmateocourt.org/adr or contact the ADR offices at (650) 261-5075.

Attorney or Party without Attorney (Name, Address, Telephone, Fax, State Bar membership number):	Court Use Only
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO Hall of Justice and Records 400 County Center Redwood City, CA 94063-1655 (650) 261-5100	
Plaintiff(s):	Case number:
Defendant(s):	Current CMC Date:

STIPULATION AND ORDER TO APPROPRIATE DISPUTE RESOLUTION

Plaintiff will file this stipulation with the Clerk’s Office 10 days prior to or 3 weeks following the first Case Management Conference or Order to ADR unless directed otherwise by the Court and ADR Department [Local Rule 3.904(b)]. Please attach a Service List.

The parties hereby stipulate that all claims in this action shall be submitted to (select one):

- Voluntary Mediation
- Binding Arbitration (private)
- Neutral Evaluation
- Settlement Conference (private)
- Non-Binding Judicial Arbitration CCP 1141.12
- Summary Jury Trial
- Other: _____

Case Type: _____

Neutral’s name and telephone number: _____ Date of session: _____

(Required for continuance of CMC except for non-binding judicial arbitration)

Identify by name the parties to attend ADR session: _____

Original Signatures

Type or print name of Party without attorney Attorney for
 Plaintiff/Petitioner Defendant/Respondent/Contestant

(Signature)
Attorney or Party without attorney

Type or print name of Party without attorney Attorney for
 Plaintiff/Petitioner Defendant/Respondent/Contestant

(Signature)
Attorney or Party without attorney

Type or print name of Party without attorney Attorney for
 Plaintiff/Petitioner Defendant/Respondent/Contestant

(Signature)
Attorney or Party without attorney

Type or print name of Party without attorney Attorney for
 Plaintiff/Petitioner Defendant/Respondent/Contestant

(Signature)
Attorney or Party without attorney

IT IS SO ORDERED:

Date:

Judicial Officer of the Superior Court of San Mateo County

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>		FOR COURT USE ONLY	
TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____			
E-MAIL ADDRESS: _____			
ATTORNEY FOR <i>(Name)</i> : _____			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____			
STREET ADDRESS: _____			
MAILING ADDRESS: _____			
CITY AND ZIP CODE: _____			
BRANCH NAME: _____			
PLAINTIFF/PETITIONER: _____			
DEFENDANT/RESPONDENT: _____		CASE NUMBER: _____	
CASE MANAGEMENT STATEMENT			
(Check one): <input type="checkbox"/> UNLIMITED CASE <input type="checkbox"/> LIMITED CASE (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)			
A CASE MANAGEMENT CONFERENCE is scheduled as follows:			
Date: _____	Time: _____	Dept.: _____	Div.: _____
Room: _____			
Address of court <i>(if different from the address above)</i> : _____			
<input type="checkbox"/> Notice of Intent to Appear by Telephone, by <i>(name)</i> : _____			

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties** *(answer one)*:
 - a. This statement is submitted by party *(name)*:
 - b. This statement is submitted **jointly** by parties *(names)*:
2. **Complaint and cross-complaint** *(to be answered by plaintiffs and cross-complainants only)*
 - a. The complaint was filed on *(date)*:
 - b. The cross-complaint, if any, was filed on *(date)*:
3. **Service** *(to be answered by plaintiffs and cross-complainants only)*
 - a. All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. The following parties named in the complaint or cross-complaint
 - (1) have not been served *(specify names and explain why not)*:
 - (2) have been served but have not appeared and have not been dismissed *(specify names)*:
 - (3) have had a default entered against them *(specify names)*:
 - c. The following additional parties may be added *(specify names, nature of involvement in case, and date by which they may be served)*:

4. **Description of case**
 - a. Type of case in complaint cross-complaint *(Describe, including causes of action):*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
--	--------------

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request a jury trial a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

a. The trial has been set for *(date)*:

b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:

c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

a. days *(specify number)*:

b. hours *(short causes) (specify)*:

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

Additional representation is described in Attachment 8.

9. **Preference**

This case is entitled to preference *(specify code section)*:

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 of the California Rules of Court for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
--	--------------

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
--	--------------

11. Insurance

- a. Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

- Bankruptcy Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.

- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:

- Additional cases are described in Attachment 13a.

- b. A motion to consolidate coordinate will be filed by (*name party*):

14. Bifurcation

- The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):

16. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
--------------	--------------------	-------------

- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
--	--------------

17. Economic litigation

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date:

(TYPE OR PRINT NAME)

▲ _____
(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

▲ _____
(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Christopher J. Lee, Esq. (SBN 309193) / Shervin Golshani (SBN 297320) Golshani Lee LLP 9915 Mira Mesa Blvd, Suite 300 San Diego, CA 92131 TELEPHONE NO.: 858-360-6454 FAX NO. (Optional): E-MAIL ADDRESS (Optional): lee@golshanilee.com ATTORNEY FOR (Name): Shira Waltzer	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO STREET ADDRESS: 400 County Center MAILING ADDRESS: CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern Branch	
PLAINTIFF/PETITIONER: Shira Waltzer DEFENDANT/RESPONDENT: City of Burlingame, et al.	CASE NUMBER: 22-CIV-03871
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. cross-complaint
 - f. other (specify documents): Notice of Assignment for All Purposes and Case Management Conference; CM-110 (blank)
3. a. Party served (specify name of party as shown on documents served): San Mateo County Transportation Authority
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 Authority Secretary or Authorized Agent
4. Address where the party was served: 1250 San Carlos Avenue, San Carlos, CA 94070
5. I served the party (check proper box)
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or a declaration of mailing is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: Shira Waltzer DEFENDANT/RESPONDENT: City of Burlingame, et al.	CASE NUMBER: 22-CIV-03871
---	------------------------------

5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. **by other means** (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify): _____
- c. as occupant.
- d. On behalf of (specify): _____

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input checked="" type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: _____ |

7. Person who served papers

- a. Name: _____
- b. Address: _____
- c. Telephone number: _____
- d. The fee for service was: \$ _____
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) a registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: _____
- (iii) County: _____

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: _____

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)



FW: 777528-01/02

1 message

Betty Macedo <bmacedo@knoxservices.com>
To: "info@swiftlegal.com" <info@swiftlegal.com>

Mon, Dec 5, 2022 at 12:22 PM

Please confirm receipt

Betty Macedo
1550 Hotel Circle North, Suite 440 | San Diego, CA 92108 Phone (619) 685-4217
Established 1972
"Our People Make us Number One"
Please consider the environment before printing this email.

Website: <https://www.KnoxServices.com> | Visit our website for online ordering and status updates!

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-----Original Message-----

From: Betty Macedo
Sent: Friday, December 2, 2022 5:25 PM
To: 'swiftattorneyservice@gmail.com' <swiftattorneyservice@gmail.com>
Cc: Luca Hoxeng <LHoxeng@knoxservices.com>; Traci Fish <tfish@knoxservices.com>
Subject: 777528-01/02

2 routine services, please confirm receipt

Betty Macedo
1550 Hotel Circle North, Suite 440 | San Diego, CA 92108 Phone (619) 685-4217
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Item #4.
2/2/2023

2 attachments

 **Process Copier_20221202_165153.pdf**
1789K

 **Process Copier_20221202_165220.pdf**
1760K

FOR COURT USE ONLY Item #4. 2/2/2023

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Christopher J. Lee, Esq. (SBN 309193) / Shervin Golshani (SBN 297320) Golshani Lee LLP, 9915 Mira Mesa Blvd, Suite 300, San Diego, CA 92131

TELEPHONE NO.: 858-360-6454 FAX NO. (Optional): E-MAIL ADDRESS: info@golshanilee.com ATTORNEY FOR (Name): Shira Waltzer

Electronically FILED by Superior Court of California, County of San Mateo ON 9/21/2022 By /s/ Maria Coronel Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO STREET ADDRESS: 400 County Center MAILING ADDRESS: CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern Branch

CASE NAME: Shira Waltzer vs. City of Burlingame, et al.

CIVIL CASE COVER SHEET [X] Unlimited (Amount demanded exceeds \$25,000) [] Limited (Amount demanded is \$25,000 or less)

Complex Case Designation [] Counter [] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: 22-CIV-03871 JUDGE: DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- [] Auto (22) [] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- [] Asbestos (04) [] Product liability (24) [] Medical malpractice (45) [X] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- [] Business tort/unfair business practice (07) [] Civil rights (08) [] Defamation (13) [] Fraud (16) [] Intellectual property (19) [] Professional negligence (25) [] Other non-PI/PD/WD tort (35)

Employment

- [] Wrongful termination (36) [] Other employment (15)

Contract

- [] Breach of contract/warranty (06) [] Rule 3.740 collections (09) [] Other collections (09) [] Insurance coverage (18) [] Other contract (37)

Real Property

- [] Eminent domain/Inverse condemnation (14) [] Wrongful eviction (33) [] Other real property (26)

Unlawful Detainer

- [] Commercial (31) [] Residential (32) [] Drugs (38)

Judicial Review

- [] Asset forfeiture (05) [] Petition re: arbitration award (11) [] Writ of mandate (02) [] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- [] Antitrust/Trade regulation (03) [] Construction defect (10) [] Mass tort (40) [] Securities litigation (28) [] Environmental/Toxic tort (30) [] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- [] Enforcement of judgment (20)

Miscellaneous Civil Complaint

- [] RICO (27) [] Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- [] Partnership and corporate governance (21) [] Other petition (not specified above) (43)

2. This case [] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. [] Large number of separately represented parties b. [] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. [] Substantial amount of documentary evidence d. [] Large number of witnesses e. [] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. [] Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. [X] monetary b. [] nonmonetary; declaratory or injunctive relief c. [] punitive

4. Number of causes of action (specify): Two: (1) Dangerous Condition of Public Property; and (2) Negligence.

5. This case [] is [X] is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 20, 2022

Christopher J. Lee

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions. File this cover sheet in addition to any cover sheet required by local court rule. If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding. Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

Item #4
2/2/2023
CM-O10

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

- | | | |
|---|--|--|
| <p>Auto Tort</p> <ul style="list-style-type: none"> Auto (22)—Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) <i>(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</i> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <ul style="list-style-type: none"> Asbestos (04) <ul style="list-style-type: none"> Asbestos Property Damage Asbestos Personal Injury/Wrongful Death Product Liability <i>(not asbestos or toxic/environmental)</i> (24) Medical Malpractice (45) <ul style="list-style-type: none"> Medical Malpractice—Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/WD (23) <ul style="list-style-type: none"> Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PI/PD/WD <p>Non-PI/PD/WD (Other) Tort</p> <ul style="list-style-type: none"> Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) <i>(not civil harassment)</i> (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) <ul style="list-style-type: none"> Legal Malpractice Other Professional Malpractice <i>(not medical or legal)</i> Other Non-PI/PD/WD Tort (35) <p>Employment</p> <ul style="list-style-type: none"> Wrongful Termination (36) Other Employment (15) | <p>Contract</p> <ul style="list-style-type: none"> Breach of Contract/Warranty (06) <ul style="list-style-type: none"> Breach of Rental/Lease Contract <i>(not unlawful detainer or wrongful eviction)</i> Contract/Warranty Breach—Seller Plaintiff <i>(not fraud or negligence)</i> Negligent Breach of Contract/Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) <ul style="list-style-type: none"> Collection Case—Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage <i>(not provisionally complex)</i> (18) <ul style="list-style-type: none"> Auto Subrogation Other Coverage Other Contract (37) <ul style="list-style-type: none"> Contractual Fraud Other Contract Dispute <p>Real Property</p> <ul style="list-style-type: none"> Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) Other Real Property (e.g., quiet title) (26) <ul style="list-style-type: none"> Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property <i>(not eminent domain, landlord/tenant, or foreclosure)</i> <p>Unlawful Detainer</p> <ul style="list-style-type: none"> Commercial (31) Residential (32) Drugs (38) <i>(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</i> <p>Judicial Review</p> <ul style="list-style-type: none"> Asset Forfeiture (05) Petition Re: Arbitration Award (11) Writ of Mandate (02) <ul style="list-style-type: none"> Writ—Administrative Mandamus Writ—Mandamus on Limited Court Case Matter Writ—Other Limited Court Case Review Other Judicial Review (39) <ul style="list-style-type: none"> Review of Health Officer Order Notice of Appeal—Labor Commissioner Appeals | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</p> <ul style="list-style-type: none"> Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims <i>(arising from provisionally complex case type listed above)</i> (41) <p>Enforcement of Judgment</p> <ul style="list-style-type: none"> Enforcement of Judgment (20) <ul style="list-style-type: none"> Abstract of Judgment (Out of County) Confession of Judgment <i>(non-domestic relations)</i> Sister State Judgment Administrative Agency Award <i>(not unpaid taxes)</i> Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case <p>Miscellaneous Civil Complaint</p> <ul style="list-style-type: none"> RICO (27) Other Complaint <i>(not specified above)</i> (42) <ul style="list-style-type: none"> Declaratory Relief Only Injunctive Relief Only <i>(non-harassment)</i> Mechanics Lien Other Commercial Complaint Case <i>(non-tort/non-complex)</i> Other Civil Complaint <i>(non-tort/non-complex)</i> <p>Miscellaneous Civil Petition</p> <ul style="list-style-type: none"> Partnership and Corporate Governance (21) Other Petition <i>(not specified above)</i> (43) <ul style="list-style-type: none"> Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil Petition |
|---|--|--|



Executive Director's Monthly Report: January 2023

Executive Director Michelle Bouchard









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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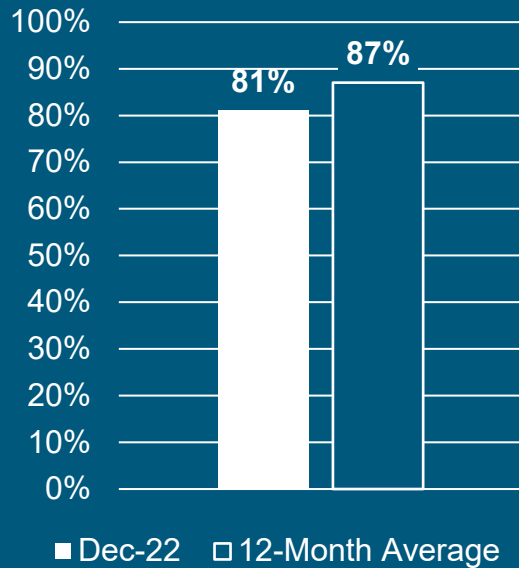




Performance at a Glance

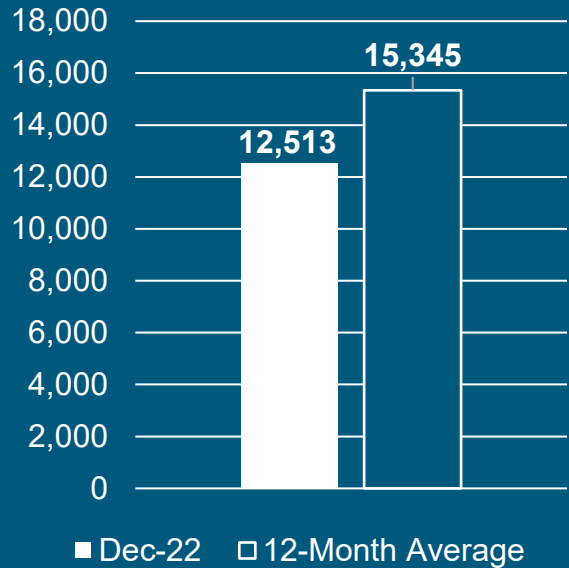
On-Time Performance

Percentage of trains arriving within six minutes of the scheduled time



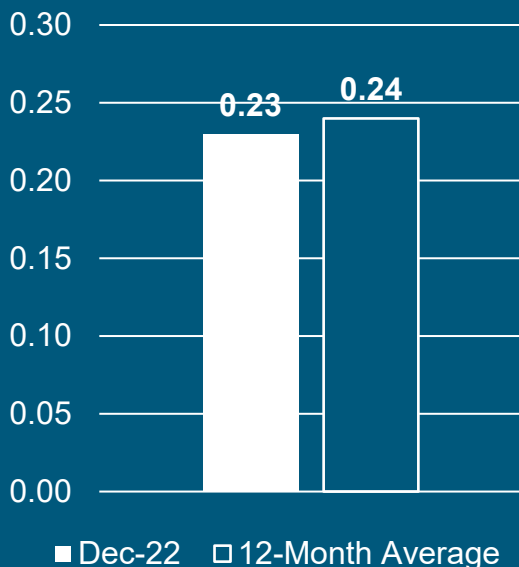
Average Daily Ridership

Average estimated weekday ridership



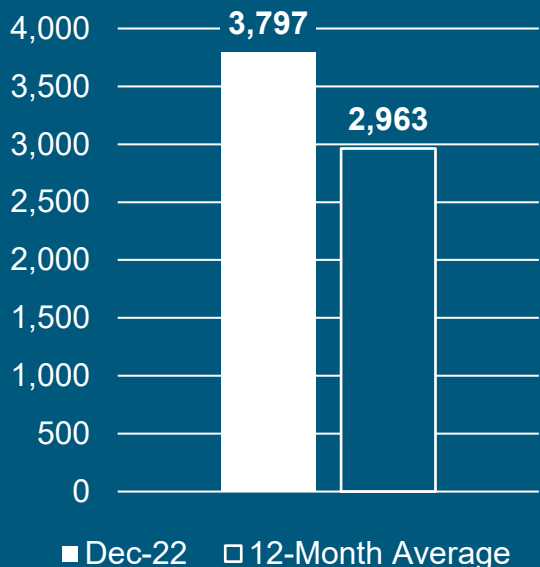
Farebox Recovery Ratio

Ratio of fare revenue to operating costs



Mean Distance Between Failures

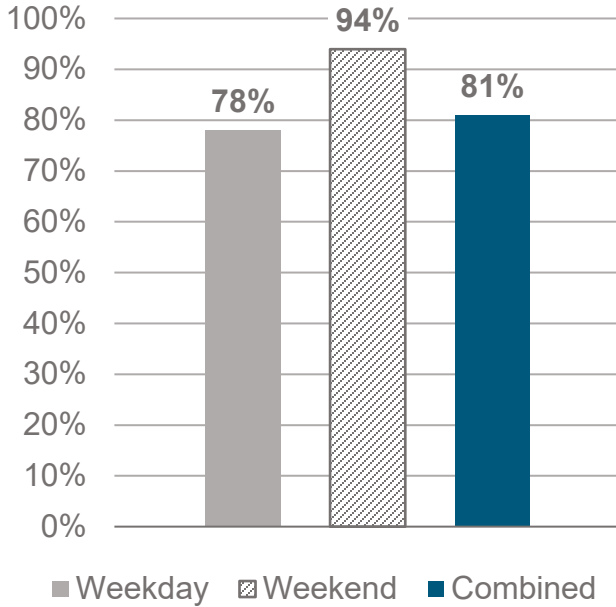
Average miles travelled by locomotives before maintenance/repair is required





On-Time Performance

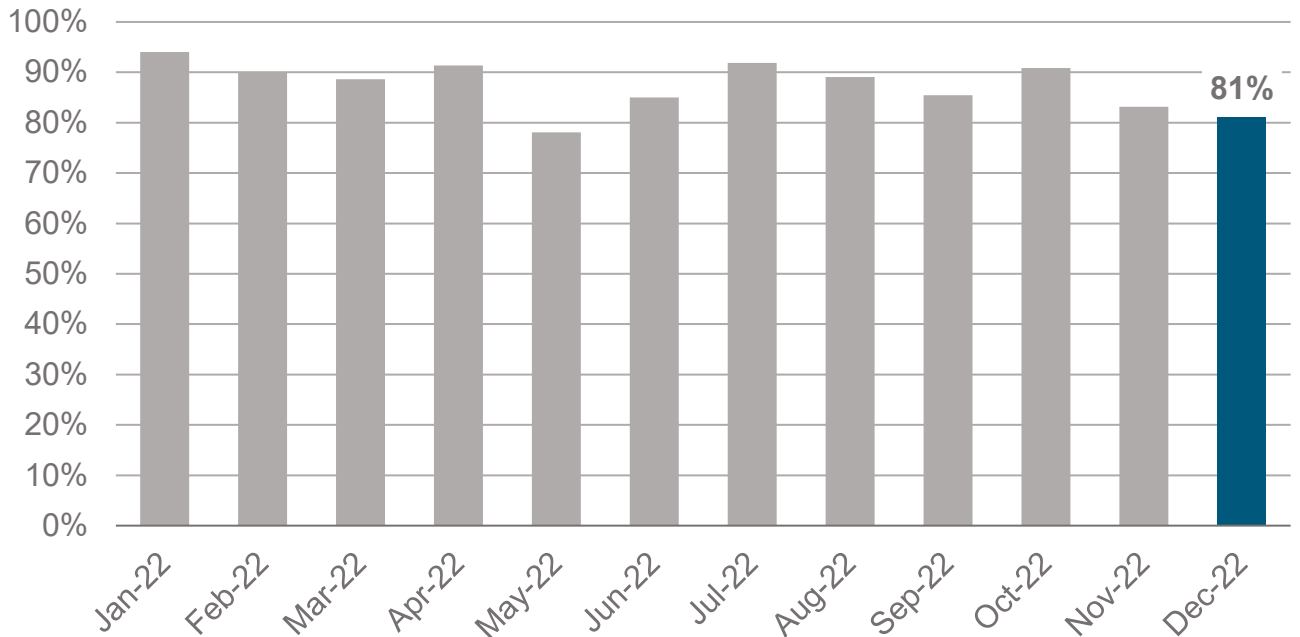
Performance This Month (Dec-22)



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



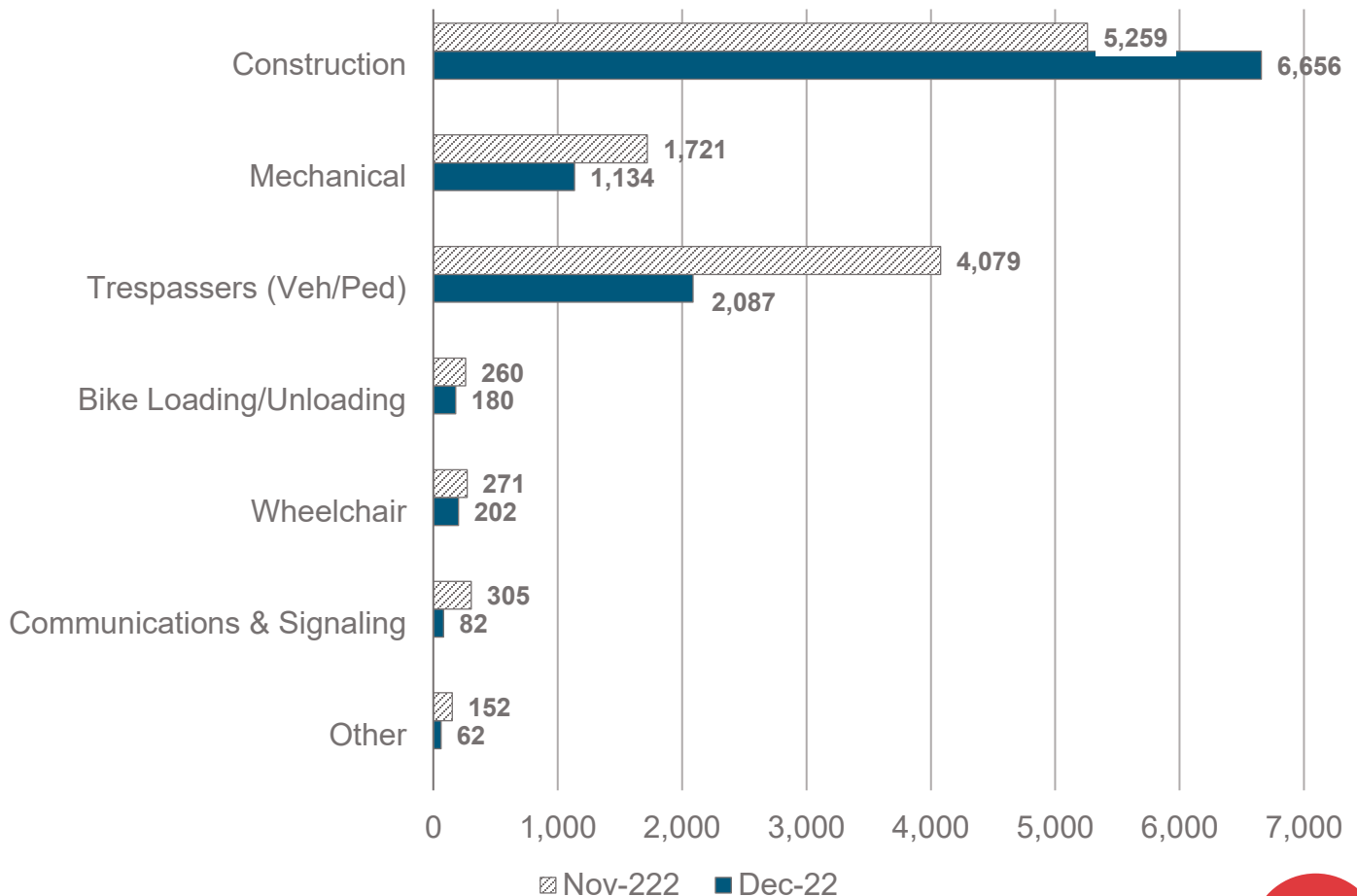


Delays and Cancellations

	<u>Oct-22</u>	<u>Nov-22</u>	<u>Dec-22</u>
Number of Late Trains	230	405	437
Average Minutes Late for Late Trains	20	27	21
Number of Cancelled Trains	7	30	13

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.

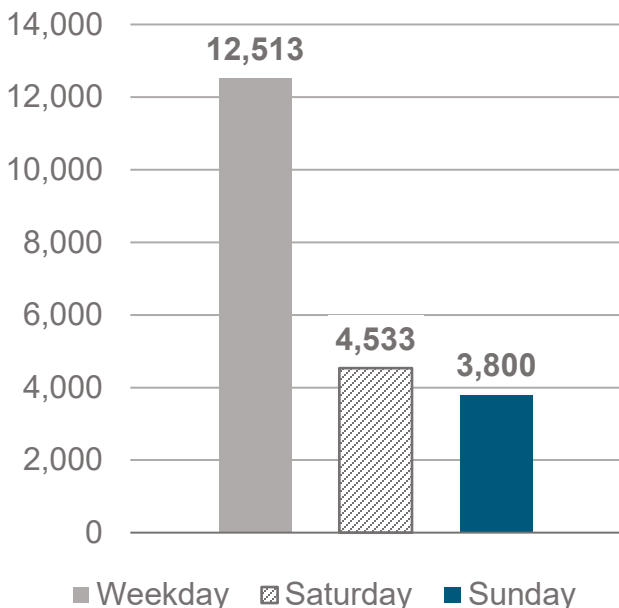
Reasons for Train Delays, by Minutes of Delay





Ridership and Revenue

Average Daily Ridership (Dec-22)

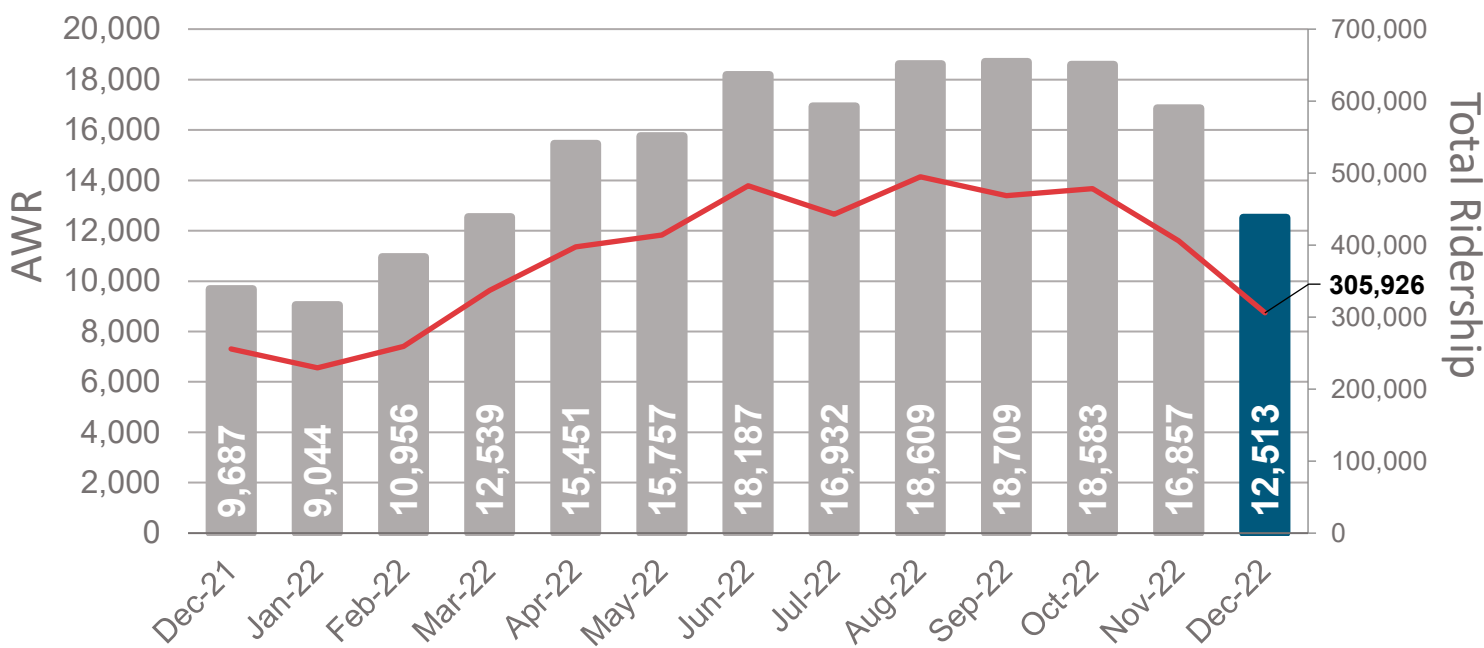


Both total and average weekday ridership (AWR) increased significantly from the same month in the prior year due to the receding impacts of the COVID-19 pandemic, including gradual introduction of return-to-office policies and increased leisure activities such as special events at Oracle Park and Chase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

- Three games in December.
- Total ridership boarding and alighting at Mountain View station was 2,635.
- YTD ridership is 10,167, a 30% increase compared to 2021 (7,848), and a 42% decrease compared to 2019 (17,446).
- Special Trains: None.

Sharks

- Six home games in December.
- Total additional ridership boarding at San Jose Diridon station was 184.
- Year-to-date additional ridership is 1,074, a 17% decrease compared to 2021 (1,634) and an 80% decrease compared to 2019 (5,388).
- Special Trains: None.

Warriors

- 8 regular season games.
- Total additional post-game ridership boarding at San Francisco station was 1,375.
- Year-to-date additional ridership is 4,903, a 34% decrease compared to 2021 (7,467) and a 56% decrease compared to 2019 (11,198).
- Special Trains: None.

New Year's Eve Festivities

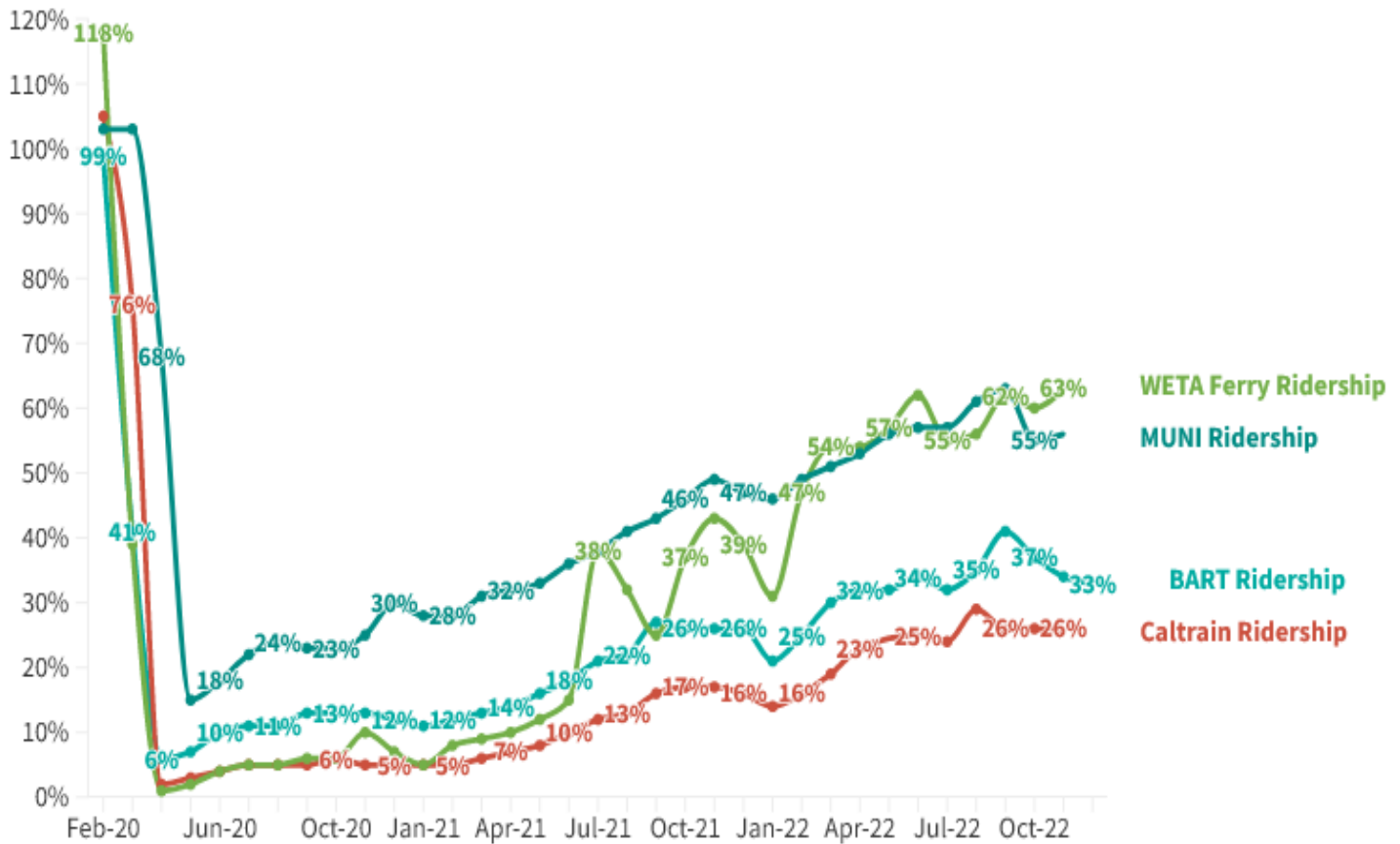
- Total additional ridership was 2,471, a 351% increase compared to 2021 (548) and a 68% decrease compared to 2019 (7,779).
- Special Trains: two pre-event and three post-event.
- *Please note, the San Francisco New Year's Eve Fireworks were canceled in 2021.*





Ridership and Revenue

Bay Area Transit Ridership as a Share of Pre-Pandemic Levels



Data source: SFMTA, Bay Area Toll Authority, BART, WETA • Analysis: Bay Area Council Economic Institute

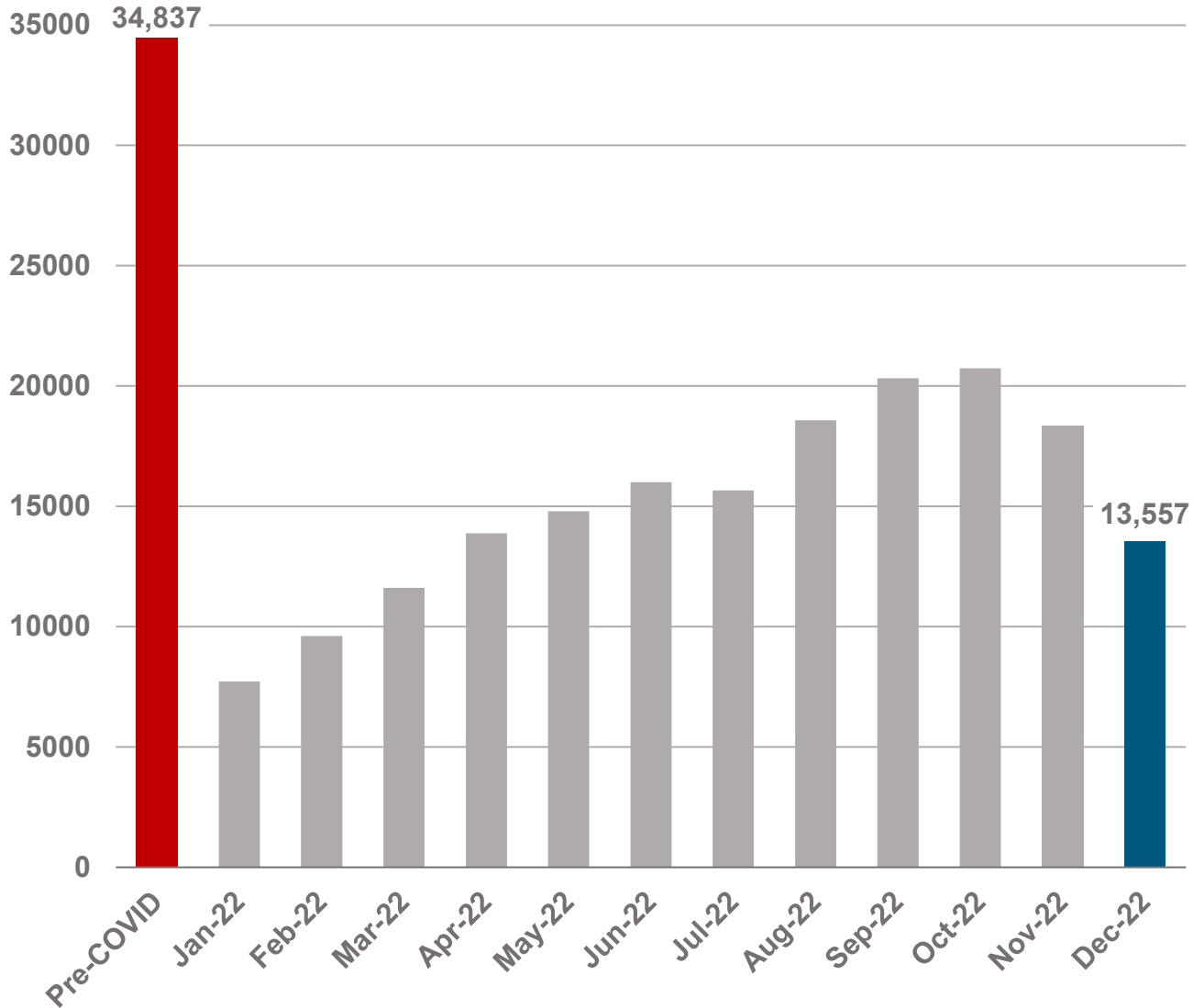
Note: The Golden Gate Bridge Highway and Transportation District manages operations on the Golden Gate Bridge; MUNI ridership is across all transportation modes (motor bus, light rail, historic street car, cable car, and trolley bus) and was calculated from average daily ridership for weekdays and weekends





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.

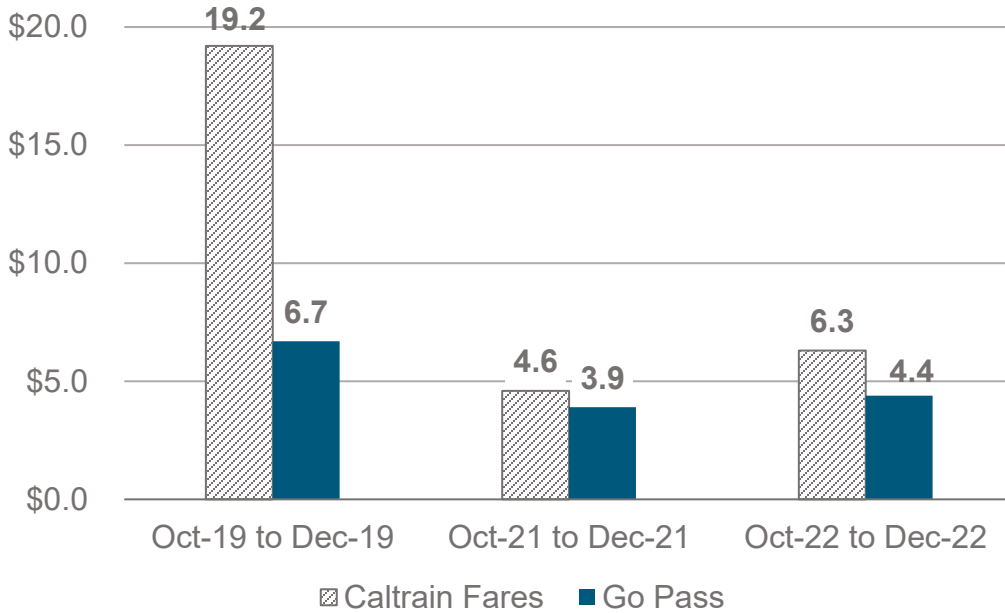
Pre-COVID data is provided for comparison purposes and represents average monthly transfers during the one-year period from March 2019 to February 2020.





Ridership and Revenue

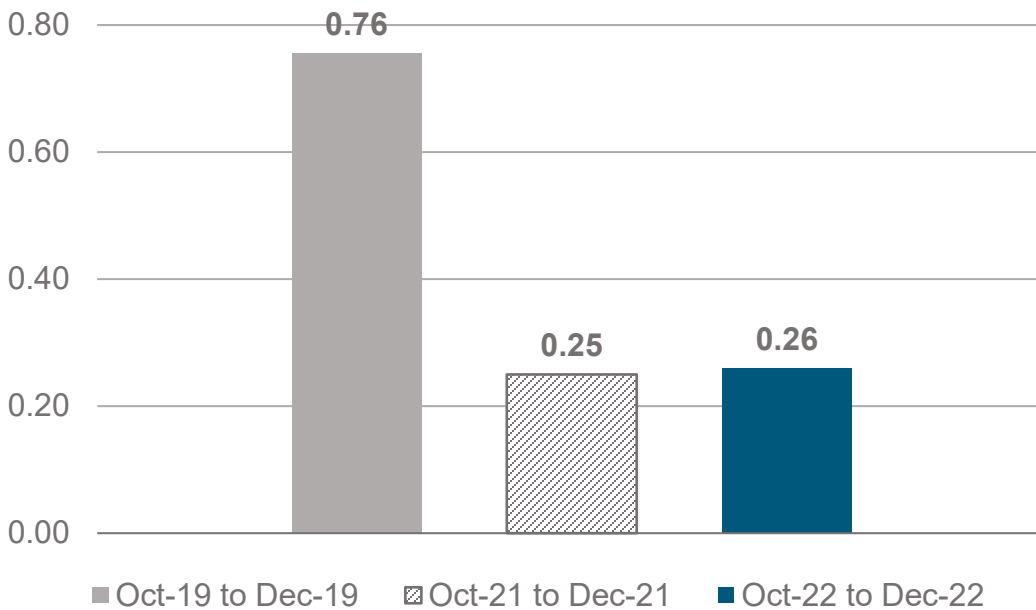
Total Fare Revenues (\$M) - Past 3 Months Comparison



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)



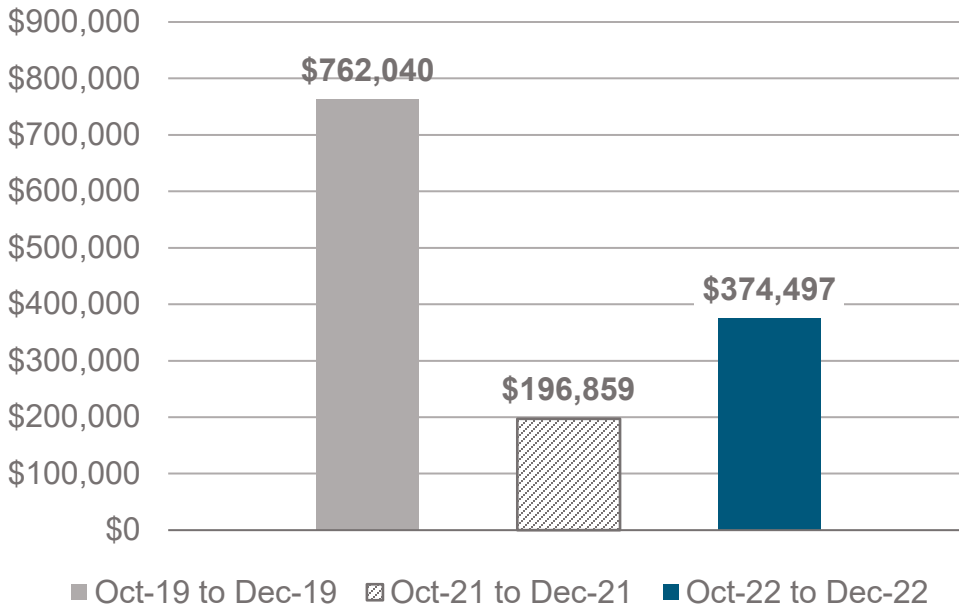
Farebox Recovery Ratio represents how much of the cost of providing service is covered by customer fares. A higher ratio indicates that a greater share of costs are covered by riders.





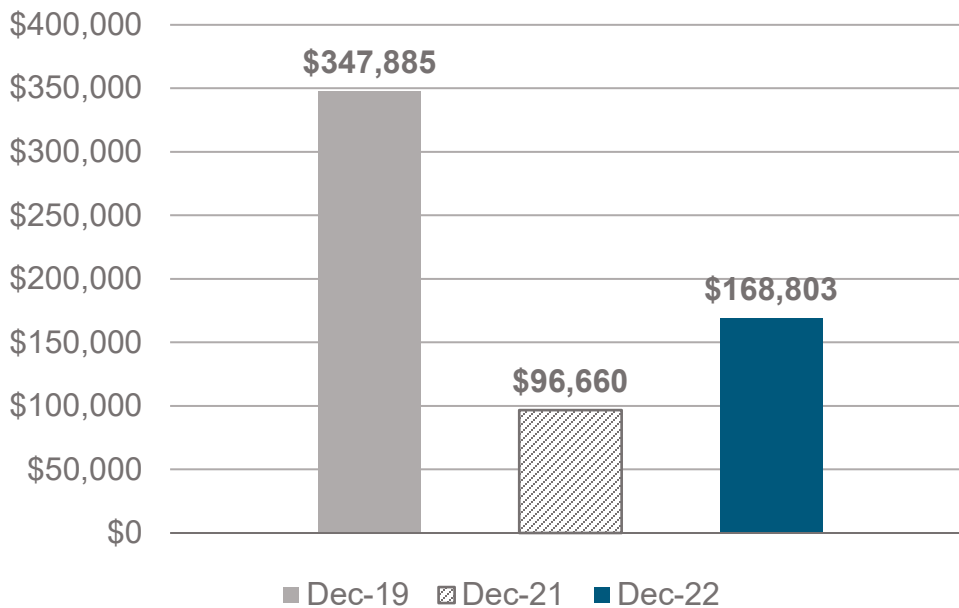
Ridership and Revenue

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)



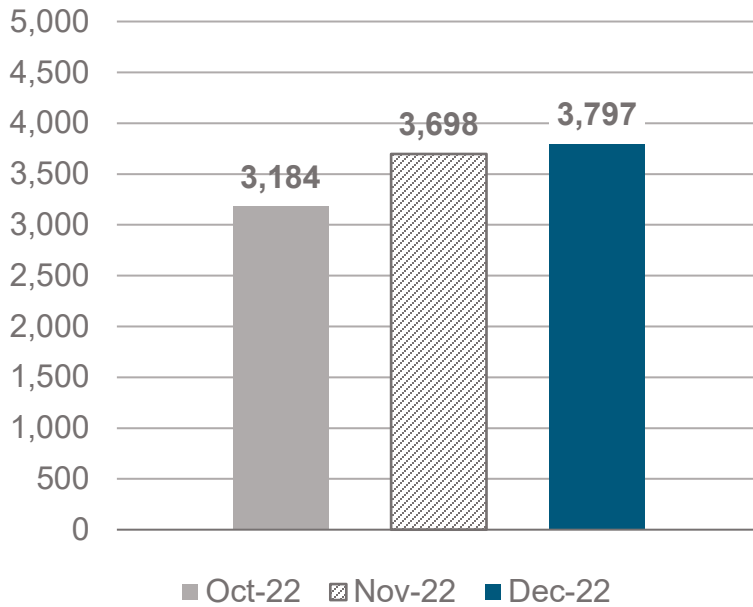
Parking Revenue is generated by purchases of daily and monthly parking permits for parking at Caltrain-owned lots.





Maintenance Performance

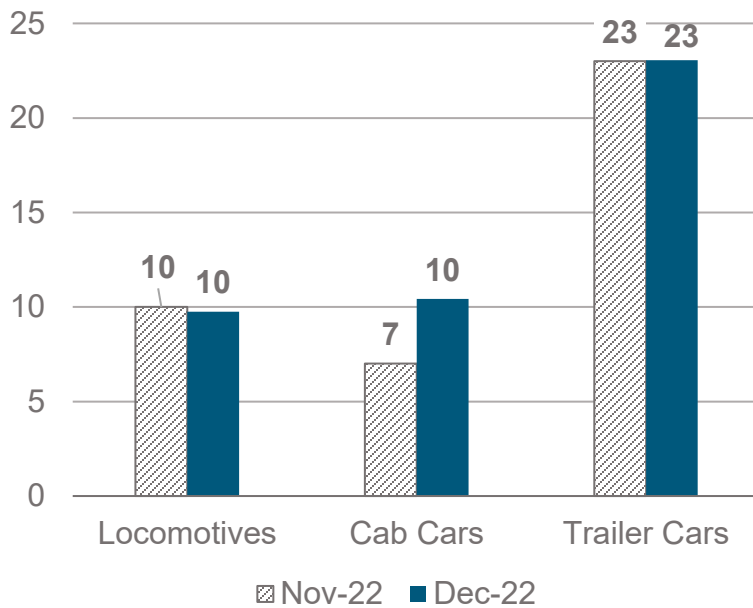
Mean Distance Between Failure (Locomotives)



Mean Distance Between Failure (MDBF) 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



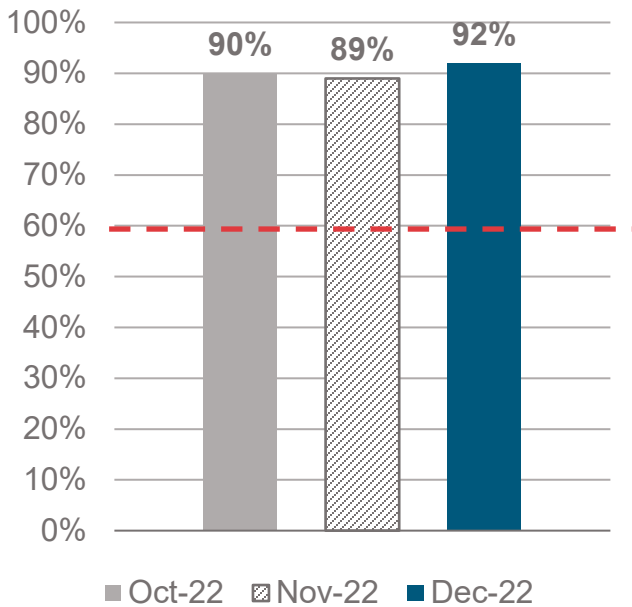
Equipment in Maintenance/Repair represents the number of locomotives and cars that are out of service on an average day each month due to routine and preventative maintenance or other repairs.





Maintenance Performance

Equipment Availability (Locomotives)

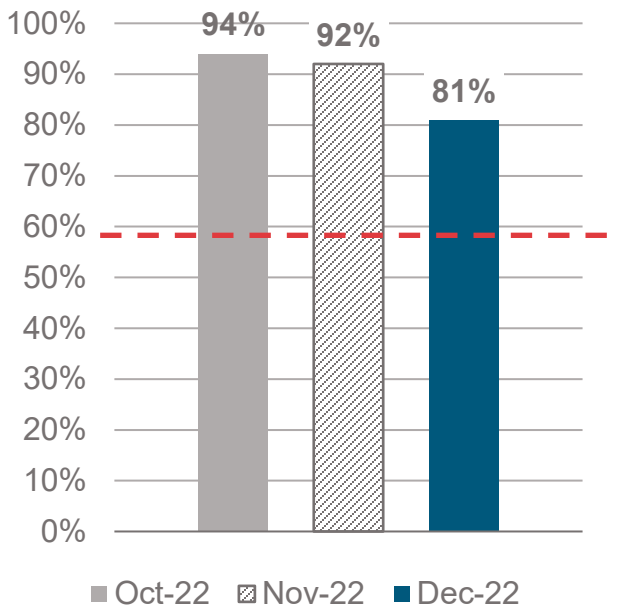


Equipment Availability is the number of cars or locomotives available for service on an average day each month as a percentage of the daily equipment required to run base service.

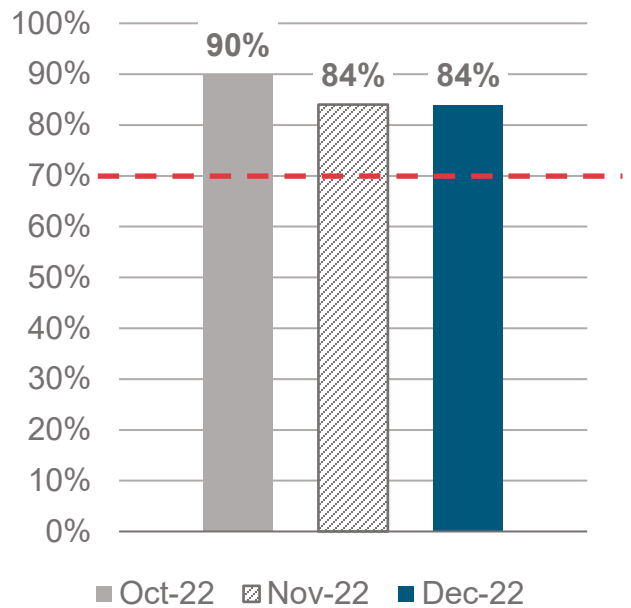
Caltrain currently owns 29 passenger locomotives, with 18 required daily; 36 cab cars, with 21 required daily; and 98 trailer cars, with 69 required daily.

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

Guadalupe River Bridge Replacement Project – Community Meeting

On Tuesday, January 31, Caltrain will host a virtual community meeting about the Guadalupe River Bridge Replacement Project. The meeting will focus on the need for the project, the important benefits and plan for construction, and allow for members of the public to ask questions regarding the project.

Caltrain operates on two tracks over the Guadalupe River in San Jose, just north of Tamien Station, as do Union Pacific, Amtrak, and Altamont Corridor Express. The project will replace the northbound track that is on a wooden trestle bridge built in 1935 and the southbound track, that is a concrete bridge built in 1990, will be extended. Construction also includes channel work to maintain safe and reliable operations for all users.

Virtual Meeting Details

Tuesday, January 31, 5-7 p.m.

<https://bit.ly/GuadalupeBridgeReplacement>

Zoom Meeting ID: 895 1162 3858 | Phone: (669) 219-2599

Temporary Weekend Service Reductions for Electrification Construction

On the weekends of February 11-12, 25-26 and March 4-5, 11-12, Caltrain will be suspending rail service between San Francisco and Millbrae Stations to accommodate Caltrain Electrification construction and testing. Limited bus service, known as a bus bridge, will be provided to riders traveling to or from the affected area. These will be the first of 31 weekends in 2023 in which service will be adjusted to accommodate construction and testing for electrified service, which is expected to launch in fall 2024. Service reductions have been limited to weekend service to reduce the impact on our riders.





Communications and Marketing Update

December 2022 Press Releases:

- "Caltrain Awards Contracts for On-Board Wi-Fi"
- "Caltrain Provides Christmas Day & Christmas Eve Service, Observes Christmas Holiday December 26"
- "Caltrain to Receive \$43 Million in Federal Funding for Electrification Project"
- "Caltrain Offers Free New Year's Service, Additional Trains for the Fireworks in San Francisco"
- "Caltrain Releases Year in Review"

December 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)

Digital Communications Report:

Caltrain began the month of December with the celebration of the Holiday Train which occurred the weekend of December 3rd. Weekend closures were announced between the dates of December 5th through the 18th, which included a bus bridge assisted by SamTrans. Additional funding was granted to Caltrain to complete electrification thanks to Senators Padilla, Feinstein, and Congresswoman Speier.

December Digital Marketing Highlights:

- Holiday Train
- Weekend closures / bus bridge
- On-Board Wi-Fi contracts awarded by Caltrain
- Additional Caltrain funding was awarded to support the electrification project
- Free New Year's Eve service
- Digital Communications team started a weekly video series highlighting electrification





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>Received approval for final change order from Contract Change Committee. Issued the final payment. Acquired conditional and unconditional release from PMI and began work on Final Acceptance. Received approval to close Gate 6 and 7 from the Management Committee.</p> <p>Issue Final Acceptance and file 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 December 31, 2022, and is subject to change prior to the February 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: Received all the necessary parts and materials for Phase 4 to upgrade 27 TVMs in December 2022 and will begin to test the new parts in January 2023.				
Phase 4 & 5 will be combined the Phase 4 & 5 installations together starting in March.				

Note: The Capital Projects information is current as of December 31, 2022, and is subject to change prior to the February 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. Contractor completed all the punch list items. A change order was created to remove all the old Clipper CIDs at the stations.</p> <p>Remove all the existing old CIDs at the stations and issue Substantial Completion.</p>				

Note: The Capital Projects information is current as of December 31, 2022, and is subject to change prior to the February 2023 Board meeting.

Statuses: ● – Green ● – Yellow ● – Red





Capital Projects Update

Project: Bayshore Station Bridge Painting

Project Description		Status Summary			
		Safety	Schedule	Budget	Funding
<p>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.</p>		●	●	●	●
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		01/31/23
Percentages	100.00%	40.9%	20.6%		
Project Highlights – Recent and Upcoming Work					
<p>Worked with Project Controls staff to complete the FY25/25 Work Plan Updates. Conducted a public hearing for a proposed subcontractor substitution; however, the JPB District ruled against the requested subcontractor substitution.</p> <p>Continued to work with the Construction Management team to prepare and conduct weekly meetings with the Contractor Top Line Engineers. Continued to work with the Engineering to identify corrective action plan for material section loss and implement repair prior to painting operations via change order.</p> <p>Continued to work with the Rail Operations, Rail Customer Experience, and Government and Community Affairs team to identify platform and stairwell closures and path of travel during painting operations. Continued to work with the Contractor in submitting a time impact analysis of project delays. Continued to work with PCEP team to identify OCS schedule to better align with the Bayshore Painting operations.</p>					

Note: The Capital Projects information is current as of December 31, 2022, and is subject to change prior to the February 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>In December 2022, 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. JPB submitted final plans to UPRR for a confirmation review on 12/27/22. Valley Water issued a Statement of No Objection for the project to USACE on 12/28/22.</p> <p>In January 2023, JPB anticipates the issuance of 408 and 404 permits by the USACE, the execution of a right-of-entry with the City of San Jose, and the issuance of an Encroachment Permit by Valley Water.</p>				

Note: The Capital Projects information is current as of December 31, 2022, and is subject to change prior to the February 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 JPB Board awarded the contract to Nomad Digital. The contract agreements for both the Capital Implementation and the Operating and Maintenance Agreements have been signed by both parties. Contracts and Procurement is working with Nomad Digital to obtain the required insurance and bonds to issue the Notice to Proceed.</p> <p>Issue the Notice to Proceed to Nomad Digital and conduct the kickoff meeting.</p>				

Note: The Capital Projects information is current as of December 30, 2022, and is subject to change prior to the February 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	05/31/24
Percentages	100%	85.4%	36.8%	

Project Highlights – Recent and Upcoming Work

Unit 927 is in service, operating without defect. Unit 924 shipped from Alstom and is at CEMOF for fuel, oil, and water. Unit 925 is still in overhaul - due to ship in January 2023. 926 was removed from service in preparation for shipping to Alstom.

Unit 927 to have emissions testing completed. Unit 924 to complete dynamic testing on Caltrain and begin service. 925 to begin static functional testing. 926 to be shipped to Mare Island to begin overhaul.

Note: The Capital Projects information is current as of December 31, 2022, and is subject to change prior to the February 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 January 5, 2023

Members Present (Remote): S. Heminger (Chair), M. Zmuda C. Chavez, D. Davis, J. Gee, S. Walton, R. Mueller

Members Absent: None

Staff Present: M. Bouchard, K. Kelly, J. Harrison, A. Myles-Primakoff, S. Sargent, C. Fromson, D. Ryan, R. Barnard, D. Chazan, K. Yin, B. Shaw, P. Shrestha, D. Stewart, S. Bullock, N. Fogarty, T. Burgwyn, T. Bartholomew, 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 and led the pledge of allegiance.

2. Swearing in of San Mateo County Board of Supervisors Representative

District Secretary Dora Seamans administered an Oath of Office to Raymond Mueller representing the San Mateo County Board of Supervisors.

3. Roll Call

Ms. Seamans called the roll and confirmed there was a Board quorum present.

4. Adopting Findings to Authorize Holding Meetings via Teleconference for 30 Days Pursuant to Assembly Bill (AB) 361

James Harrison, Legal Counsel, stated AB 361 will remain in effect through the end of February. Beginning in March, Board Members will either need to participate in person under traditional Brown Act requirements (by providing the Board Secretary with an address to post on the agenda, make that location accessible to the public, or within the narrow exceptions under AB 2449, may be allowed remote participation under emergency circumstances (meaning a family or medical emergency that prevents in person attendance).

Public Comment

Jeff Carter, Millbrae, spoke against anyone having to disclose their personal address and make it accessible to the public during Zoom meetings. He opined that there are good reasons for continuous Zoom or hybrid meetings and thought the legislature should change this rule.

Motion/Second: Davis/Gee

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

Noes: None

Absent: None

5. Resolution of Appreciation to Outgoing Director Dave Pine

Chair Heminger stated that he would remember Director Pine as the \$100 million man due to his work on the Measure RR ballot. Board Members all expressed their appreciation and thanks to Director Pine for his many contributions that included electrification, positive train control, his calm, levelheaded leadership, and allowing for differences of opinion and strategy, working towards solutions for all, and serving on multiple boards.

Outgoing Director Pine thanked everyone for their kind words and expressed faith in the leadership for challenges ahead.

Public Comment

Adina Levin, Friends of Caltrain, commented on navigating Caltrain through difficult waters through the pandemic.

Jeff Carter, Millbrae, commented on Measure RR, Director Pine's tenure, and Caltrain support.

Adrian Brandt, San Mateo County, thanked Director Pine for his contributions, especially with extended governance talks.

Motion/Second: Heminger/Gee

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

Noes: None

Absent: None

6. Public Comment for Items Not on the Agenda

Jeff Carter, Millbrae, commented on the New Year Eve's service, the pdf schedule published online did not show any trains leaving after 12:05am, though trains were shown coming to San Francisco. The schedule could have shown trains leaving to make things clearer for people.

Adrian Brandt, San Mateo County, commented on flooding affecting grade separations, San Bruno and Belmont having severe underpass flooding where roads were for grade separations. He commented on Caltrain highlighting the flooding risks and previous arguments for not lowering roads and increasing flood risk in corridor wide grade separation studies.

Aleta Dupree commented on working toward a Clipper ticket vending machine (TVM) upgrade at all stations.

7. Report of the Executive Director

Chair Heminger asked Executive Director Bouchard to address the flooding risk at over and under grade separations.

Michelle Bouchard, Executive Director, report included the following:

- Update on storm preparation responses included sub-pumps at all grade crossing and flood mitigation measures with the community are in place, additional pumping available, current assessment and re-assessment after the storms, and tree removal service

- Approval of the governance resolution, fully accessible South San Francisco train station, GoPass improved access to transit, and improved weekday schedule to improve BART access
- Peninsula Corridor Electrification Plan (PCEP) service change will require 31 partial weekend shutdowns to address top project risks including Overhead Catenary System (OCS) repair
- Martin Luther King Jr. celebration train on January 16th with free rides from San Jose to San Francisco
- Successful grant application for the electrification program
- Diridon Plaza Transit Oriented Development (TOD) project is hosting a virtual meeting January 9th regarding two mixed-used buildings with commercial space and \$12 million in fees toward affordable housing
- Metropolitan Transportation Commission's (MTC's) final business case meeting is December 12th with action expected January 22nd

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

- Preventative options to ensure no service interruptions especially during transition to electrified lines
- Caltrain has an arborist check trees along the corridor to identify any risks annually and considered having an on-call arborist for unpredictable events
- Improved Executive Director report format
- Welcomed Kathleen Kelly, Interim Chief Financial Officer, back to Caltrain

Public Comment

Jeff Carter, Millbrae, commented on having people out for incidences during the storm and trees in Burlingame falling across El Camino and the tracks.

Adrian Brandt, San Mateo County, commented on underpass flood testing, having a power backup system, avoiding flood pools, and re-thinking before building more grade separations that could create more flood pools and overflow.

Aleta Dupree commented on the Martin Luther King Jr. train, electrification grant, and operating post downed overhead wire.

8. Consent Calendar

- a. Approve Regular Meeting Minutes of December 1, 2022**
- b. Award of Contract for Right of Way Fencing Project**
- c. On-Call Transportation Planning and Consultant Support Services Update**
- d. Accept Statement of Revenues and Expenses for the Period Ending November 30, 2022**
- e. On-Call Communication and Signal Services Update**
- f. State and Federal Legislative Update**
- g. Metropolitan Transportation Commission (MTC)/Regional Update**

Motion/Second: Chavez/Zmuda approve all items with the exception of items 8c and 8e

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

Noes: None
Absent: None

Motion/Second: Gee/Heminger approve item 8c and 8e
Ayes: Davis, Gee, Walton, Zmuda, Heminger
Noes: None
Absent: None
Recused: Chavez, Mueller

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

Pranaya Shrestha, CalMod Chief Officer, provided a presentation on the following:

- Signal cutover weekend bus bridge service between Belmont and Mountain View
- No budget impact to PCEP project and cost at \$216,576

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

- Coming back to the Board for approval for settlement authority and to establish a threshold based on current practice and future report out
- Getting markers from other Bay Area transit agencies to determine if they are high or too low

Motion/Second: Chavez/Davis
Ayes: Chavez, Davis, Walton, Zmuda, Heminger
Noes: None
Absent: None
Recused: Gee, Mueller

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

Nadine Fogarty, Deputy Director, Transit Oriented Development and Real Estate, provided the presentation which included the following:

- Compensate SamTrans for use of office space; lease for space on ground floor for PCEP
- Paid from existing program budget
- Space in basement used by Positive Train Control (PTC) project from September 2017 and December 2020
- Space used by electrification program on ground floor

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

- Discussion at Finance Committee and looking at other sites for cost effectiveness
- It was always the intent that the project would pay for the space and there was no gift of public funds
- Through the governance process, Caltrain noted there have been informal agreements and is currently trying to identify all of them

Public Comment

Aleta Dupree commented on the importance and all parties should be compensated and made whole.

Motion/Second: Chavez/Zmuda

Ayes: Chavez, Davis, Walton, Zmuda, Heminger

Noes: None

Absent: None

Recused: Gee, Mueller

11. Adopt 2023 Legislative Program

Casey Fromson, Chief Communications Officer, provided updates that included the following:

- Programs at the state level for transit funding
- Small projects and setting up the framework for the annual program

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

- Lobbyists coming in biannually or annually
- Lobbying teams matching what we need today versus yesterday

Motion/Second: Chavez/Gee

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

Noes: None

Absent: None

12. Adopt Amendments to Code of Conduct for Public Meetings

Anna Myles Primakoff, Legal Counsel, provided the presentation that included the following:

- Purpose to promote public participation and transparency subject to the Brown Act
- Senate Bill (SB) 1100 clarified the definition of disruptive behavior and a legislative body's rights to conduct its business in an orderly manner
- The amended Code of Conduct incorporated SB 1100 new procedures and definitions for managing disruptions in order to maximize public participation and orderly conduct at meetings

Public Comment

Aleta Dupree commented on its importance, public spaces being safe spaces, protects Board Members and the public, and protects against escalation while not censoring.

Jeff Carter, Millbrae, commented on needing safe spaces for public process, appreciating the amendments and signing up for public comment.

Motion/Second: Davis/Zmuda

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

Noes: None

Absent: None

13. Peninsula Corridor Electrification Project (PCEP): Monthly Progress Report and Update on 2023 Construction and Service Impact Plan

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

- No schedule changes, construction service changes, and 133 electric train cars now in production
- Some damage to Overhead Catenary System (OCS) primarily caused by wind damage and to be assessed after the weather clears
- Authorized Balfour Beatty, Inc. (BBI) to order replacement items due to damage
- 2023 goal to complete construction and testing activities by December and impact to revenue service and passengers
- January 2024 revenue service testing
- Total of 31 weekend are shutdowns on both tracks for safer environment for workers
- Estimated construction and service costs and potential funding options

Casey Fromson, Chief Communications Officer, provided an update that included the following:

- \$33 million received from supplemental Federal Transit Administration (FTA) capital investment grants, full funding grant agreement (FFGA) funding, and \$10 million received from “community project” funding
- Remaining \$367 million funding gap – Caltrain should receive significant funding from the State and should know in month or two how much may be allocated
- Customer experience overview, customer travel impacts, and bus bridge service
- Weekend shutdowns from February to July 2023 and an estimated 16 additional weekend shutdowns needed for end to end testing
- Customer outreach campaign will include station ambassadors

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

- Shutdowns will be from February through December at different locations with messaging at all stations
- Shutdowns will occur by geographic location and will traverse counties
- Mitigation measures to respond with appropriate staff and procedures in place
- Caltrain will double down on environmental and resiliency issues
- Balfour Beatty Inc. (BBI) is required to design our system for a 100 year flood, worse case wind loading and ice and snow loading; assessment team will assess from end to end to see that it meets contract requirements;
- Members discussed heat and earthquake resiliency concerns

Public Comment

Vaughn Wolfe, Pleasanton, commented on outreach, climate change, a shortage of time, electric vehicles, and battery backups.

Aleta Dupree commented on the abbreviated report, not seeing a report on poles/wire progress, when shutdowns for bus bridges announced on web site, including train announcements, and following Japan's system for earthquake alerts.

Adrian Brandt, San Mateo County, commented on not having an option for tree branches falling onto the wires, earthquake precautions, and losing train ridership.

Adina Levin, Friends of Caltrain, commented on customer communications especially in regards to bus bridges and day to day construction related delays.

Jeff Carter, Millbrae, commented about communication regarding bus bridges and shutdowns.

14. Reports

a. Report of the Citizens Advisory Committee (CAC)

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

- He was voted in as Chair and David Tuzman voted in as Vice Chair
- January and February meetings would be hybrid and in person for the March meeting
- San Francisquito Creek project concerns
- Clipper data and distanced-based fare agenda
- Advocacy for additional grade separation project funding and project timeline
- Concern regarding car regulation
- Amendment to Code of Conduct and recourse for public removed from meetings
- Requested report for vehicles on track
- Caltrain's new Chief Of Safety

b. Report of the Chair

Chair Steve Heminger noted this would be his last report as Chair and recognized Board Members, past Caltrain Chairs, and the governance ad hoc committee members for working through the governance issues.

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

Director Jeff Gee reported on the memorandum of understanding (MOU) including rebranding to "the Portal" and an upcoming request to Federal Transit Administration (FTA) as a major milestone.

Director Walton left at 10:54 am

15. Resolution Recognizing National Slavery and Human Trafficking Prevention Month

Tasha Bartholomew, Communications Manager, presented the resolution Recognizing National Slavery and Human Trafficking Prevention Month.

The Board members had a discussion and staff provided further clarification in response to the Board comments and questions regarding staff training on preventing trafficking.

Public Comment

Aleta Dupree commented on kids separated from families at busy stations and employees creating safe spaces.

Motion/Second: Gee/Davis

Ayes: Chavez, Davis, Gee, Mueller, Zmuda, Heminger

Noes: None

Absent: Walton

16. Report of the Nominating Committee – Election of Officers for 2023

Chair Heminger nominated Director Jeff Gee as Chair and Director Dev Davis as Vice Chair

Motion/Second: Zmuda/Chavez

Ayes: Chavez, Davis, Gee, Mueller, Zmuda, Heminger

Noes: None

Absent: Walton

Executive Director Bouchard thanked outgoing Chair Heminger for his service.

17. Correspondence

Correspondence was available online.

18. Board Member Requests

Chair Heminger requested addressing flooding risk reports at over/under crossings in grade separation studies.

Director Chavez requested a report out on settlement authority at the next available meeting.

Director Chavez requested information and a schedule preventing trafficking training for staff.

19. Date/Time of Next Regular Meeting:

Thursday, February 2, 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.

20. Adjourn

Adjourned at 11:30am

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: James C. Harrison, General Counsel
Subject: **Renew Findings to Authorize Holding Meetings via Teleconference through February 28, 2023, Pursuant to Assembly Bill (AB) 361**

Finance Committee
Cancelled this
month

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. Renew 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 through February 28, 2023, 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 meeting through February 28, 2023. 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	Counsel	916-442-2952
	Quentin Barbosa	Associate counsel	916-442-2952

Resolution No. 2023-

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

* * *

Renewing 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 February 2, 2023 Through February 28, 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, on January 5, 2023, the Board adopted Resolution No. 2023-01, which includes findings that there is a proclaimed state of emergency and that the criteria described in section 54953(e)(1) of the Brown Act have been met, including that state or local officials have imposed or recommended social distancing; 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 through February 28, 2023, 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 through February 28, 2023, in accordance with Government Code section 54953 and other applicable provisions of the Brown Act.

Regularly passed and adopted this 2nd day of February, 2023 by the following vote:

Ayes:

Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

JPB Secretary

**Peninsula Corridor Joint Powers Board
Staff Report**

Date: January 17, 2023
To: Finance Committee
Through: Michelle Bouchard, Executive Director
From: Kathleen Kelly, Interim Chief Financial Officer
Subject: **Report of the Interim Chief Financial Officer**

Finance Committee
Cancelled this
month

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Highlights

- In December we completed the Measure RR audit, as required, and the RR Audit CAC Meeting is scheduled for March 15.
- Staff is developing FY 2023 year-end projections based on the first six months of actual revenues and expenditures and will present those in more detail at the February Finance Committee meeting. To date, though, it seems likely that Caltrain will achieve a balanced budget this year without having to draw funds from the FY 2022 surplus. The FY 2023 Adopted Budget was balanced using \$2.6 million from prior year reserves.
- There are many factors, both negative and positive, that influence the year-end forecast for FY 2023, but the most important one is the positive projection for Measure RR, which may be as much as \$4.0-\$5.0 million higher than the budget of \$114.3 million.

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Kathleen Kelly, Interim Chief Financial Officer (CFO)
Subject: **Accept Statement of Revenues and Expenses for the Period Ending December 31, 2022**

Finance Committee
Cancelled this
month

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 December 2022.

This staff report provides a brief discussion of significant items and trends on the attached Statement of Revenues and Expenses through December 31, 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 December's year-to-date actual, the Grand Total Revenue (page 1, line 16) is \$3.3 million higher than the adopted budget. This is primarily driven by the increases 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). December YTD Farebox revenue is trending below budget primarily driven by lower ticket vending machine (TVM) revenue, partially offset by higher Go Pass revenue.

Year to Date Expenses: As of December's year-to-date actual, the Grand Total Expense (page 2, line 50) is \$8.5 million lower than the adopted budget. This is primarily driven by less expenses in Rail Operator Service (page 2, line 21) and Professional Services (page 2, line 38) due to the timing of expenses; in Wages and Benefits (page 2, line 35) due to staff vacancies; and in Fuel and Lubricants (page 2, line 24) due to the partial offset by the fuel hedge revenue.

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 December 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									
December 2022									
							% OF YEAR ELAPSED	50.0%	
		JULY TO DECEMBER				ANNUAL			
	CURRENT	ADOPTED	\$	%	APPROVED	\$			
	ACTUAL	BUDGET	VARIANCE	VARIANCE	BUDGET	FORECAST	VARIANCE		
REVENUE									
OPERATIONS:									
1	Caltrain Fares	13,797,874	14,891,000	(1,093,126)	(7.3%)	30,151,000	30,151,000	-	1
2	Go Pass	8,697,221	8,130,000	567,221	7.0%	16,260,000	16,260,000	-	2
3	Parking Revenue	912,153	948,000	(35,847)	(3.8%)	1,896,000	1,896,000	-	3
4	Rental Income	615,807	467,682	148,125	31.7%	935,357	935,357	-	4
5	Other Income	2,606,839	872,160	1,734,679	198.9%	1,744,319	1,744,319	-	5
6								-	6
7	TOTAL OPERATING REVENUE	26,629,895	25,308,842	1,321,053	226.4%	50,986,676	50,986,676	-	7
8								-	8
9	CONTRIBUTIONS:								
10	AB434 Peninsula & TA Shuttle Funding	40,000	40,000	-	.0%	40,000	40,000	-	10
11	Operating Grants	5,644,080	5,644,080	-	.0%	11,288,161	11,288,161	-	11
12	Measure RR	60,397,783	58,464,502	1,933,281	3.3%	114,300,000	114,300,000	-	12
13								-	13
14	TOTAL CONTRIBUTED REVENUE	66,081,863	64,148,582	1,933,281	3.0%	125,628,161	125,628,161	-	14
15								-	15
16	GRAND TOTAL REVENUE	92,711,758	89,457,424	3,254,334	3.6%	176,614,837	176,614,837	-	16
17								-	17

PENINSULA CORRIDOR JOINT POWERS BOARD									
STATEMENT OF REVENUE AND EXPENSE									
Fiscal Year 2023									
December 2022									
% OF YEAR ELAPSED							50.0%		
	JULY TO DECEMBER				ANNUAL				
	CURRENT ACTUAL	ADOPTED BUDGET	\$ VARIANCE	% VARIANCE	APPROVED BUDGET	FORECAST	\$ VARIANCE		
18	EXPENSE							18	
19								19	
20	DIRECT EXPENSE:							20	
21	Rail Operator Service	47,793,071	49,128,886	(1,335,815)	(2.7%)	98,257,758	98,257,758	-	21
22	Security Services	3,457,325	3,967,688	(510,363)	(12.9%)	7,935,381	7,935,381	-	22
23	Shuttle Services	22,236	60,800	(38,564)	(63.4%)	121,600	121,600	-	23
24	Fuel and Lubricants*	6,144,505	8,769,612	(2,625,107)	(29.9%)	17,539,232	17,539,232	-	24
25	Timetables and Tickets	12,450	67,674	(55,224)	(81.6%)	135,350	135,350	-	25
26	Insurance	8,360,342	8,403,480	(43,138)	(.5%)	9,299,730	9,299,730	-	26
27	Claims, Payments, and Reserves	633,789	660,000	(26,211)	(4.0%)	1,320,000	1,320,000	-	27
28	Facilities and Equipment Maintenance	3,588,144	3,685,879	(97,735)	(2.7%)	7,258,788	7,258,788	-	28
29	Utilities	1,344,481	1,308,798	35,683	2.7%	2,617,600	2,617,600	-	29
30	Maint & Services-Bldg & Other	648,847	869,058	(220,211)	(25.3%)	1,754,100	1,754,100	-	30
31								31	
32	TOTAL DIRECT EXPENSE	72,005,190	76,921,875	(4,916,686)	(6.4%)	146,239,539	146,239,539	-	32
33								33	
34	ADMINISTRATIVE EXPENSE							34	
35	Wages and Benefits	6,578,455	7,742,557	(1,164,102)	(15.0%)	13,926,330	13,926,330	-	35
36	Managing Agency Admin OH Cost	1,650,746	1,784,614	(133,868)	(7.5%)	3,565,453	3,565,453	-	36
37	Board of Directors	6,960	15,465	(8,506)	(55.0%)	57,275	57,275	-	37
38	Professional Services	2,970,533	4,623,882	(1,653,349)	(35.8%)	9,305,755	9,305,755	-	38
39	Communications and Marketing	139,449	201,864	(62,415)	(30.9%)	403,730	403,730	-	39
40	Other Office Expenses and Services	928,405	1,381,403	(452,998)	(32.8%)	2,762,496	2,762,496	-	40
41								41	
42	TOTAL ADMINISTRATIVE EXPENSE	12,274,548	15,749,785	(3,475,237)	(22.1%)	30,021,039	30,021,039	-	42
43								43	
44	TOTAL OPERATING EXPENSE	84,279,737	92,671,660	(8,391,923)	(9.1%)	176,260,578	176,260,578	-	44
45								45	
46	Governance	165,515	175,002	(9,487)	(5.4%)	350,000	350,000	-	46
47								47	
48	Debt Service Expense	1,155,895	1,290,876	(134,981)	(10.5%)	2,581,752	2,581,752	-	48
49								49	
50	GRAND TOTAL EXPENSE	85,601,147	94,137,538	(8,536,391)	(9.1%)	179,192,330	179,192,330	-	50
51								51	
52	NET SURPLUS / (DEFICIT)	7,110,611	(4,680,114)	11,790,725	(251.9%)	(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)	7,110,611				-	-		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 decreased by a realized gain of \$1,839,890 from the fuel hedge program.								61



BOARD OF DIRECTORS 2022

STEVE HEMINGER, CHAIR
CHARLES STONE, VICE CHAIR
DEVORA "DEV" DAVIS
CINDY CHAVEZ
JEFF GEE
GLENN HENDRICKS
DAVE PINE
SHAMANN WALTON
MONIQUE ZMUDA

PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF DECEMBER 31, 2022

MICHELLE BOUCHARD
EXECUTIVE DIRECTOR

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
Local Agency Investment Fund (Unrestricted) *	Liquid Cash	2.173%	10,120,543	10,120,543
County Pool (Unrestricted)	Liquid Cash	2.053%	565,032	565,032
Other (Unrestricted)	Liquid Cash	3.608%	85,170,690	85,170,690
Other (Restricted)	** Liquid Cash	1.000%	39,071,127	39,071,127
			\$ 134,927,392	\$ 134,927,392

Interest Earnings for December 2022 \$ 370,300.39
Cumulative Earnings FY2023 \$ 1,920,121.63

* 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	Dec-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	391,581		3,499,358
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	1,077,607		8,064,847
401420 (Central)	64,908	20,799	309,748	39,911	5,139	945	9,901	11,080	2,767	826		30,657
401430 (Mobile App)	4,716,955	5,689,776	830,051	2,808,795	346,758	354,177	342,457	322,502	273,906	192,050		1,831,849
401500 (Gilroy)	1,903,941	1,542,171	178,759	449,281	37,440	66,110	80,675	63,053	67,606	56,277		371,163
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	1,490,677		8,697,221
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	3,209,018		22,495,095
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	1,490,677		8,697,221
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	1,718,342		13,797,874
Tickets Sold					Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22		Total
TVM	2,354,393	1,465,876	315,378	755,674	86,060	86,171	83,501	74,335	61,170	51,304		442,541
Clipper	3,521,066	2,620,816	339,753	1,227,757	156,994	179,747	177,647	182,485	159,636	118,365		974,874
Central	9,167	5,044	-	4,032	319	145	770	879	477	50		2,640
Mobile	543,920	661,515	111,394	381,441	42,175	43,696	41,411	39,967	33,608	25,094		225,951
# 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	254,891	194,813		1,646,006
AVG Revenue Per Ticket					Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22		Total
TVM	\$ 7.83	\$ 9.05	\$ 7.80	\$ 9.05	\$ 7.28	\$ 8.95	\$ 8.82	\$ 7.02	\$ 7.39	\$ 7.63		\$ 7.91
Clipper	\$ 15.51	\$ 6.32	\$ 8.61	\$ 6.32	\$ 7.19	\$ 8.96	\$ 7.75	\$ 8.24	\$ 8.56	\$ 9.10		\$ 8.27
Central	\$ 7.08	\$ 9.90	\$ -	\$ 9.90	\$ 16.11	\$ 6.52	\$ 12.86	\$ 12.60	\$ 5.80	\$ 16.53		\$ 11.61
Mobile	\$ 8.67	\$ 7.36	\$ 7.45	\$ 7.36	\$ 8.22	\$ 8.11	\$ 8.27	\$ 8.07	\$ 8.15	\$ 7.65		\$ 8.11
Total	\$ 12.40	\$ 11.86	\$ 8.74	\$ 7.56	\$ 7.51	\$ 9.05	\$ 8.40	\$ 8.13	\$ 8.49	\$ 8.82		\$ 8.38

Farebox Revenues by Ticket Type	PENINSULA CORRIDOR JOINT POWERS BOARD						
	July to December					Annual Budget	
	FY2019	FY2020	FY2021	FY2022	FY2023	FY2023	% of Budget
REVENUE							
401400 (TVM)	10,004,997	8,278,507	904,469	3,255,106	3,499,358		
401410 (Clipper)	27,383,599	27,640,609	1,312,289	3,386,782	8,064,847		
401420 (Central)	31,984	32,595	-	25,470	30,657		
401430 (Mobile App)	1,904,548	3,968,893	306,104	1,268,298	1,831,849		
401500 (Gilroy)	993,854	1,034,747	88,196	189,708	371,163		
401700 (Go-Pass)	10,765,679	12,239,199	15,327,407	7,448,278	8,697,221		
total Farebox Revenue	51,084,660	53,194,549	17,938,465	15,573,642	22,495,095	46,411,000	48%
Less: Go-Pass							
401700 (Go-Pass)	10,765,679	12,239,199	15,327,407	7,448,278	8,697,221	16,260,000	53%
Revenues without Go-Pass	40,318,981	40,955,351	2,611,058	8,125,363	13,797,874	30,151,000	46%
Tickets Sold							
TVM	1,287,584	1,096,472	137,618	360,452	442,541		
Clipper	1,741,735	1,875,040	132,577	527,078	974,874		
Central	4,089	3,852	-	2,607	2,640		
Mobile	211,669	466,369	43,424	170,954	225,951		
# of tickets sold (without go-pass)	3,245,077	3,441,733	313,619	1,061,091	1,646,006		
AVG Revenue Per Ticket							
TVM	\$ 7.77	\$ 7.55	\$ 6.57	\$ 9.03	\$ 7.91		
Clipper	\$ 15.72	\$ 14.74	\$ 9.90	\$ 6.43	\$ 8.27		
Central	\$ 7.82	\$ 8.46	\$ -	\$ 9.77	\$ 11.61		
Mobile	\$ 9.00	\$ 8.51	\$ 7.05	\$ 7.42	\$ 8.11		
Total	\$ 12.42	\$ 11.90	\$ 8.33	\$ 7.66	\$ 8.38		

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: James Harrison, General Counsel
Subject: **Authorize the Executive Director to Enter into an Agreement to Underground a Interconnect Facility to Traction Power Station 1 in South San Francisco**

Finance Committee
Cancelled this
Month

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Action

1. Authorize the Executive Director, or designee, to enter into a Design, Construction and Reimbursement Agreement (580 Dubuque Underground Electric Power Project) with IQHQ-Spur Ph I, LLC, a Delaware limited liability company (“IQHQ”), to underground a PG&E-owned interconnect facility to Traction Power Station 1 in South San Francisco (the “Agreement”); and
2. Authorize the Executive Director, or designee, to convey all easement rights necessary to effectuate moving PG&E’s existing overhead facility underground.

Significance

IQHQ is building a life sciences commercial real estate development project on property next to the San Francisco Caltrain Station and JPB’s Traction Power Station Number 1. IQHQ believes that the PG&E-owned overhead power lines that connect TPS-1 to PG&E’s local substation through the South San Francisco Caltrain Station (“TPS-1 Interconnect”) will create substantial marketing, leasing and operational difficulties for its development. Both IQHQ and the City of South San Francisco requested that Caltrain allow the lines to be undergrounded. JPB staff is supportive of the request based on IQHQ’s agreement to reimburse the JPB for its staff time associated with the Project, to indemnify the JPB against potential liability associated with the work, and to compensate JPB for any disruption caused by the work.

Budget Impact

The JPB will not incur any costs associated with IQHQ’s undergrounding of the TPS-1 Interconnect.

Background

Caltrans purchased all of the Caltrain stations along the Peninsula Corridor Right of Way from South Pacific Railroad in the 1980s, including the South San Francisco Caltrain Station (“Station”), and transferred them to JPB in the mid-1990s. This purchase did not include IQHQ’s property located just west of the Station.

As part of its development, IQHQ wishes to maximize connectivity to the Caltrain and South San Francisco Station and the surrounding area. As part of these enhancement, IQHQ wishes to underground the TPS-1 Interconnect. JPB staff is also working with IQHQ to develop a series of other agreements to enhance the Station, which will be the subject of separate agreements.

The TPS-1 Interconnect was built by PG&E, to PG&E standards, with funds provided by the Caltrain Electrification Project. JPB provided PG&E with an overhead easement over its right of way and part of the Station, and PG&E will own, operate and maintain the facility at PG&E's cost.

As part of the Agreement, IQHQ will be required to work with PG&E to rebuild an underground facility. The facility must be built to PG&E's standards and will be owned, operated and maintained by PG&E after its acceptance by PG&E. All work will be at IQHQ's cost, with all of JPB's staff time to be reimbursed by IQHQ. When completed to PG&E standards, and approved by JPB staff, the new Interconnect Facility will be connected to TPS-1. As part of PG&E's acceptance of the facility, JPB will grant PG&E an underground easement to replace the existing overhead easement, and PG&E will release its right, title and interest in the existing overhead easement. IQHQ will also be required to demolish the overhead facility once the underground facility is up and running.

Prepared By: Brian W. Fitzpatrick Director, Real Estate and (650) 508-7781
Development

Resolution No. 2023-

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

* * *

Authorizing the Executive Director to Enter into a Design, Construction and Reimbursement Agreement (580 Dubuque Underground Electric Power Project) with IQHQ-Spur Ph I, LLC, to Underground a PG&E-owned Interconnect Facility to Traction Power Station 1 in South San Francisco

Whereas, the Peninsula Corridor Joint Powers Board (“JPB”) owns the South San Francisco Caltrain Station (the “Station”), and has constructed a traction power facility associated with the electrification of Caltrain (“TPS-1”) within a portion of the Station property; and

Whereas, PG&E built, with funds provided by the Caltrain Electrification Project, an overhead power transmission facility to connect TPS-1 to a local PG&E substation (the “Interconnect Facility”); and

Whereas, JPB provided PG&E with an overhead easement over its right of way and part of the Station, and PG&E will own, operate and maintain the Interconnect Facility at PG&E’s cost; and

Whereas, IQHQ-Spur Ph I, LLC, a Delaware limited liability company (“IQHQ”) is building a life sciences commercial real estate development project on property next to the South San Francisco Caltrain Station and JPB’s Traction Power Station Number 1; and

Whereas, IQHQ believes that the PG&E-owned Interconnect Facility will create substantial marketing, leasing and operational difficulties for their development; and

Whereas, both IQHQ and the City of South San Francisco requested that Caltrain allow the the Interconnect Facility to be undergrounded through Caltrain property; and

Whereas, JPB staff is supportive of the request based on IQHQ's agreement to reimburse the JPB for its staff time associated with the Project, to indemnify the JPB against potential liability associated with the work, and to compensate JPB for any disruption caused by the work; and

Whereas, after the new Interconnect Facility is completed, JPB will grant PG&E an underground easement to replace the existing overhead easement, and PG&E will release its right title and interest in the existing overhead easement; and

Whereas, IQHQ will also be required to demolish the overhead facility once the underground facility is up and running.

Now, Therefore, Be It Resolved that the JPB finds that the above recitals are true and correct.

Be it Further Resolved that the JPB authorizes the Executive Director, or designee, to enter into a Design, Construction and Reimbursement Agreement with IQHQ to underground a PGE-owned interconnect facility to Traction Power Station 1 in South San Francisco; and

Be It Further Resolved that the JPB Authorize the Executive Director, or designee, to convey all easement rights necessary to effectuate moving PG&E's existing overhead facility underground.

Regularly passed and adopted this 2nd day of February 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: **State and Federal Legislative Update**

<input type="checkbox"/>	Finance Committee Cancelled this Month	<input checked="" type="checkbox"/>	Work Program-Legislative-Planning Committee Recommendation	<input type="checkbox"/>	Staff Coordinating Council Reviewed	<input type="checkbox"/>	Staff Coordinating Council Recommendation
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Action

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

Significance

The 2023 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 650.730.6172
Affairs Officer



January 13, 2023

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 – February 2023**

General Update

The Legislature reconvened for the first day of 2023-24 Legislative Session on January 4. Now that they have returned to Sacramento, legislators will continue to introduce new bills and will have until February 17 to do so.

Budget Update

On Tuesday, Governor Newsom presented his 2023-24 January Budget proposal. His budget presentation emphasized the somber fiscal outlook the state is facing, including the updated deficit figure of \$22.5 billion, a figure in stark contrast to last year's record state budget surplus.

In response to the deficit, the Governor proposed reductions and other cost saving measures to various areas, including the transportation sector. This includes "trigger reductions" to the Transit Intercity Rail Capital Program (TIRCP) that could be restored down the road if budget conditions improve. Specifically, this includes a proposed reduction from \$2 billion to \$1 billion in planned funding in 2023-2024 and \$500 million in 2024-45 and 2025-26, (a \$2 billion total reduction). The trigger reduction would be restored if the condition of the General Fund is improved in January of next year.

Some other budget adjustments in the transportation sector worth noting:

- Climate Adaptation Program – shifting fund amounts to maintain funding levels (moving \$200M from State Highway Account).
- Active Transportation Program – Net reduction of \$200M, while allowing all programming capacity approved in 2023 programming cycle.
- Grade Separations – the proposed budget includes a delay of the \$350 million that was planned for 2023-24 and pushing it to 2025-26.
- ZEVs – a total \$1.1 billion reduction across programs after shifting funds.

Legislation of Interest

AB 6 (Friedman) – Transportation Planning. AB 6 is an intent bill that declares the Legislature’s intent to require regional transportation agencies to prioritize and fund transportation projects (including those funded by a local sales tax measure) that contribute to the goals outlined in the region’s sustainable community strategy and the state’s climate goals.

AB 7 (Friedman) – Transportation Funding for Capacity Projects. Assemblymember Friedman introduced a second intent bill that states intent to eliminate single occupancy vehicle freeway projects and allow for capacity projects only for bus transit, rail and active transportation projects that significantly add safety and reduce congestion without interfering with existing maintenance and rehabilitation needs.

AB 96 (Kalra) – Local Public Transit Agencies: New Technologies. Assemblymember Kalra reintroduced a version of AB 2441 from last year, which was ultimately vetoed by the Governor. The bill imposes requirements on public transit employers relating to the introduction of new technologies that could eliminate job functions and requires public transit employers to provide 12 month notice to employee representatives prior to procuring, acquiring or deploying these technologies and subject this to collective bargaining, among other requirements.

ACA 1 (Aguiar – Curry) – Local Government Financing. Assemblymember Aguilar-Curry reintroduced ACA 1, which would reduce the voter-approval threshold from 2/3 to 55% for cities and counties to issue bonds or raise taxes for public infrastructure and affordable housing projects.

Proposed Regulation

California Air Resources Board (CARB) Proposed In-Use Locomotive Regulation.

This proposed regulation is intended to speed the transition to zero-emission vehicles away from diesel locomotives for rail operators in the state. As written, the proposed regulation would impact Caltrain and other passenger rail operators in the state by requiring a Spending Account which would encumber funds to be spent only on zero-emissions rail vehicles and not used for operating or maintenance costs. While Caltrain supports the goal of a zero-emissions future, the timing, specific provisions, retirement mandates, and technology availability in the regulation are all of concern. Caltrain submitted a comment letter on November 7 and comments at the November 18 Board hearing that detailed these issues. Caltrain will continue to work with CARB staff and the California Transit Association to reach a path forward.

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.

Last 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 solicited applications for the next round of funding in Summer 2022 and will 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. 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.

State Legislative Matrix 1/13/2023

Bill Number (Author)	Summary	Location	Position
AB 6 (Friedman D) Transportation planning.	Existing law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning organization in order to, among other things, achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region for 2020 and 2035, respectively. This bill would state the intent of the Legislature to enact subsequent legislation that would require regional transportation agencies to prioritize and fund transportation projects, including those funded by a local sales tax measure, that significantly contribute towards the goals outlined in a region's sustainable communities strategy and the state's climate goals. Introduced: 12/5/2022	Assembly Print	Watch
AB 7 (Friedman D) Transportation: funding: capacity projects.	Existing law requires the Department of Transportation to improve and maintain the state's highways, and establishes various programs to fund the development, construction, and repair of local roads, bridges, and other critical transportation infrastructure in the state. This bill would state the intent of the Legislature to enact subsequent legislation that would eliminate single occupancy vehicle freeway capacity projects, and allow capacity projects only for bus rapid transit, rail, active transportation purposes, projects that significantly add safety, and projects that significantly reduce congestion, without interfering with existing maintenance and rehabilitation needs. Introduced: 12/5/2022	Assembly Print	Watch
AB 96 (Kalra D) Public employment: local public transit agencies: autonomous transit vehicle technology.	Existing law creates various transit districts and prescribes requirements applicable to their labor relations, including those that address the recognition and certification of exclusive employee representatives, unit determinations, and procedures for meeting and conferring on matters subject to collective bargaining. This bill would require a public transit employer to provide written notice to the exclusive employee representative of the workforce affected by autonomous transit vehicle technology of its determination to begin, or its substantive progress toward initiating, any procurement process or a plan to acquire or deploy any autonomous transit vehicle technology for public transit services that would eliminate job functions or jobs of the workforce to which the autonomous transit vehicle technology applies not less than 12 months before commencing the process, plan, or deployment. The bill would require a public transit employer, upon a written request of the exclusive employee representative, to provide specified information to the exclusive employee representative, including the potential gaps in skills that may result from the new service. The bill would require the public transit employer, following the written request for information by the exclusive employee representative, and within 30 days of receiving the specified information, to commence collective bargaining on specified subjects, including creating plans to train and prepare the affected workforce to fill new positions created by the autonomous transit vehicle technology.	Assembly Print	Watch

	Introduced: 1/9/2023		Item #8.a.vi. 2/2/2023
<p><u>ACA 1 (Aguiar-Curry D)</u></p> <p>Local government financing: affordable housing and public infrastructure: voter approval.</p>	<p>The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 12/5/2022</p>	Assembly Print	Watch

Total Measures: 4

Total Tracking Forms: 4

Caltrain Federal Transportation Report December 2022 - January 2023

President Biden Signs Into Law the FY 2023 Omnibus Appropriations Bill

- On December 23, 2022, President Joe Biden signed into law the \$1.7 trillion FY 2023 Omnibus Appropriations Bill, capping off months of bipartisan, bicameral negotiations between lawmakers. For House Democrats, the FY 2023 appropriations bill is the last time they will pass a piece of significant legislation while in the majority for at least the next two years.
- \$33 million for Caltrain from a provision championed by Speaker Pelosi that provided additional funding for existing Capital Investment Grant projects that experienced supply chain issues and had low federal cost shares for their full funding grant agreements (FFGAs) when negotiating with the Trump Administration.
- \$10 million in congressionally directed spending requested by Senators Feinstein and Padilla to install a railway signaling system for Caltrain's Peninsula Corridor Electrification Project.
- \$800,000 in funding for a project to add winglets to existing fencing along the Caltrain corridor requested by Congresswoman Speier and Congresswoman Eshoo.
- The bill includes a provision sponsored by Senators Alex Padilla (D-CA) and John Cornyn (R-TX) that allows state and local governments to use their COVID aid funding for transportation infrastructure projects.
- Summary of DOT Funding:
 - RAISE - \$800 million that is in addition to \$1.5 billion in IJA funding
 - Transit: \$16.9 billion for the Federal Transit Administration (FTA)
 - Capital Investment Grants - \$2.6 billion, that is in addition to \$1.6 billion in IJA funding
 - Transit Formula Grants - \$13.6 billion consistent with IJA funding
 - Rail: \$3.4 billion for the Federal Railroad Administration (FRA)
 - CRISI - \$560 million that is in addition to \$1 billion in IJA funding
 - Federal-State Partnership for Intercity Passenger Rail Program - \$100 million, that is in addition to the \$2.6 billion in IJA funding
- The FY 2024 process is set to kick off in February with the release of the President's budget request. At the top of House Republicans' agenda is deficit reduction, which could include proposed cuts to several domestic programs. However, with Democrats in control of the Senate, House Republicans will need to find a compromise if they hope to pass FY 2024 budget and appropriations bills.

Rep. Kevin McCarthy Elected Speaker of the House

- On January 7, House Republicans elected Rep. Kevin McCarthy (R-CA) as Speaker of the House of Representatives. McCarthy, who had served as House Minority Leader before Republicans won the House, will now lead a slim GOP majority in the 118th Congress.
- McCarthy's prospects of securing the speakership fell under doubt after several conservative House Freedom Caucus members voted against his bid. Instead, they lent their votes to other members of the House, including Rep. Jim Jordan (R-OH), who had already announced his support for McCarthy. After 14 unsuccessful ballots, the House elected McCarthy as the next Speaker, but only after he promised key concessions in the new rules package, which the House considered on Monday.
- The contentious voting could provide a preview of how the House will operate in the 118th Congress. With government funding and the debt ceiling on Congress' docket for this year, McCarthy will have to navigate two sides of his caucus that increasingly demonstrate different views on how Congress, and the country, should be run.

House to Consider Rules Package

- At the beginning of each Congress, the House of Representatives adopts rules to establish procedural and organizational parameters. On January 9, the House considered and adopted resolution, [H.Res. 5](#), providing for the rules of the House for the 118th Congress by a vote of 220-213.
- This rules package includes a major concession made by Speaker Kevin McCarthy to secure the votes he needed to be elected Speaker. Under the new version, one member may initiate a motion to remove the Speaker from power. Under the original version proposed by leadership, the threshold to offer such a motion was five members.
- The package also includes several changes for federal spending as part of their deficit and tax reduction strategies. House Republicans are creating a "cut-as-you-go" rule requiring any spending provision to include a measure cutting equal federal spending. If the House wishes to increase the national tax rate, members must approve the measure by a three-fifths vote, as opposed to a simple majority in the 117th Congress. Lastly, under the rules, appropriations bills may no longer increase funding for an unauthorized program.
- Now the House will finalize the leadership and committee members and legislative work for the 118th Congress.

DOT Releases NOFO Calendar

- On January 6, the Department of Transportation (DOT) released a calendar with its target release dates for its notices of funding opportunities (NOFO) through the IIJA. Each listed program has a corresponding month or season that DOT hopes to release the program.
- This calendar will provide increased clarity for interested parties as DOT heads into the second year of distributing historic funding levels for transportation, infrastructure, and resilience projects. The calendar also provides information on the past NOFO release dates for 2022.
- Once released, NOFOs can be accessed through grants.gov or the Federal Register, where applicants can view the application instructions, program funding levels, and deadlines.

FTA Rail Vehicle Replacement Grant Program

- The Federal Transit Administration's Rail Vehicle Replacement Grant Program will distribute \$600 million over two fiscal years in up to six project awards and makes funding available to help fund capital projects to replace rail rolling stock. The program is a set-aside of the State of Good Repair Formula Grants Program.
- Caltrain applied to this program on January 5, 2023 for three new, high-performance electric trains to replace diesel locomotive trains. Award announcements are expected in April 2023.

Round-Up of Open Grant Opportunities

- [RAISE Grant Program](#). \$1.5 billion available. All applications due by February 28, 2023.
- FTA [Areas of Persistent Poverty Program](#). \$20 million available. All applications due by March 10, 2023.
- [FRA Federal-State Partnership for Intercity Passenger Rail Grant Program](#). \$2.2 billion available. All applications due by March 7, 2023.



Caltrain State and Federal Legislative Update

JPB WPLP Meeting
January 26, 2023



- New Congress
 - Kevin McCarthy is the new U.S. House Speaker
- Federal Omnibus Appropriations Bill - \$43M in PCEP funding
 - \$33M - FTA's Capital Investment Grants Program
 - \$10M – Community Project funds requested by Senators Feinstein & Padilla
- FTA Rail Vehicle Replacement Grant Program
 - Caltrain has applied to replace 3 diesel trains with new EMUs
- FRA Corridor ID Program
 - Ensure Caltrain projects reflected on CHSRA Corridor

- Transit and Intercity Rail Capital Program
 - Caltrain applied for Existing Projects Reserve for full funding gap
 - Award announcements expected January 31, 2023
- State Budget
 - Governor's Budget included \$2B in cuts to anticipated transit funding over 2 fiscal years
 - Caltrain staff working with MTC, CTA, and other partners on addressing the transit fiscal cliff
- Legislative Session
 - Legislators have until February 17 to introduce bills
- CARB In-Use Locomotive Regulation
 - Caltrain working with CTA and CARB staff on a productive path forward

Contact Info

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FOR MORE INFORMATION

WWW.CALTRAIN.COM



**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Graham Rogers, Business Operations Project Manager
Subject: **Ridership Growth Task Force Update**

Finance Committee
Cancelled this
Month

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Action

This item is for information only.

Significance

This report and accompanying presentation are submitted to keep the Board advised as to the status of Caltrain's ongoing ridership growth efforts. Caltrain has established a Caltrain Ridership Growth Task Force which aims to increase ridership by developing strategies that will retain existing riders, reclaim previous riders, and recruit new customers to the system. The execution of these strategies will advance coordination with agency partners while demonstrating to executive leadership that staff are actively pursuing ridership and revenue growth opportunities.

The Ridership Growth Task Force's 2023 work plan includes the following activities:

1. Conducting a peer analysis to identify the effectiveness of various ridership growth strategies and document lessons learned;
2. Performing market research via quarterly surveys and supplemental focus groups to identify barriers to riding Caltrain, the "new normal" work and commute status, and general awareness of service levels and promotions, among other topics;
3. Analyzing information related to Caltrain service levels, special events, and marketing efforts to identify the most significant drivers of ridership; and
4. Prioritizing, implementing, monitoring, and adjusting a set of strategies to grow ridership.

Budget Impact

There is no budget impact associated with receiving this informational update. Caltrain has engaged Fehr & Peers to support the task force efforts via a work directive issued through the on-call transportation planning and consultant support services bench. This work directive is being funded through approved FY 2023 funding sources, and additional funding needs will be included as part of the FY24-25 budget proposal.

Background

Caltrain, like other transit services in the region, experienced a large decrease in ridership during the pandemic. Prior to the pandemic, in FY 2019, Caltrain served between 1.4 and 1.6 million riders in an average month. In FY 2022, Caltrain saw average monthly ridership partially recover to about 500,000 rides, a five-fold increase when compared to the early pandemic period.

Caltrain launched a Ridership Recovery Task Force in 2022 to focus on near-term ridership growth opportunities such as targeted marketing efforts, innovative ticket offerings, and enhanced partnerships with communities and transit properties throughout the corridor. Caltrain has since renamed this working group the “Ridership Growth Task Force” to more clearly emphasize the goal of building ridership beyond current levels rather than continuing to use a pre-COVID baseline to track our progress and measure success.

Caltrain has made several fare changes aimed at increasing ridership during the pandemic, including postponing two planned fare increases as well as providing a 50 percent fare discount in April 2022 to capitalize on return-to-work momentum. Additionally, Caltrain expanded its participation in Clipper START, a regional means-based fare pilot program that allows eligible, low-income adult Caltrain riders to receive a 50 percent fare discount off the adult single ride fare. Caltrain also created a program for employers to donate unused Go Passes to a network of qualified community-serving organizations.

Prepared By: Graham Rogers

Business Operations Project
Manager

650.730.6048

**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
Cancelled this
Month

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 Update** (Informational)
2. **MTC Stakeholder Outreach for Potential Bay Area Transportation Measure** (Informational)
3. **Regional Measure 3 (RM3) Challenges Dismissed** (Informational)

1. **Regional Network Management Framework Update** (Informational)

Caltrain staff brought an update on the Regional Network Management (RNM) framework at the January 5 Joint Powers Board (JPB) meeting. The update summarized the refined RNM Framework proposal, presented to the Network Management Business Case Advisory Group (AG) on December 12. Executive Director Bouchard has served as a member of the AG, advocating for Caltrain’s interests, over eight meetings in 2022.

The RNM framework includes a new MTC committee (“RNM Committee”) consisting of eight MTC commissioners and three non-voting representatives from Bay Area transit operator boards and the state. The framework also includes an “RNM Council” that is similar to the composition of the AG, with general manager representation to guide RNM Committee policy decisions.

A “Voice of the Customer” advisory committee, consisting of eight members of the existing MTC Policy Advisory Committee’s Transformation Action Plan subgroup, plus nine representatives from regional policy organizations, transit rider groups, business, disability groups, students, and city transportation department to be named later.

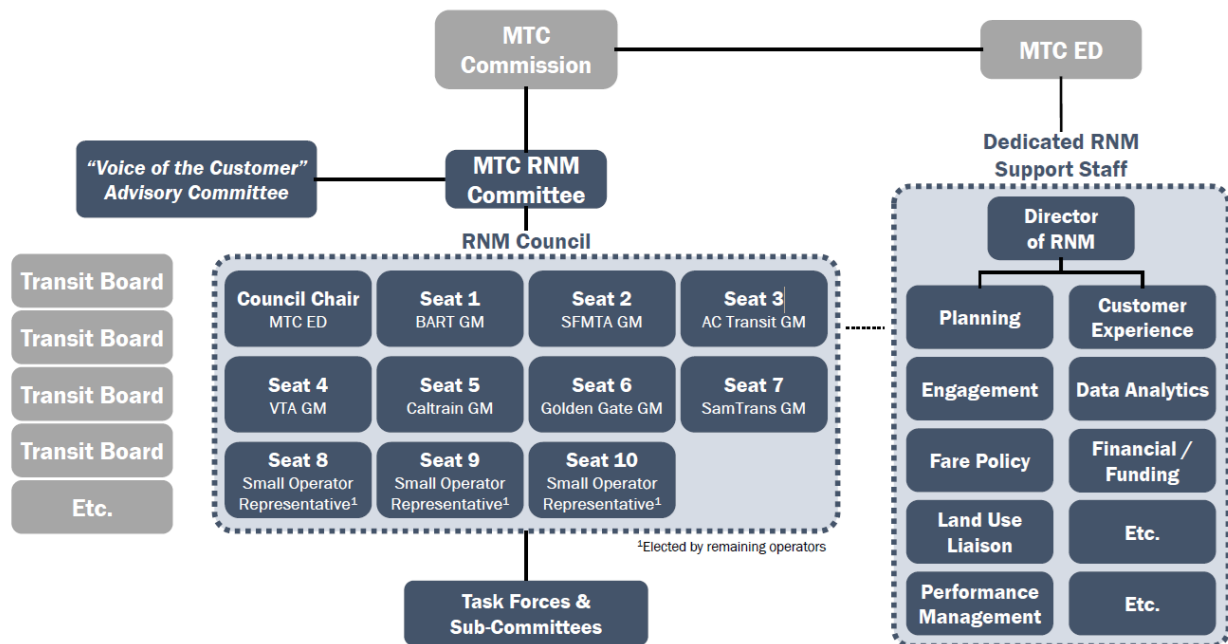


Figure 1: Refined RNM Framework (December 12 AG meeting)

Since the last Caltrain staff update to the JPB, MTC and consultant staff have presented to the MTC Executive Committee, as part of a series of presentations shown in the next steps graphic below:

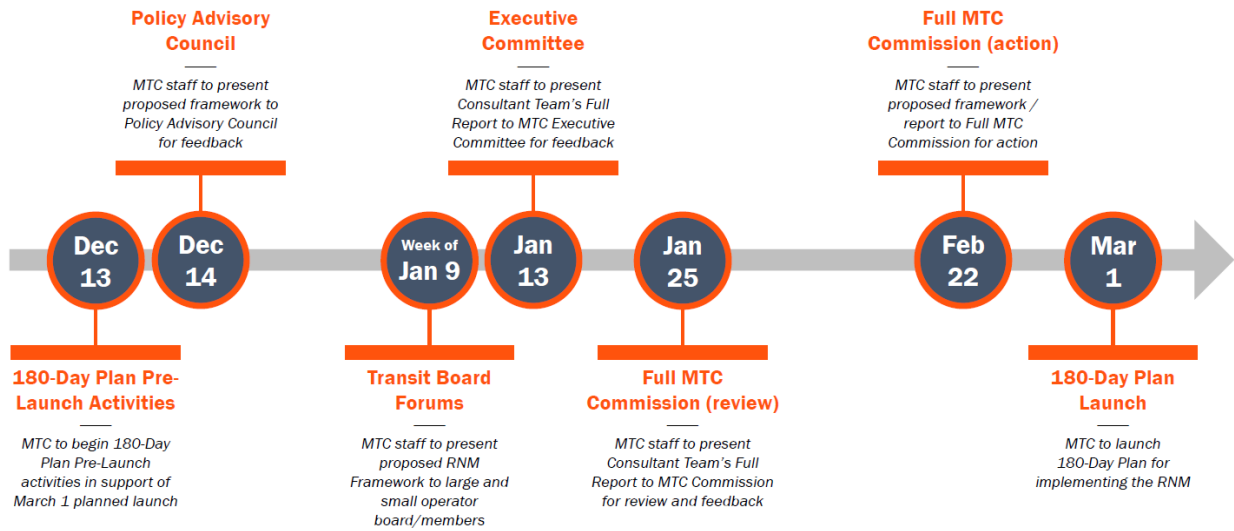


Figure 2: RNM Next Steps (January 13 MTC Executive Committee)

MTC will make final refinements to the proposal between now and the February 22 proposed action on the framework and full RNM report to the Commission. A 180-Day Plan for launching and implementing the RNM framework has been developed by MTC staff, with operator executive staff input:

Pre-Launch (Dec 13 – Feb 28)	Days 0-60 (Mar 1 – Apr 30)	Days 61-120 (May 1 – Jun 30)	Days 121-180 (Jul 1 – Aug 30)
<ul style="list-style-type: none"> <input type="checkbox"/> Develop initial budget, determine funding requirements, and identify funding sources <input type="checkbox"/> Write RNM Director job description / requisition <input type="checkbox"/> Finalize RNM Charter <input type="checkbox"/> Develop draft MOU (or other agreement mechanism) <input type="checkbox"/> Write job descriptions / requisitions for any immediate Dedicated Support Staff (likely 2-3 staff) <input type="checkbox"/> Identify members for the “Voice of the Customer” Advisory Committee <input type="checkbox"/> Determine mechanism to enable seconded staff <input type="checkbox"/> Obtain final approval from MTC Commission on RNM for launch 	<ul style="list-style-type: none"> <input type="checkbox"/> Align on RNM KPIs <input type="checkbox"/> Align on Priority Initiatives <input type="checkbox"/> Begin hiring process for RNM Director <input type="checkbox"/> Begin seeking MOU approval from Transit Boards <input type="checkbox"/> Begin hiring process for any immediate Dedicated Support Staff <input type="checkbox"/> Identify MTC RNM Committee Members (after new chair of MTC is appointed) <input type="checkbox"/> Hold first MTC RNM Committee meeting <input type="checkbox"/> Hold first Voice of the Customer Advisory Committee meeting 	<ul style="list-style-type: none"> <input type="checkbox"/> Hold first RNM Council meeting <input type="checkbox"/> Hold second Voice of the Customer Advisory Committee meeting <input type="checkbox"/> Hold second MTC RNM Committee Meeting <input type="checkbox"/> Develop and approve annual RNM budget 	<ul style="list-style-type: none"> <input type="checkbox"/> Establish KPI reporting process and begin reporting on KPIs <input type="checkbox"/> Issue first Bi-Monthly (Every Other Month) Progress Report to MTC RNM Committee <input type="checkbox"/> Hold second RNM Council meeting <input type="checkbox"/> Hold third Voice of the Customer Advisory Committee meeting <input type="checkbox"/> Hold third MTC RNM Committee Meeting <input type="checkbox"/> Hold second RNM Council Meeting

Figure 3: 180-Day RNM Launch Implementation Plan (January 15 MTC Executive Committee)

Caltrain will continue to monitor revisions to the RNM Framework proposal and play an active role in the 180-Day Plan process. Executive staff is supportive of the recommended

framework, as it is the result of over a year's worth of intensive collaboration between regional operators and MTC. The framework allows Caltrain to continue the proactive work already begun with fellow operators to improve the Bay Area transit experience. This includes scheduling and wayfinding coordination at Millbrae with our partners at BART, plus fare integration initiatives.

Caltrain executive staff believes that for the RNM Framework to succeed and be sustainable, a new and permanent source of operating and capital funds must be secured. The mission of RNM, "to drive transformative improvements in the customer experience for regional Bay Area transit", cannot be funded from existing sources.

- Recommendation to JPB: no action at this time.

2. **MTC Stakeholder Outreach for Potential Bay Area Transportation Measure** (Informational)

On January 13, the Joint MTC-ABAG Legislation Committee received an update from MTC staff on stakeholder engagement activities related to a potential Bay Area transportation ballot measure. Plan Bay Area 2050 and the Transit Transformation Action Plan, both adopted by the MTC in 2021, included a recommendation that MTC staff convene stakeholders by the end of 2023 to identify priorities and a funding framework for a future regional ballot measure.

MTC has convened transit operators, county transportation agencies, regional and state agencies working on transportation, climate and resilience issues, transit customer, equity and accessibility advocates, labor, and business groups in recent months. Key themes from those meetings, which Caltrain participated in, were summarized by MTC staff:

- Broad consensus that sustaining and improving transit service is a top priority and should be a focus of a regional transportation measure.
- Many stakeholders believe that the region will need to carefully weigh whether to proceed with exploring a targeted transit measure, or to pursue a more expansive multimodal measure that aims to achieve a broad range of mobility goals.
- County transportation agency staff recommend incorporating local street and road repairs into a future regional measure as a way to gain broad support, especially outside the region's urban core.
- Stakeholders responded favorably to the idea of a transparent and inclusive public process for any potential regional measure, including the anticipated summer 2023

Plan Bay Area 2050+ public engagement process. This process will seek feedback on the draft language of a regional transportation measure before seeking legislative authorization.

Caltrain staff are actively engaged in the conversations about a future regional measure. The MTC-led discussions are happening concurrently with efforts to identify new sources of transit operating funds in the near-term, until more continuous revenue is secured. Because of the near-term “fiscal cliffs” that many regional transit operators are facing, local, state, and federal policymakers have taken an active interest in identifying funding solutions. These conversations about a regional measure and near-term gap funding are active and evolving. Caltrain staff will continue to engage the JPB before regional decision points.

- Recommendation to JPB: no action at this time.

3. **Regional Measure 3 (RM3) Challenge Dismissed** (Informational)

On January 25, the California Supreme Court dismissed a challenge to the Bay Area Traffic Relief Plan approved by Bay Area voters in 2018 through RM3. The ruling ends a multiyear dispute that prevented transit agencies from accessing hundreds of millions of dollars in RM3 bridge toll revenues, which have been held in an escrow account.

Major RM3 projects in the original expenditure plan include new BART rolling stock, VTA’s BART Silicon Valley extension, SFMTA fleet replacement, regional highway improvements, more frequent transbay bus services, expanded ferry service, Clipper Next Generation fare payment system improvements, DTX (“the Portal”), and more.

Caltrain staff will provide a more detailed analysis of next steps for RM3 funding and projects to the JPB in coming months.

- Recommendation to JPB: no action at this time.

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: James Harrison, General Counsel
Subject: **Declare Certain Real Property Located at Redwood City Caltrain Station
Exempt Surplus Land Pursuant to the Surplus Land Act**

Finance committee
cancelled this
month

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 following resolution to declare property at the Redwood City Caltrain Station as “Exempt Surplus Land” pursuant to the Surplus Land Act.

Significance

The JPB owns a 112,900 square foot property adjacent to the Redwood City Caltrain Station, currently used as a parking lot and bus transit center (the “Property”). The Property is also encumbered by a natural creek channel known as Little River Park, which prevents this portion of JPB’s property from being used for transit purposes or development.

The City of Redwood City (City) approached the JPB about participating in a three-way property exchange between the JPB, the City of Redwood City, and a local developer, the Minkoff Group. In the proposed exchange, the JPB will swap a portion of the Property for property owned by the Minkoff Group (see Figure 1, attached). After the exchange, the JPB’s new property interest (the “New Property”) will consist of approximately 107,355 square feet and in the near term will continue to be used for the SamTrans bus transit facility and a (reconfigured) Caltrain parking lot. While this will result in a net reduction of approximately 5,655 square feet of JPB-owned property, this loss will be more than offset by the planned relocation of the Little River Park encumbrance into a new creek channel on the adjacent Minkoff property.

This exchange will help to realize the vision of the Redwood City Transit District, enable development on the property owned by the Minkoff Group, and create a more regularly shaped JPB-owned parcel that can be considered in the future for residential TOD.

The Surplus Land Act governs the disposal of surplus land by local agencies, including the JPB (Gov. Code § 54220 et seq), and provides an exemption for "surplus land that a local agency is exchanging for another property necessary for the local agency’s use." Gov. Code § 54221(f)(1)(C). The Board is required to send a notice of exemption determination for any land

that has been declared “exempt surplus land” to the California Department of Housing and Community Development (HCD) at least 30 days prior to disposition of the property. Staff have confirmed with HCD that the Property qualifies as “exempt surplus land” pursuant to the Surplus Land Act, Government Code Section 54221(f)(l)(C).

During the meeting of the Work-Program-Legislative-Planning Committee (WPLP), Directors asked about the timing of the JPB’s potential residential TOD project, the necessity of the Surplus Land Act exemption, and the Minkoff Group’s position regarding the JPB’s potential project. Staff explained that the Board had previously authorized staff to enter into an Exclusive Negotiating Agreement (ENA) with the Minkoff Group to explore the potential for this land exchange (Resolution 2021-49), and that the JPB’s declaration of exempt surplus land must be completed before staff can enter into negotiations with the developer. Staff agreed with the Directors’ suggestions that these negotiations include consideration of the value of the properties to be exchanged, as well as the developer’s support for the JPB’s future residential TOD project. WPLP recommended Board approval following the staff presentation and discussion of the item.

Budget Impact

No budget impact.

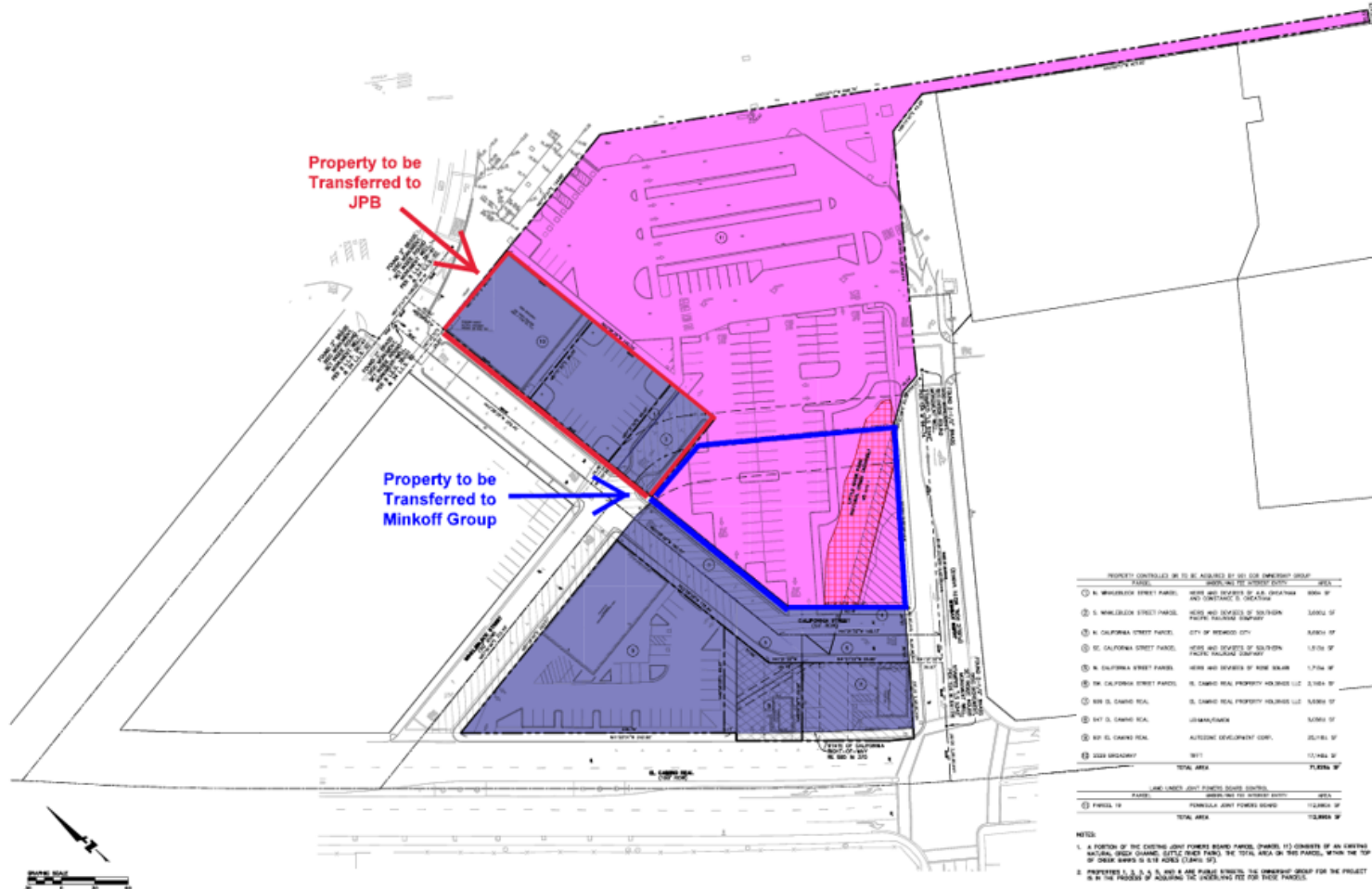
Background

The Property is located within the Redwood City Transit District, a subarea within the City’s Downtown Precise Plan. The Transit District is envisioned to include a new grade separated four-track hub station for Caltrain, along with transit-oriented development. The proposed property exchange will help to realize the vision of the Transit District, by creating a more efficient street grid and enabling additional transit-oriented development. It will also facilitate the Minkoff Group’s proposed development, which is planned to include commercial office, a teen center, a public plaza, a reconfigured creek channel, and 60 units of affordable housing at an off-site location. Before staff can proceed with negotiations regarding the land swap, the JPB must first meet Surplus Land Act requirements.

At the August 2022 Board Meeting, the Board adopted Resolution 2022-44, authorizing the (then Acting) Executive Director or designee to enter into a Participation Agreement with the City of Redwood City to assist in funding plan amendments and an Environmental Impact Report that will help to enable up to 315 residential units to be built on the site. While the property exchange will result in an improved site for future development, the existing Property could also be developed to include a transit-oriented development if for any reason the property exchange does not occur. Any future redevelopment of the site would also likely include transit facilities. If the JPB decides to move forward with redevelopment of the site to include transit facilities as well as housing development in the future, it will do so in accordance with Surplus Land Act requirements.

Prepared By:	Megan LaRocque	Real Estate Administrator	650.508.7978
	Nadine Fogarty	Deputy Director TOD and Real Estate	650.551.6171

= JPB Owned Property
 = Minkoff Group/El Camino Property Holdings LLC owned prior to exchange



LAND TRANSFER OVERALL EXHIBIT - EXISTING PROPERTY TO BE ASSEMBLED BY OWNERSHIP
801 EL CAMINO - REDWOOD CITY

05/05/2022

FIGURE 1

Resolution No. 2023-

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

* * *

**Declaring Certain Real Property Located at Redwood City Caltrain Station Exempt
Surplus Land Pursuant To The Surplus Land Act**

Whereas, the Peninsula Corridor Joint Powers Board (“JPB”) owns a 112,990 square foot property currently used as a parking lot and bus transit center adjacent to the Redwood City Sequoia Caltrain Station (the “Property”, identified as “11” and shown in pink on Exhibit A, attached); and

Whereas, the City of Redwood City (“City”) approached the JPB about its interest in participating in a three-way property exchange at the Redwood City Caltrain Station between the JPB, the City and the Minkoff Group, a local developer; and

Whereas, the Minkoff Group plans to assemble adjacent properties including ones within the existing California Street right of way identified as “1-10” in Exhibit A, and after the Minkoff Group assembles the properties it will own the parcels identified as “1-10” and shown in grey on Exhibit B (Properties); and

Whereas, the JPB intends to convey part of the Property identified as “11” to the Minkoff Group in exchange for a subset of the Properties that the Minkoff Group will assemble, as shown on Exhibit C (the part of the Property to be exchanged to the Minkoff Group is referred to as the “Partial JPB Property”); and

Whereas, the property that will be owned by each entity after the exchange is shown on Exhibit D, with the property to be owned by the JPB after the exchange identified as “1” and

shown in pink, and the property to be owned by the Minkoff Group after the exchange identified as “2” and shown in grey; and

Whereas, the property exchange is consistent with the City’s Transit District planning effort and will help to make possible a more efficient street grid and enable transit-oriented development within the District; and

Whereas, the reconfigured JPB property (identified as “1” and shown in pink in Exhibit D) will continue to be used for transit parking and a bus transit facility in the near term but will also create a more regularly-shaped development parcel that could be redeveloped to include residential development in the future; and

Whereas, the JPB staff have determined that this use and the property exchange is consistent with the Rail Corridor Use Policy (RCUP); and

Whereas, pursuant to the Surplus Land Act (Government Code Section 54220, et. seq.) “surplus land” is land owned in fee simple by any local agency for which the local agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use; and

Whereas, pursuant to the Surplus Land Act, land shall be declared either “surplus land” or “exempt surplus land,” as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency’s policies and procedures; and

Whereas, pursuant to the Surplus Land Act, Government Code Section 54221(f)(1)(C), “exempt surplus land” includes “surplus land that a local agency is exchanging for another property necessary for the local agency’s use.”

Now, Therefore, Be It Resolved that the JPB finds that the above recitals are true and correct.

Be it Further Resolved that the JPB hereby finds that the Partial JPB Property is exempt surplus land pursuant to Government Code Section 54221(f)(1)(C) because it will be exchanged for another property necessary for the agency's use.

Be It Further Resolved that the JPB directs the Executive Director or designee to transmit a copy of this Resolution to the California Department of Housing and Community Development no later than thirty (30) days prior to the disposition of the property and take any other actions as necessary to give effect to this resolution.

Regularly passed and adopted this 2nd day of February, 2023 by the following vote:

Ayes:

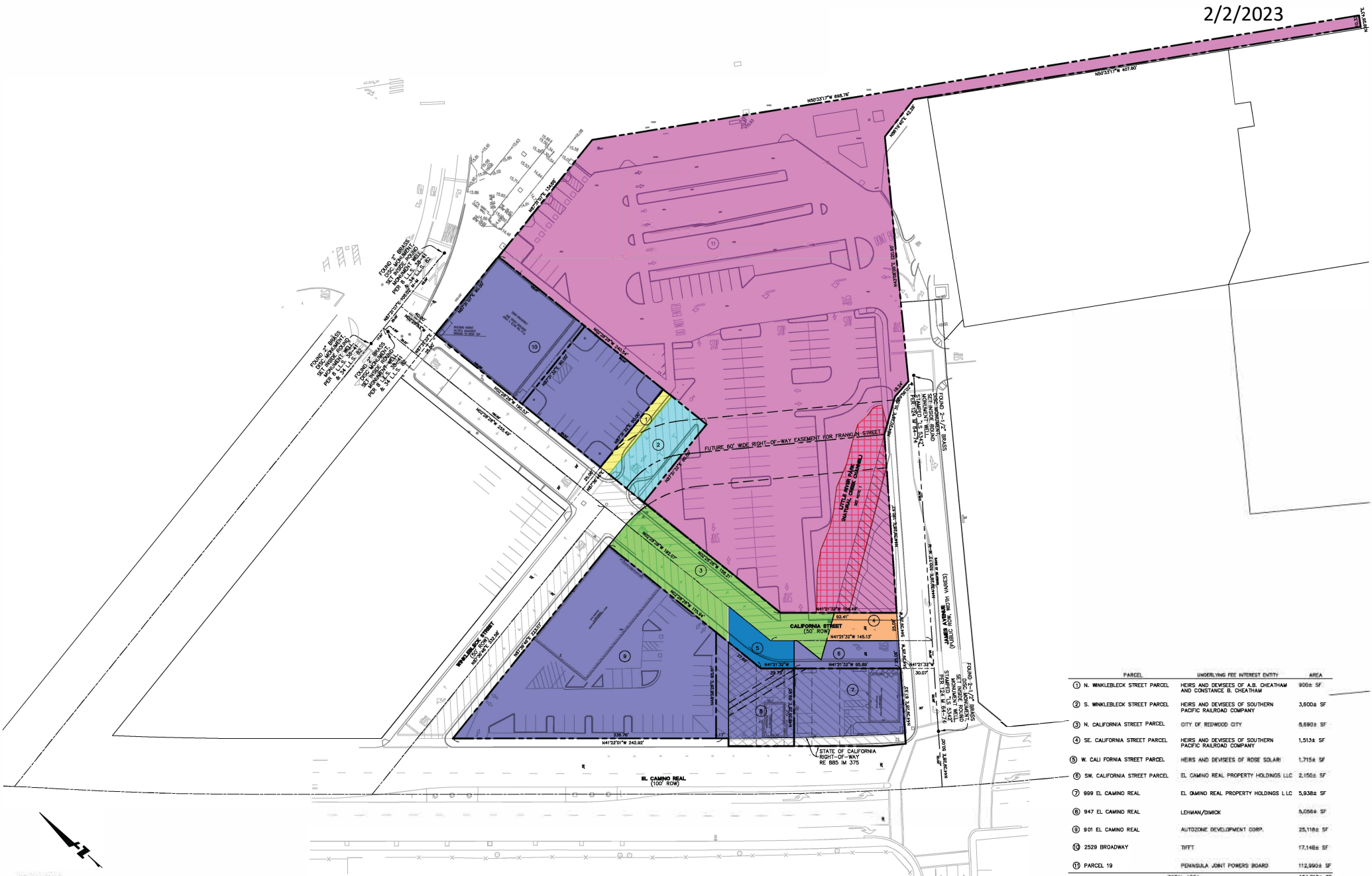
Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

JPB Secretary



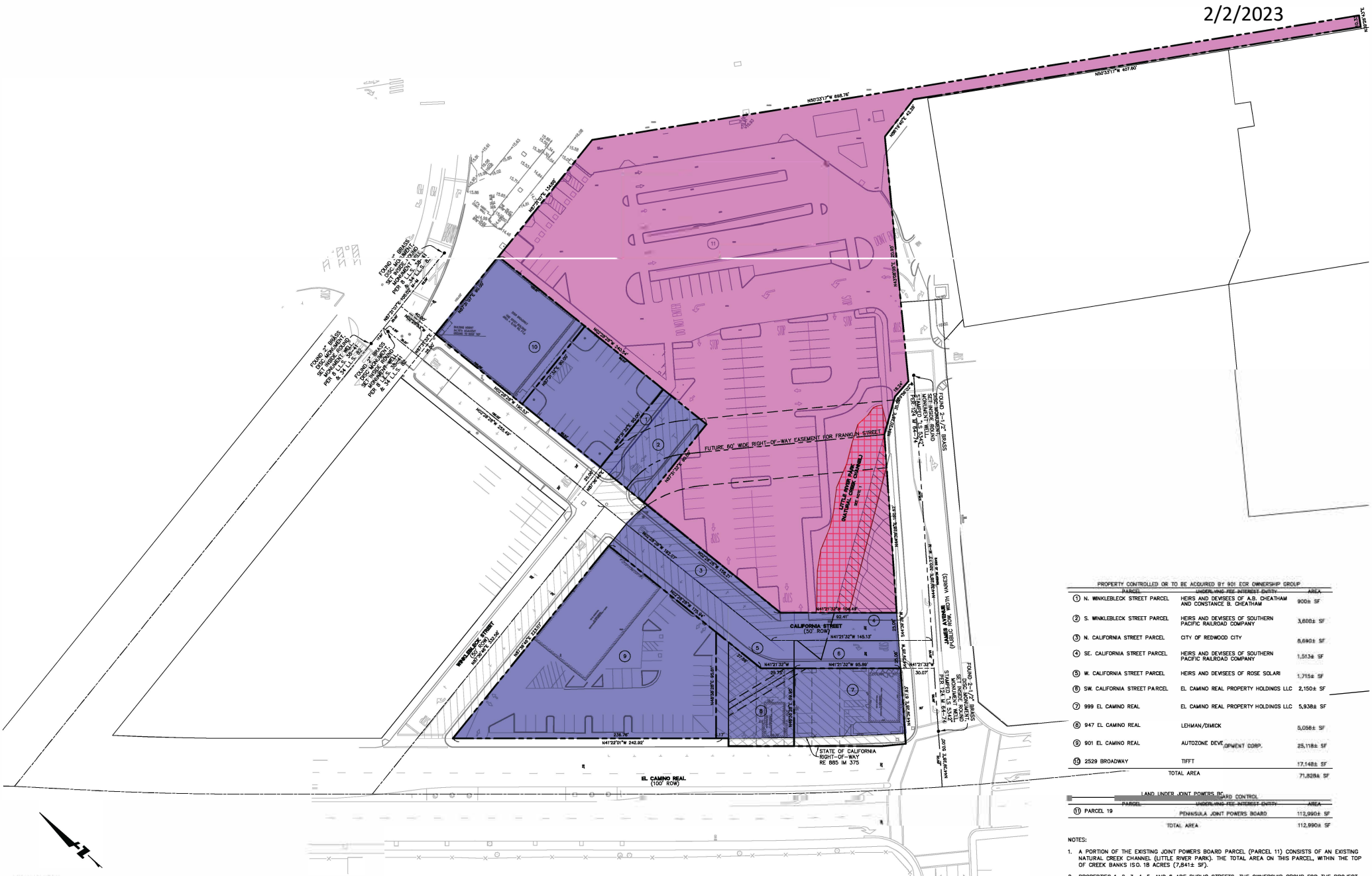
PARCEL	UNDERLYING FEE INTEREST ENTITY	AREA
① N. WINKLEBLECK STREET PARCEL	HEIRS AND DEVISEES OF A.B. CHEATHAM AND CONSTANCE B. CHEATHAM	900± SF
② S. WINKLEBLECK STREET PARCEL	HEIRS AND DEVISEES OF SOUTHERN PACIFIC RAILROAD COMPANY	3,600± SF
③ N. CALIFORNIA STREET PARCEL	CITY OF REDWOOD CITY	8,690± SF
④ SE. CALIFORNIA STREET PARCEL	HEIRS AND DEVISEES OF SOUTHERN PACIFIC RAILROAD COMPANY	1,513± SF
⑤ W. CALIFORNIA STREET PARCEL	HEIRS AND DEVISEES OF ROSE SOLARI	1,715± SF
⑥ SW. CALIFORNIA STREET PARCEL	EL CAMINO REAL PROPERTY HOLDINGS LLC	2,150± SF
⑦ 999 EL CAMINO REAL	EL CAMINO REAL PROPERTY HOLDINGS LLC	5,938± SF
⑧ 947 EL CAMINO REAL	LEHMAN/OWICK	5,058± SF
⑨ 901 EL CAMINO REAL	AUTOZONE DEVELOPMENT CORP.	25,116± SF
⑩ 2529 BROADWAY	TIFFI	17,146± SF
⑪ PARCEL 19	PENNSULA JOINT POWERS BOARD	112,990± SF
TOTAL AREA		184,816± SF

NOTES:
1. A PORTION OF THE EXISTING JOINT POWERS BOARD PARCEL (PARCEL 11) CONSISTS OF AN EXISTING NATURAL CREEK CHANNEL (LITTLE RIVER PARK). THE TOTAL AREA ON THIS PARCEL, WITHIN THE TOP OF CREEK BANKS IS 0.18 ACRES(7,841± SF).

LAND TRANSFER OVERALL EXHIBIT - EXISTING CONDITIONS
901 EL CAMINO - REDWOOD CITY

BKF
255 SHORELINE DRIVE
SUITE 200
REDWOOD CITY, CA 94065
(855) 462-6700
www.bkf.com
JOB NO.: 190501

06/06/2022



PARCEL	PROPERTY CONTROLLED OR TO BE ACQUIRED BY 901 ECR OWNERSHIP GROUP	UNDERLYING FEE INTERESTS	AREA
①	N. WINKLEBUCK STREET PARCEL	HEIRS AND DEVISEES OF A.B. CHEATHAM AND CONSTANCE B. CHEATHAM	900± SF
②	S. WINKLEBUCK STREET PARCEL	HEIRS AND DEVISEES OF SOUTHERN PACIFIC RAILROAD COMPANY	3,800± SF
③	N. CALIFORNIA STREET PARCEL	CITY OF REDWOOD CITY	8,890± SF
④	SE. CALIFORNIA STREET PARCEL	HEIRS AND DEVISEES OF SOUTHERN PACIFIC RAILROAD COMPANY	1,513± SF
⑤	W. CALIFORNIA STREET PARCEL	HEIRS AND DEVISEES OF ROSE SOLAR	1,715± SF
⑥	SW. CALIFORNIA STREET PARCEL	EL CAMINO REAL PROPERTY HOLDINGS LLC	2,150± SF
⑦	999 EL CAMINO REAL	EL CAMINO REAL PROPERTY HOLDINGS LLC	5,938± SF
⑧	947 EL CAMINO REAL	LEHMAN/DWICK	5,058± SF
⑨	901 EL CAMINO REAL	AUTOZONE DEVELOPMENT CORP.	25,118± SF
⑩	2529 BROADWAY	TIFFT	17,148± SF
	TOTAL AREA		71,828± SF

PARCEL	LAND UNDER JOINT POWERS BOARD CONTROL	UNDERLYING FEE INTERESTS	AREA
⑪	PARCEL 19	PENNSYLVANIA JOINT POWERS BOARD	112,990± SF
	TOTAL AREA		112,990± SF

NOTES:
 1. A PORTION OF THE EXISTING JOINT POWERS BOARD PARCEL (PARCEL 11) CONSISTS OF AN EXISTING NATURAL CREEK CHANNEL (LITTLE RIVER PARK). THE TOTAL AREA ON THIS PARCEL, WITHIN THE TOP OF CREEK BANKS IS 0.18 ACRES (7,841± SF).
 2. PROPERTIES 1, 2, 3, 4, 5, AND 6 ARE PUBLIC STREETS. THE OWNERSHIP GROUP FOR THE PROJECT IS IN THE PROCESS OF ACQUIRING THE UNDERLYING FEE FOR THESE PARCELS



Property to be Transferred to JPB



Property to be Transferred to Minkoff Group

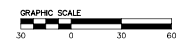


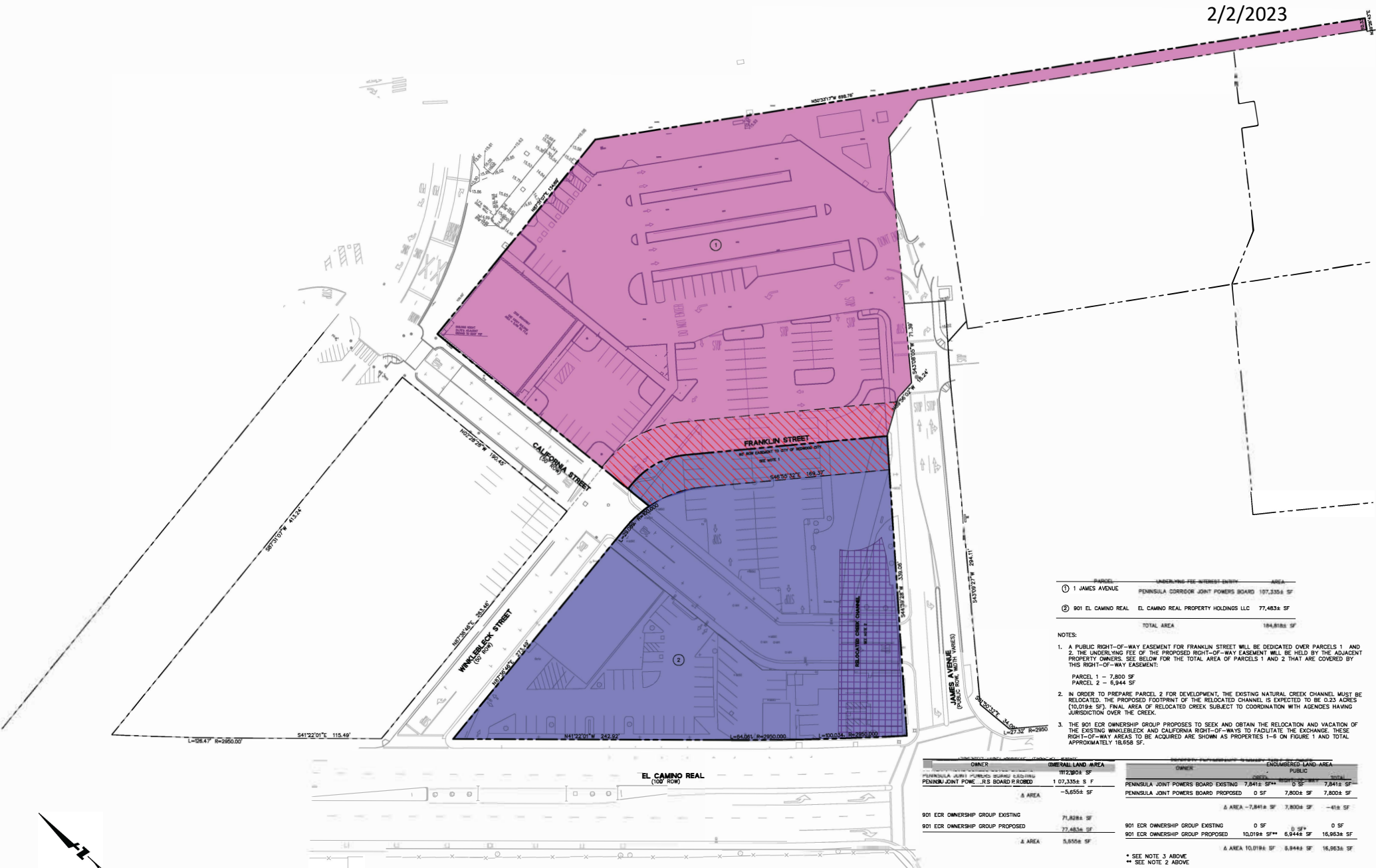
PROPERTY CONTROLLED OR TO BE ACQUIRED BY 901 ECR OWNERSHIP GROUP		
PARCEL	UNDERLYING FEE INTEREST ENTITY	AREA
①	N. WINKLEBLECK STREET PARCEL HEIRS AND DEVISEES OF A.B. CHEATHAM AND CONSTANCE B. CHEATHAM	900± SF
②	S. WINKLEBLECK STREET PARCEL HEIRS AND DEVISEES OF SOUTHERN PACIFIC RAILROAD COMPANY	3,600± SF
③	N. CALIFORNIA STREET PARCEL CITY OF REDWOOD CITY	8,690± SF
④	SE. CALIFORNIA STREET PARCEL HEIRS AND DEVISEES OF SOUTHERN PACIFIC RAILROAD COMPANY	1,513± SF
⑤	W. CALIFORNIA STREET PARCEL HEIRS AND DEVISEES OF ROSE SOLAR	1,715± SF
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⑧	947 EL CAMINO REAL LEHMAN/DWICK	5,056± SF
⑨	901 EL CAMINO REAL AUTOZONE DEVELOPMENT CORP.	25,118± SF
⑩	2529 BROADWAY TIFFT	17,148± SF
	TOTAL AREA	71,828± SF

LAND UNDER JOINT POWERS BOARD CONTROL		
PARCEL	UNDERLYING FEE INTEREST ENTITY	AREA
⑪	PARCEL 19 PENINSULA JOINT POWERS BOARD	112,990± SF
	TOTAL AREA	112,990± SF

NOTES:
1. A PORTION OF THE EXISTING JOINT POWERS BOARD PARCEL (PARCEL 11) CONSISTS OF AN EXISTING NATURAL CREEK CHANNEL (LITTLE RIVER PARK). THE TOTAL AREA ON THIS PARCEL, WITHIN THE TOP OF CREEK BANKS IS 0.18 ACRES (7,841± SF).
2. PROPERTIES 1, 2, 3, 4, 5, AND 6 ARE PUBLIC STREETS. THE OWNERSHIP GROUP FOR THE PROJECT IS IN THE PROCESS OF ACQUIRING THE UNDERLYING FEE FOR THESE PARCELS.

LAND TRANSFER OVERALL EXHIBIT - EXISTING PROPERTY TO BE ASSEMBLED BY OWNERSHIP
901 EL CAMINO - REDWOOD CITY





PARCEL	UNDERLYING FEE INTEREST/OWNER	AREA
①	1 JAMES AVENUE PENINSULA CORRIDOR JOINT POWERS BOARD	107,335± SF
②	901 EL CAMINO REAL EL CAMINO REAL PROPERTY HOLDINGS LLC	77,483± SF
TOTAL AREA		184,818± SF

NOTES:

- A PUBLIC RIGHT-OF-WAY EASEMENT FOR FRANKLIN STREET WILL BE DEDICATED OVER PARCELS 1 AND 2. THE UNDERLYING FEE OF THE PROPOSED RIGHT-OF-WAY EASEMENT WILL BE HELD BY THE ADJACENT PROPERTY OWNERS. SEE BELOW FOR THE TOTAL AREA OF PARCELS 1 AND 2 THAT ARE COVERED BY THIS RIGHT-OF-WAY EASEMENT:
 PARCEL 1 - 7,800 SF
 PARCEL 2 - 6,944 SF
- IN ORDER TO PREPARE PARCEL 2 FOR DEVELOPMENT, THE EXISTING NATURAL CREEK CHANNEL MUST BE RELOCATED. THE PROPOSED FOOTPRINT OF THE RELOCATED CHANNEL IS EXPECTED TO BE 0.23 ACRES (10,019± SF). FINAL AREA OF RELOCATED CREEK SUBJECT TO COORDINATION WITH AGENCIES HAVING JURISDICTION OVER THE CREEK.
- THE 901 ECR OWNERSHIP GROUP PROPOSES TO SEEK AND OBTAIN THE RELOCATION AND VACATION OF THE EXISTING WINKLERLOCK AND CALIFORNIA RIGHT-OF-WAYS TO FACILITATE THE EXCHANGE. THESE RIGHT-OF-WAY AREAS TO BE ACQUIRED ARE SHOWN AS PROPERTIES 1-6 ON FIGURE 1 AND TOTAL APPROXIMATELY 18,558 SF.

OWNER	OVERALL LAND AREA	ENCUMBERED LAND AREA	
		EXISTING	PROPOSED
PENINSULA CORRIDOR JOINT POWERS BOARD	107,335± SF	7,841± SF**	0 SF
901 ECR OWNERSHIP GROUP EXISTING	71,828± SF	0 SF	0 SF
901 ECR OWNERSHIP GROUP PROPOSED	77,483± SF	10,019± SF**	6,944± SF
Δ AREA	5,855± SF	Δ AREA -7,841± SF	7,800± SF
			-418 SF
		Δ AREA 10,019± SF	8,944± SF
			16,963± SF

* SEE NOTE 3 ABOVE
 ** SEE NOTE 2 ABOVE



Recommendation to Declare Redwood City Property Exempt Surplus Land



Overview

- Staff recommends that the Board declare a portion of a parcel owned by JPB at the Redwood City Caltrain Station “exempt surplus land” for the purposes of the Surplus Land Act
- This declaration is required before the JPB can enter into an Exclusive Negotiating Agreement (ENA) with the developer, to plan for a future property exchange between the JPB, the developer and the City

California's Surplus Land Act

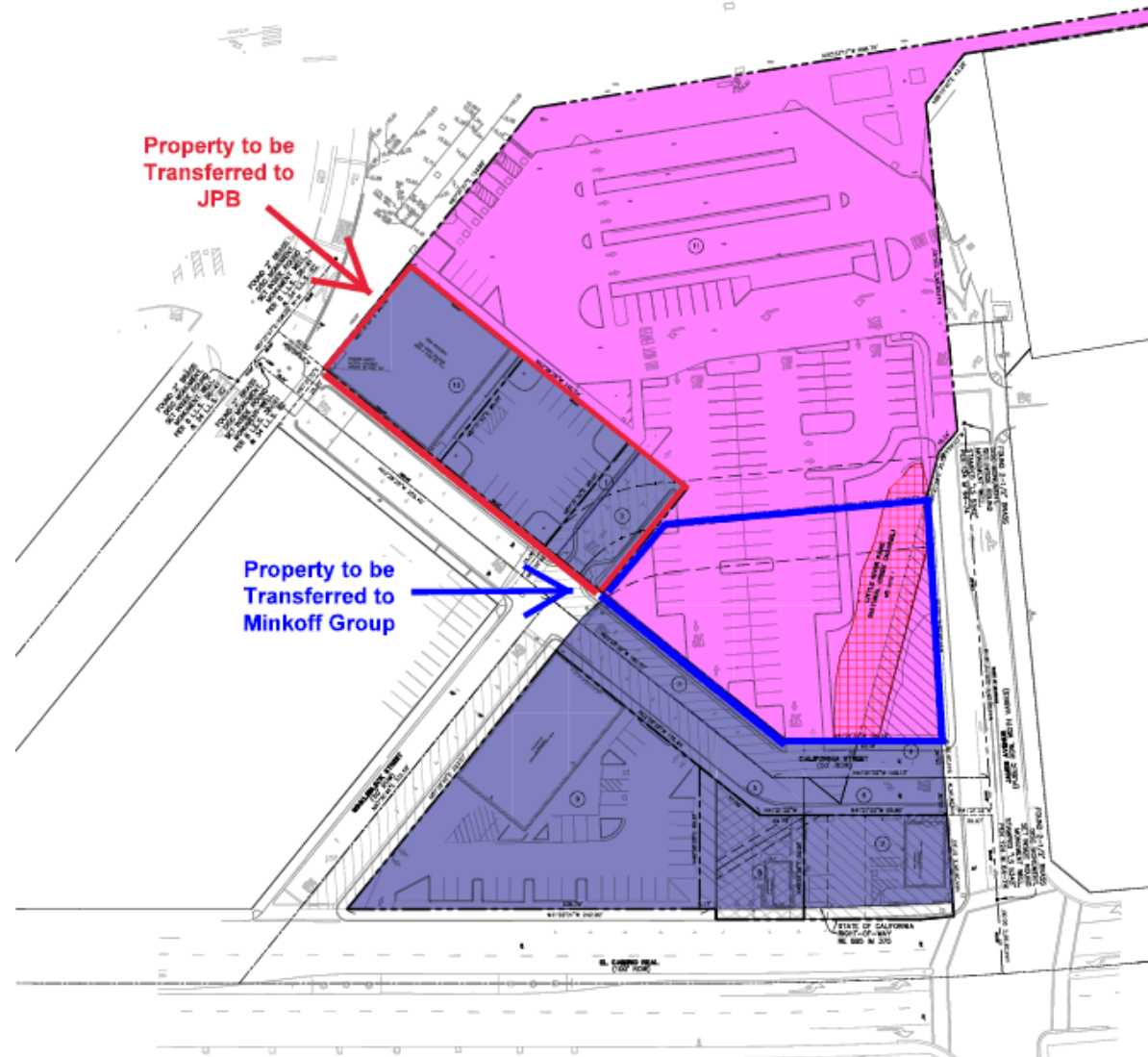
- The Surplus Land Act applies to local agencies, including the JPB
- The Act requires that park districts, public school districts and affordable housing developers have the first opportunity to purchase agency-owned land before selling to another buyer, unless the property is declared “exempt surplus land”
- Before disposing of land, the Board must declare property “surplus land” or “exempt surplus land”, and provide written findings to the California Department of Housing and Community Development (HCD)

Background

- The JPB owns a 112,900 square foot property adjacent to the Redwood City Caltrain Station, currently used for parking and a SamTrans bus transit center, and encumbered by a creek channel (Little River Park)
- The City of Redwood City approached the JPB about participating in a three-way property exchange with the City and a local developer, the Minkoff Group
- In the proposed exchange, the JPB would swap a portion of its property for an adjacent parcel owned by the Minkoff Group
- After the proposed property exchange, the JPB will own a 107,355 square foot property
 - While this results in a smaller JPB-owned parcel, it is offset by the planned relocation of the park encumbrance into a new creek channel on the adjacent Minkoff-owned property

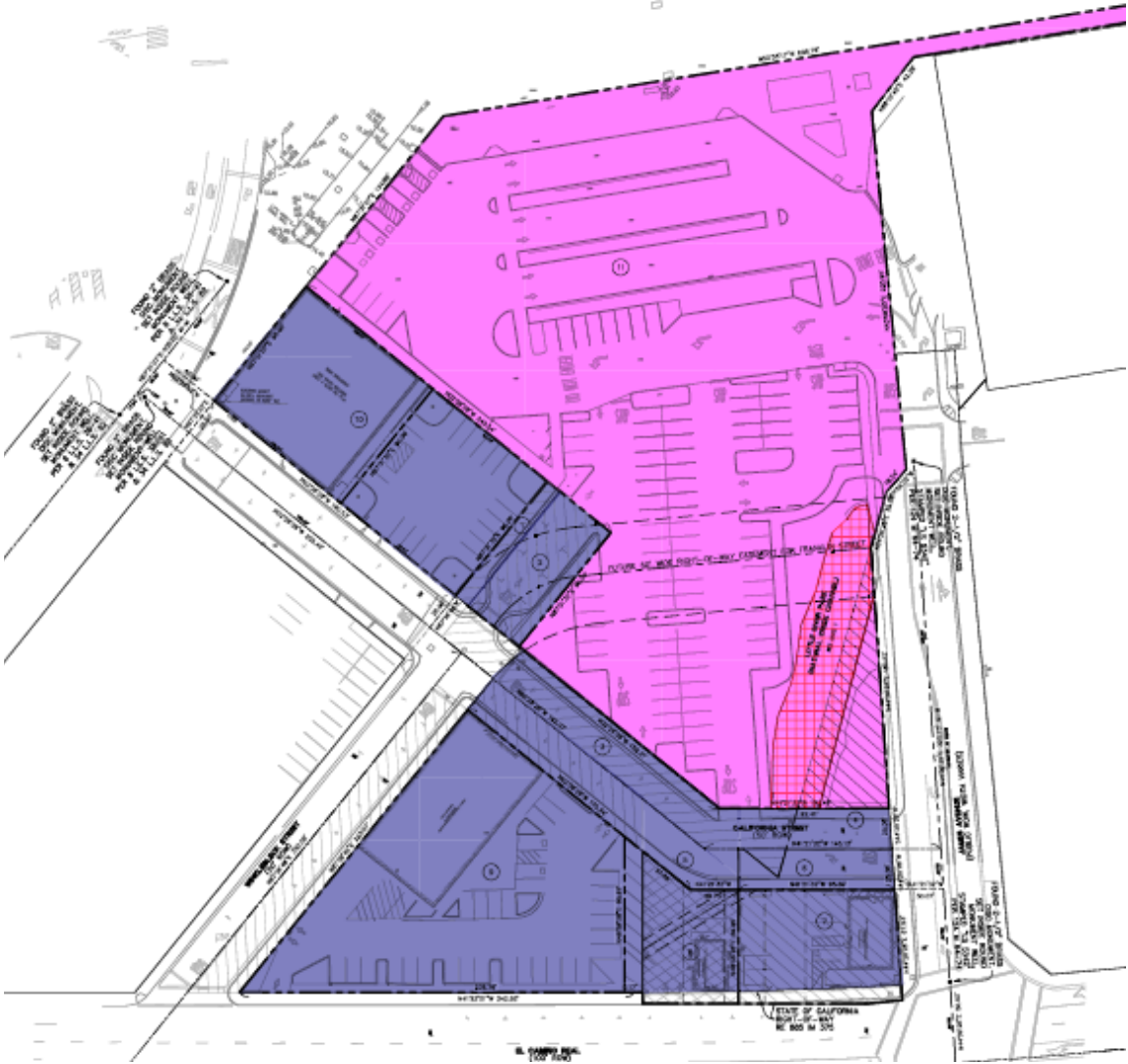
Proposed Property Exchange

Item #8.b.
2/2/2023

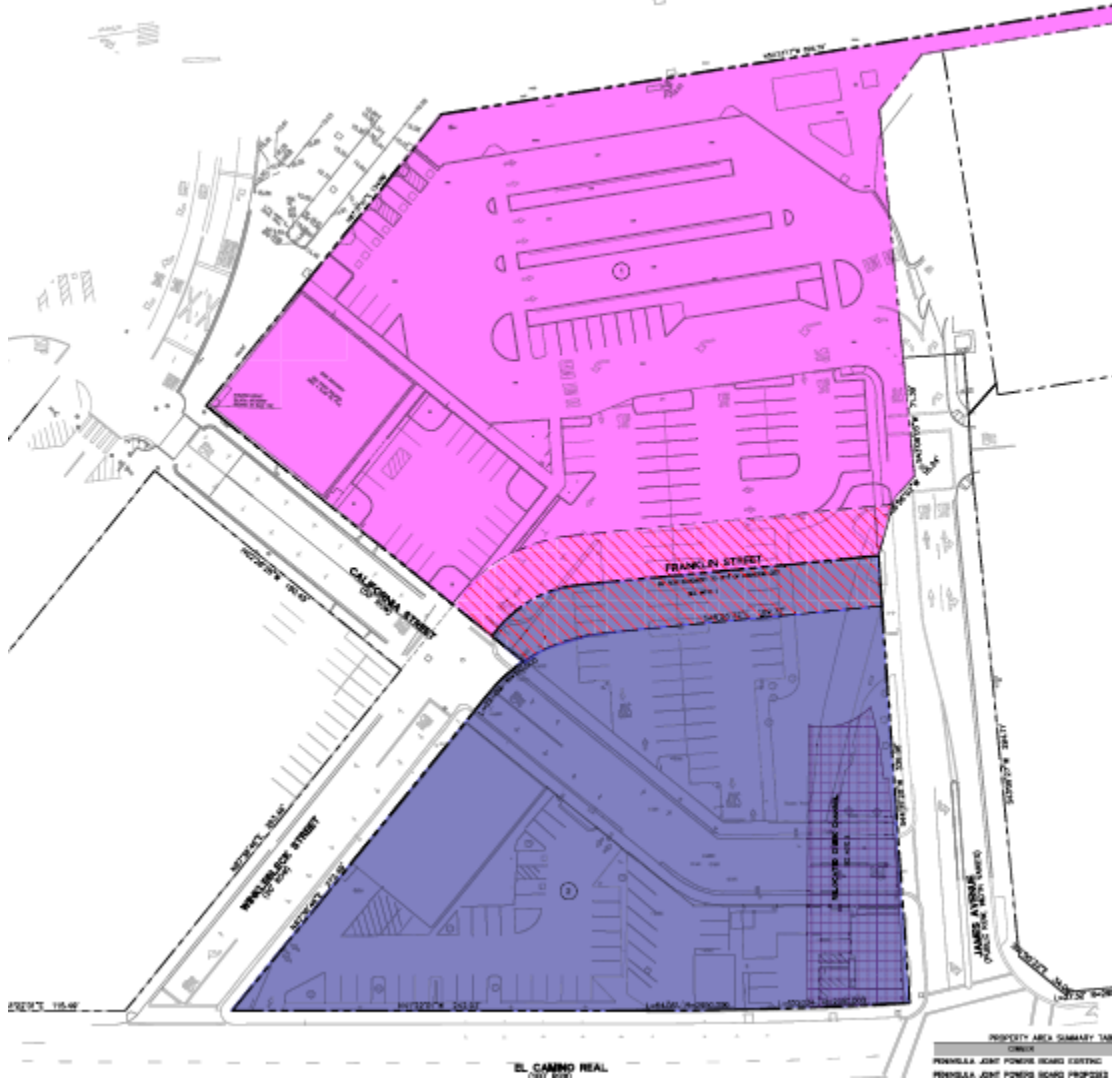


Before Exchange

(pink = JPB property)



After Exchange



Benefits of the Proposed Property Exchange

- The exchange will help to realize the vision of the Redwood City Transit District by creating a more efficient street grid and enabling additional TOD
 - The Minkoff Group plans to build a commercial office project with a teen center and public plaza, as well as 60 units of affordable housing at an off-site location
 - The JPB has been working with the City to enable future residential TOD on its property; up to 315 units will be allowed on the site, along with any replacement transit facilities
- In the near term, the reconfigured property will continue to be used for parking and the bus transit facility



Staff Recommendation

- **Declare the property “exempt surplus land” for the purposes of the Surplus Land Act**
 - The property meets the criteria for exempt surplus land because it will be exchanged for another property necessary for agency use
 - HCD has reviewed the draft determination and confirmed that the property meets the criteria for this exemption if transferred for this purpose
 - If the JPB moves forward with TOD on the site in the future, it will do so in accordance with Surplus Land Act requirements

Next Steps

- If the Board declares the property exempt surplus land, staff will:
 - Provide required notice to HCD
 - Proceed to enter into an Exclusive Negotiating Agreement with the Minkoff Group to explore the property exchange
- The final terms of the property exchange will be subject to approval by the Board



Thank you!



Resolution No. 2023-

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

* * *

Resolution Honoring African American History Month

Whereas, the first event was celebrated during a week in February 1926, encompassing the birthdays of Abraham Lincoln and Frederick Douglass, two key figures in the history of African Americans, and in 1976 the week-long celebration was extended to the entire month of February; and

Whereas, African Americans helped develop our nation in countless ways, those recognized, unrecognized, and unrecorded; and

Whereas, Caltrain believes every person has the freedom to feel valued and respected, and condemns racism in rhetoric or action; and

Whereas, Caltrain has created its first African American Employee Resource Group that aims to advance a diverse and inclusive work environment with a particular focus on African American current and future employees; and

Whereas, a 2020 survey showed that African Americans make up 8% of Caltrain's ridership, and of those surveyed, 52% of African American riders take Caltrain four or more days/week; and

Whereas, Caltrain serves a diverse population that continues to experience bias, discrimination, and unequal outcomes and/or treatment in numerous sectors including housing, employment, education, health and safety, and criminal justice; and

Whereas, Caltrain recognizes the long history of inequity and racism in transit that has excluded, targeted or oppressed people due to their color and race; and

Whereas, since the inception of Caltrain in the early 1990s, the rail agency has been a long-time supporter and sponsor of the annual MLK Jr. Celebration Train, which pays tribute to the 54-mile 1965 Selma to Montgomery March, and delivers celebrants to the traditional march in San Francisco that marks the holiday; and

Whereas, Caltrain commits to continuing its membership with the Government Alliance on Race and Equity to advance racial equity through mindful governance practices, review neutral policies and its impacts; and

Whereas, the Board remains committed to the mission of promoting equity and protecting public health and will continue to advance the cause of diversity, access, equity and inclusion in its policies, programs and practices;

Now, Therefore, Be It Resolved that the Board of Directors of the Peninsula Corridor Joint Powers Board does hereby recognize February as National African American History Month and celebrate the immense contributions of African Americans in the United States.

Regularly passed and adopted this 2nd day of February, 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: Pranaya Shrestha, Chief Officer, CalMod
Subject: **Award of Contract to and Authorize Execution of Agreement with Compass in Connection with Bus Bridge Services for the Caltrain Peninsula Corridor Electrification Project (PCEP) 2023 Bus Bridge Services**

Finance Committee
Cancelled this
Month

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. Award a contract to Compass and to provide Bus Bridge Services for the Caltrain Peninsula Corridor Electrification Project (PCEP) to support remaining construction activities during weekend shutdowns in 2023 for total amount of \$1,400,000.
2. Authorize the Executive Director, or designee, to execute the contract in a form approved by legal counsel and to take any other actions necessary to give effect to the resolution.

Significance

PCEP has reached the final phase of construction, which includes completing the remaining overhead catenary system (OCS) installation and segments 1 and 3 signal cutovers, and conducting system integration testing with train runs. These activities are impeding access to portions of Caltrain's San Francisco Peninsula Network on Main Tracks MT-1 through MT-4 between 4th & King in San Francisco to Tamien in San Jose. To support PCEP completion, there will be weekend service disruptions throughout 2023 due to area closures.

The weekend shutdowns will ensure a Fall 2024 delivery of electrified service, enhance safety by physically separating construction work and passenger service, mitigate risk of OCS construction delays, reduce field resources required to support the project, and minimize impacts to weekday passenger service by reducing weekday construction needs.

To ensure continuous service to Caltrain passengers between San Francisco and San Jose Stations during this final phase of construction, staff contacted partner agencies SamTrans, VTA, and SF Muni for potential support to implement bus bridges. However, the partner agencies were unable to support all the bus bridge needs due to staffing shortages. Staff contacted firms that provide bus services; Compass was the only firm that responded and

confirmed that it had the capability to support up to 31-weekend bus bridges in 2023. Therefore, staff issued a single source procurement and Request for Proposal (RFP) to Compass to provide high-capacity bus bridges during weekend closures with a total cost of \$1,400,000. Therefore, staff recommends the award and approval of a contract with Compass for a not-to-exceed amount of \$1,400,000 to ensure that bus bridge services are available for the duration of the area closures in 2023.

Budget Impact

The contract will be for a not-to-exceed amount of \$1,400,000. The funds for the services are within the Board-approved PCEP budget of \$2.44 billion.

Background

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 along the corridor. The remaining electrification construction includes OCS installation in Segments 1 and 2, signal cutover work in segments 1 and 3, systems integration testing, and conducting EMU testing that will require area shutdown to Caltrain's weekend service. The weekend shutdowns are scheduled for up to 31 total weekends in 2023, starting on the weekend of February 10th, 2023. These weekend area shutdowns will allow the safe and timely completion of PCEP construction and testing, and minimize potential delays to the project, while continuing transit services along the Peninsula corridor to passengers.

Caltrain will rely upon bus service provided by Compass to serve passengers at the stations that are impacted by weekend shutdowns.

Compass is based in South San Francisco and is a wholly owned subsidiary of Transdev North American, which has been a leading provider of commuter shuttle services in the San Francisco Bay Area since 1976. Compass transports 6,000 employees from Silicon Valley to San Francisco and has a sufficient number of experienced drivers and fuel-efficient shuttles to meet the needs of Caltrain customers during the weekend shutdowns. Compass' resources, experience, and availability to provide shuttle service over the course of multiple weekends at multiple locations are critical to Caltrain's ability to provide a bus bridge for its passengers.

Staff has performed proposal evaluation and concluded that Compass' price proposal is reasonable, the proposed service meets the performance requirements set in the RFP. Staff is recommending the award of Bus Bridge Services contract to Compass for a total not to exceed price of \$1,400,000.

Resolution No. 2023-

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

* * *

**Award of Contract to and Authorize Execution of Agreement with Compass in
Connection with Bus Bridge Services for the Caltrain Peninsula Corridor
Electrification Project (PCEP) 2023 Bus Bridge Services for a Not-To-Exceed
Amount of \$1,400,000**

Whereas, the Caltrain Peninsula Corridor Electrification Project (PCEP) will replace the 30-year-old diesel trains currently used by Caltrain with state-of-the-art electric trains and install electrification infrastructure, requiring significant construction along the corridor; and

Whereas, PCEP has reached the final phase of construction, which includes overhead catenary system (OCS) installation in Segments 1 and 2, signal cutover work in segments 1 and 3, system integration testing, including running trains from San Francisco to San Jose, all of which will require shutdowns to Caltrain's weekend service; and

Whereas, these activities will impede access to portions of Caltrain's San Francisco Peninsula Network on Main Tracks MT-1 through MT-4 between 4th and King in San Francisco to Tamien in San Jose; and

Whereas, the weekend shutdowns are scheduled for up to 31 total weekends in 2023, starting on the weekend of February 10th, 2023. These weekend area shutdowns will allow the safe and timely completion of PCEP construction and testing, and minimize potential delays to the project, while continuing transit services along the Peninsula corridor to passengers; and

Whereas, staff contacted partner agencies SamTrans, VTA, and SF Muni for potential support to implement bus bridges. However, the partner agencies were unable to support bus bridge needs due to staffing shortages; and

Whereas, Compass is able to provide bus service to passengers at the stations that are impacted by weekend shutdowns; and

Whereas, Compass is based in South San Francisco and is a wholly-owned subsidiary of Transdev North American, which has been a leading provider of commuter shuttle services in the San Francisco Bay Area since 1976. Compass' resources, experience, and availability to provide shuttle service over the course of multiple weekends at multiple locations are critical to Caltrain's ability to provide a bus bridge for its passengers; and

Whereas, staff issued a single source procurement and evaluated Compass' proposal to provide service, concluding that Compass' price proposal is reasonable and the proposed service meets the performance requirements set forth in the Request for Proposals; and

Whereas, Compass proposes to provide high-capacity bus bridges during weekend closures for a total not-to-exceed amount of \$1,400,000. The funds for the services are within the Board-approved PCEP budget of \$2.44 billion; and

Whereas, the Staff Coordinating Council (SCC) recommends the Board of Directors of the Peninsula Corridor Joint Powers Board (Board) award a contract to Compass and to provide Bus Bridge Services to support remaining PCEP construction activities during weekend shutdowns in 2023 for a total amount of \$1,400,000; and

Whereas, the SCC further recommends that the Board authorize the Executive Director, or designee, to execute the contract in a form approved by legal counsel and to take any other actions necessary to give effect to the resolution.

Now, Therefore, Be It Resolved that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a contract to Compass for Bus Bridge Services during weekend PCEP construction shutdowns in 2023 for a not-to-exceed amount of \$1,400,000; and

Be It Further Resolved that the Executive Director, or designee, is authorized to execute the Bus Bridge contract in a form approved by legal counsel and to take any other actions necessary to give effect to the resolution.

Regularly passed and adopted this 2nd day of February, 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: Kathleen Kelly, Interim Chief Financial Officer
Subject: **Amending Balanced Budget and Financial Reserve Policy to Allow for Biennial Budgets**

Finance Committee
Cancelled this
Month

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Action

Staff recommends that the Board of Directors (Board):

Adopt an amendment to the Peninsula Corridor Joint Powers Board (JPB) Balanced Budget and Financial Reserve Policy to require appropriating funds for two-year operating and capital budgets or Biennial Budgets. The proposed amendments to the Balanced Budget and Financial Reserve Policy, are shown as tracked changes in Attachment A.

Significance

In Fiscal Year (FY) 2018, the JPB approved an operating budget reserve policy that would ensure that the agency can withstand major economic disruptions or unanticipated expenditure demands or revenue shortfalls prompted by unexpected events such as natural disasters, significant fuel cost increases or insurance losses.

In FY 2021, as directed by the Board, staff amended the policy to require a balanced budget.

Over the course of the past year, staff has analyzed the impact of the completion of the Peninsula Corridor Electrification Project and the operation of an electrified railroad on long term financial planning. Staff has determined that instituting a biennial budget for both the operating and capital budgets will allow the agency to focus on multi-year financial planning by reviewing and forecasting for two years of revenues and expenditures. The biennial budget will also facilitate long-term planning and coordination with the JPB's member agencies, including promoting discussions regarding member agency obligations and incorporating information regarding Caltrain's capital improvement program (CIP).

Staff will continue to bring amendments to the Board for approval if economic conditions or service levels changes warrant a mid-cycle budget amendment or if new projects are going to be

added to the capital budget.

In addition, staff are preparing revisions to the operating reserve policy and are drafting a capital reserve policy, both of which will be presented on an informational basis at future meetings of the Finance Committee and the Board to obtain feedback from Directors prior to proposing the policies for adoption.

Budget Impact

There is no budget impact associated with amendment of this policy.

Background

The Financial Reserve Policy was adopted by the board on September 1, 2017. The Financial Reserve Policy was amended December 3, 2020, to include the requirement of a balanced budget (the Balanced Budget and Financial Reserve Policy). Other transit agencies have adopted biennial budgets, including:

<i>Agency</i>	<i>Most Recent Biennial Budgets</i>
San Francisco Municipal Transportation Agency	Adopted for FY2023 and FY2024
Bay Area Rapid Transit District	Adopted for FY2023 and FY2024
Santa Clara Valley Transportation Authority	Adopted for FY2024 and FY2025

Adopting the first biennial budget starting in FY2024 would align the Caltrain budget with VTA, one of the member agencies.

Prepared by: Ladi Millard-Olmeda Director, Budgets and Financial Analysis 650.508.7755

Attachment A

Balanced Budget and Financial Reserve Policy

The Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) shall adopt balanced **biennial** operating budgets and ensure the following:

- Each operating budget will include revenues that are equal to or greater than expenditures for a specified operating period;
- Each operating budget will include revenue options and planned expenditure levels that are consistent with the JPB's mission to provide the best viable transportation services along the Caltrain rail corridor; ~~and~~
- Operating budgets may include a variety of fund sources as needed to maintain the short-term stability of the JPB while also serving the agency's long-term objectives; **and**
- **The Board will adopt operating and capital budgets on a biennial basis each even numbered fiscal year.**

The JPB shall maintain an Operating Reserve of at least 10 percent of the ~~annual~~ operating budget **for each fiscal year in a biennial budget**, and the JPB shall strive to reserve up to 15 percent of the ~~annual~~ operating budget **for each fiscal year in a biennial budget** when possible.

Operating Reserve funds are to remain unappropriated for any operating or capital use except to meet emergency needs that cannot be funded from any other source. The purpose of the Operating Reserve is to ensure that sufficient funds are always available in the event of either unavoidable expenditure needs or unanticipated revenue shortfalls that occur after approval of the budget. Operating Reserve funds also may be used to augment revenues to facilitate balanced operating budgets in cases of local, statewide or nationwide emergencies.

Surplus funds generated at the end of a fiscal year will automatically be included in the Operating Reserve.

Adopted: September 1, 2017

Amended: December 3, 2020

Proposed to be Amended: February 2, 2023

Resolution No. 2023 –

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

* * *

Amend the Balanced Budget and Financial Reserve Policy to Require Biennial Budgets

Whereas, on July 6, 2017, pursuant to Resolution No. 2017-30, the Board of the Directors of Peninsula Corridor Joint Powers Board (JPB) adopted a Financial Reserve Policy that requires the agency to maintain a prudent level of operating reserves to ensure that sufficient funds are always available in the event of either unavoidable expenditure needs or unanticipated revenue shortfalls; and

Whereas, these funds are to remain unappropriated for any operating or capital use except to meet emergency needs that cannot be funded from any-other source; and

Whereas, in Fiscal Year 2020, the JPB faced multiple challenges resulting from the COVID-19 pandemic and because of these challenges, subsequently amended the policy in December 2020 to require a balanced budget where revenues are greater than or equal to the planned expenditures for a specified operating period; and

Whereas, in Fiscal Year 2021, as directed by the Board, staff amended the policy to require a balanced budget and the existing policy states the JPB shall maintain an operating reserve of at least 10 percent of the operating budget and shall strive to maintain a reserve of up to 15 percent; and

Whereas, over the course of the past year, staff has analyzed the impact of the completion of the Peninsula Corridor Electrification Project and the operation of an electrified railroad on long term financial planning and a balanced budget maintains stability while also

serving the JPB's long-term objectives by prioritizing expenditures consistent with the JPB's mission to provide transportation service to the riding public along the Caltrain service corridor; and

Whereas, the JPB now desires to amend the Balanced Budget and Financial Reserve Policy to require the agency to adopt biennial operating and capital budgets to allow the agency to focus on multi-year financial planning by reviewing two years of revenues and expenditures; and

Whereas, the staff recommends that the Board of Directors amend the JPB's Balanced Budget and Financial Reserve Policy to require adoption of biennial operating and capital budgets, as shown in Attachment A.

Now, Therefore, Be It Resolved that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby amends the JPB's Balanced Budget and Financial Reserve Policy to require adoption of biennial operating and capital budgets, as shown in Attachment A.

Regularly passed and adopted this 2nd of February, 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: **Authorize Agreement with SamTrans to Establish Caltrain Chief Safety Officer Position**

Finance Committee
Cancelled this
Month

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) authorize the Executive Director, or designee, to execute an agreement with the San Mateo County Transit District (SamTrans) to establish the position of Chief Safety Officer, reporting directly to the Caltrain Executive Director, pursuant to the Memorandum of Understanding executed by the JPB and its Member Agencies on August 5, 2022 (the "Governance MOU"). The SamTrans Board of Directors will consider the same request at its February 1, 2023, meeting.

Significance

After years of discussion, the JPB and its Member Agencies executed the Governance MOU in 2022. The Governance MOU authorizes the JPB to hire its own Executive Director who reports to the JPB. It also establishes five positions reporting directly to the Caltrain Executive Director. As Managing Agency, SamTrans is responsible for providing shared services to Caltrain in the areas of Human Resources; Contracts and Procurement; Information Technology; Civil Rights; Marketing and Customer Service; and Accounting and Treasury. In addition, SamTrans provides partially shared services with policy level direction provided by Caltrain direct reports in the following areas: Communications and External Affairs; Grants; Finance and Budgets; and Real Estate. The Governance MOU did not specifically address safety and security; however, under the current shared services arrangement, safety and security services are provided to Caltrain through SamTrans' Director of Safety and Security.

Under Section 2.F of the Governance MOU, the JPB does not have the authority to replace a function currently being performed through partially and fully shared services with a direct report unless SamTrans and the JPB mutually agree to the change. Because of the importance of the safety function and the special safety needs of a commuter railroad, the Executive Director has requested SamTrans' approval to establish the position of Chief Safety Officer reporting directly to the Caltrain Executive Director.

Budget Impact

Due to a large number of vacant positions, the creation of this position will not affect the operating budget.

Background

Following a March 10, 2022, incident in which a Caltrain train struck on-track equipment, injuring several contractors and passengers, the JPB has reconsidered its safety program and culture.¹ As an agency regulated by the Federal Railroad Administration (FRA), Caltrain is subject to extensive operating and safety mandates, requiring deep knowledge of FRA compliance, procedures, and programs. The absence of a rail-dedicated safety officer reporting directly to the Caltrain Executive Director is an impediment to a successful safety program and is inconsistent with federal guidance and industry best practices. Caltrain would benefit from a dedicated safety officer focused exclusively on the safety needs of the railroad.

Establishing a dedicated rail safety officer position would also bring Caltrain into conformity with guidance issued by the Federal Transit Administration, which requires that rail transit agencies appoint a dedicated safety officer reporting directly to the agency's accountable executive. 49 CFR §673.23. Peer analysis also demonstrates that the vast majority of commuter rail agencies have a chief safety officer reporting directly to the commuter rail agency CEO or executive director.

As Caltrain makes the transition to an electrified operating environment, it will face new safety challenges, including the need to train its workforce in preparation for electrified operation and to educate the public about electrified service. Caltrain's ability to establish a dedicated safety officer in advance of beginning electrified revenue service will be critical to a successful transition.

Under the Governance MOU, the modifications to SamTrans' role as managing agency under the Governance MOU, including the JPB and SamTrans' authority to agree to allow Caltrain to hire a direct report to replace a shared services function, would revert if the City and County of San Francisco and the Santa Clara Valley Transportation Authority do not pay a total of \$15.2 million into an escrow account for the benefit of SamTrans by August 4, 2023. If reversion were to occur, SamTrans would have the authority to withdraw its support for the agreement to add a new direct report position for safety.

Prepared By: James C. Harrison General Counsel 510-346-6203

¹ Another incident occurred on August 25, 2022, when an employee of a JPB contractor fell through the walkway on a Caltrain bridge over the Oregon expressway. Although not involving work on the right of way, this incident underscores the complexity of the JPB's safety challenges, which include an operating railroad, the electrification project, numerous capital programs, and the on-going maintenance and safety needs to support the JPB's aging infrastructure. It also highlights the need for a dedicated safety officer.

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Dahlia Chazan, Deputy Chief, Caltrain Planning
Subject: **San Francisco Downtown Extension (DTX) Draft Caltrain Principles for Negotiations**

Finance Committee
Cancelled this
Month

Work Program-
Legislative-Planning
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating Council
Recommendation

Action

Staff seek direction from by the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB or Caltrain) regarding proposed operational, funding, and risk allocation principles to inform staff's negotiation of a Master Cooperative Agreement (MCA) with the Transbay Joint Powers Authority (TJPA) to govern the construction and operation of the San Francisco Downtown Rail Extension. Staff request that the Board consider adopting a motion accepting staff's recommended principles.

Significance

The Transbay Joint Powers Authority (TJPA) is the project sponsor of the San Francisco Downtown Rail Extension Project (DTX or Portal) and is responsible for its project delivery. Caltrain is a strong supporter of DTX and is working with TJPA to advance the project.

Caltrain and TJPA are negotiating a Master Cooperative Agreement (MCA) for the DTX to be considered by both JPB and the TJPA board, for inclusion in the TJPA's August 2023 application for the construction grant agreement of the Federal Transit Administration (FTA) Capital Investment Grants Program. The MCA will address fundamental topics, including design support and coordination; procurement and construction coordination; financial commitments; operations, maintenance and rehabilitation; and asset disposition.

Like other large Bay Area transit operators, Caltrain is facing near-term operating financial challenges. The region is working towards solutions, including the identification of additional capital funding for Caltrain's Peninsula Corridor Electrification Project (PCEP). However, Caltrain's financial situation creates uncertainty for funding and operating commitments for DTX.

In addition to its operating financial challenges, Caltrain has a significant backlog of capital expenditures, the demand for which exceeds currently available funding. Caltrain is initiating its 10-year Capital Improvement Plan (CIP), which will provide a prioritized list of capital

projects, including consideration of funding sources available for capital delivery. While this work will not be complete prior to a proposed MCA, there is certainty that capital funding will continue to be heavily constrained in the years leading up to planned revenue service of DTX in 2032, given Caltrain's planned and proposed capital projects.

Staff have developed draft principles for negotiating the MCA to inform Caltrain's approach to key topics. The draft principles, which are described in greater detail in an accompanying PowerPoint presentation, outline Caltrain's priorities for operations, funding, and risk allocation. The draft principles build on past policy statements, including the 2040 Service Vision and Framework for Equity, Connectivity, Recovery and Growth. Most importantly, due to Caltrain's financial situation on both the capital and operating sides, the principles focus on achieving a project that is cost-neutral to Caltrain, while recognizing how Caltrain would retain cost-neutrality differs substantially between capital and operating because of the different funding structures. Staff would use these principles as the basis for detailed discussions prior to bringing a proposed MCA to the Board, and these principles could provide a framework for considering other proposed projects until the Board has had an opportunity to consider and approve a CIP.

Staff presented an earlier draft of the proposed principles to the WPLP Committee, which provided significant input to staff. Among other points, members expressed concern regarding the challenge of addressing the DTX project in the absence of a complete CIP and recommended that staff expand upon the principle of cost neutrality by explicitly addressing operating costs, capital costs, and state of good repair costs. Staff has updated the principles in response to WPLP feedback and is seeking Board input and direction on the updated draft principles to inform negotiations concerning the MCA.

Budget Impact

This item has no impact on the budget. However, depending upon the direction staff receives from the Board regarding the proposed negotiating principles, the DTX project itself could have significant financial consequences for Caltrain.

Background

The DTX project will extend Caltrain and future California High-Speed Rail service from the existing 4th and King railyard to the Salesforce Transit Center in downtown San Francisco. The project will construct a new underground station at 4th and Townsend streets and bring rail service to the underground train station at the Salesforce Transit Center. The completion of the DTX is expected to have a positive impact on Caltrain ridership by expanding service into downtown San Francisco and providing intermodal connections to Muni, AC Transit, and more. DTX is an integral part of Caltrain's 2040 Service Plan.

The project is seeking funding through the FTA's Capital Investment Grant (CIG) New Starts program. The New Starts program is a competitive federal grant program supporting rail and

other fixed guideway systems and has funded numerous projects in the Bay Area including the BART to Silicon Valley Extension (Phase I). The Peninsula Corridor Electrification Project (PCEP) received funding through the CIG Core Capacity program, a similar program but with slightly different requirements and processes.

For New Starts projects, the FTA requires completion of two phases, Project Development and Engineering, in advance of receipt of a Full Funding Grant Agreement (FFGA). The DTX project is executing an accelerated master schedule to support a potential FFGA approval in 2025. It was accepted into the initial Project Development Phase in December 2021 and will request entry into the Engineering Phase in February 2023. The February submittal includes a 20-year financial plan, project cost estimate, preliminary engineering plans, project management plan, and a funding plan demonstrating 30% of non-federal funding commitment. In August 2023, the project plans to request the FFGA. The August submittal will include the MCA between Caltrain and TJPA, as noted in the section above.

As part of the project's enabling work, the 4th and King railyard requires track realignment, utility relocation, and other site work identified by TJPA to take place before main civil DTX construction. Caltrain, working with TJPA, will oversee the design contract for this work, which is anticipated to begin early 2023.

In December 2022, the Caltrain Board received a presentation providing an overview of the DTX project, the current tasks and timeline, and background on the planned enabling work at 4th and King Railyard. Since this update, the TJPA Board has adopted a rebranding plan, renaming the project "The Portal". Also, Caltrain staff have recently shared an operations and maintenance plan (O&M Plan) and capital plan with TJPA to inform TJPA of Caltrain's 20-year financial plan. The O&M Plan includes five years of actuals (FY18 – FY22) and twenty years of projections (FY23—FY42). TJPA will incorporate both documents into a DTX Financial Plan and submit this to FTA in February 2023. It will be revised based on updated costs and FTA review, for a final submittal in August 2023.

Prepared By: Gwen Buckley

Principal Planner

650-722-6827

**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 Monthly Progress Report**

Finance Committee
Cancelled this
Month

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

December 31, 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 performing a schedule reforecast effort and 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 December 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 December 2022, a total of \$3.20M has been drawn down from the Shared Risk Pool of \$50 million. In December 2022, \$0.10M was drawn from the Shared Risk Pool.
- As of December 2022, a total of \$3.47M has been drawn from the project contingency of \$40 million. In December 2022, there was no draw from project contingency.
- As of December 2022, no new awards have been made from the Project incentive pool of \$18.5 million.
- As of December 2022, no incentive was issued from the milestone incentive pool of \$15 million.

1.3 Program Progress and Schedule

As of December 31, 2022, the overall project completion is 79.39%. The current program schedule is projecting a PCEP substantial completion date of April 2024 and Revenue Service by September 2024. Staff has finalized 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. The first weekend closure will commence on February 11, 2023 from Millbrae to San Francisco 4th and King.

1.4 Change Management Board (CMB)

In December 2022, no change orders were brought to CMB for approval.

1.5 This Month's Accomplishments

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

- Successfully completed the cutover for Segment 2 at Menlo Park, Redwood City, and Palo Alto from December 5 - December 19, 2022. Completed cutover lessons learned after completion of the cutover.
- FTA and Caltrain program quarterly status review was held on December 5, 2022.
- Caltrain has received \$43 million in federal funding as part of the omnibus spending bill signed by President Biden in December 2022.
- Continued implementing energized rail isolation and protection procedure.
- Performed Emergency Preparedness Plan (EPREP) rehearsal and finalized new timetables.
- Continued development of OCS/TPS maintenance RFP.
- Continued 25kV in-depth OCS awareness training for all TASI staff and tenant railroad trainers prior to full Segment 4 energization.
- Continued to work with PG&E on the interconnect construction cost reimbursement timeline.
- Performed holiday homeless encampment operations with Transit PD and SamTrans security.
- Completed TPS1 Single Phase Study for Line 1 and Line 2.
- Continued safety special task force working group, including TASI, Rail Operations and PCEP to address communications, process, and procedure improvements.
- Key positions for PCEP delivery have been filled.
- Performed regression tests for previous 2SC cutover location application logic update.
- 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.
- Finalized 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.
- Project special task force and Caltrain steering committee commenced for rail service planning, bus bridge, customer service and communications with the board members to support PCEP path to completion.
- Finalized Program Management Plan (PMP) and Quality Management Plan (QMP).
- Continued to address TPS 2 findings and complete documentation required to perform short circuit retest.

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 by mid-January 2023.

- Complete project schedule reforecast that reflects the path to completion and weekend area closures for the remaining PCEP work.
- Continue operations planning, ambassador and rail service planning effort for weekend area closures for Segment 1 and 2 OCS construction, and complete bus bridge service single source RFP.
- Perform readiness reviews for weekend bus bridges for OCS construction starting in February 2023.
- Continue to coordinate with PG&E on TPS2 short circuit testing, low voltage power drop applications, and distribution line de-energization work.
- Continue to hold executive and project team partnering sessions in January 2023.
- Perform train operator EMU refresher training and commence EMU maintenance training.
- Energize drill track to enable EMU re-commissioning and PTC testing.
- Continue pursuing federal and local grants to close the remaining funding gap of \$367 million.
- Hold Monthly CMB meeting for program status and change order approval.
- Commence Segment 3 Menlo Park cutover planning.
- Complete Segment 4 mainline live runs and full energization.
- Complete negotiation on Railroad isolation and protection change order.

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

1.7 Critical Items

As of December 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 – Completed. • Hiring additional BBII OCS staff members to prevent schedule slippage and help in future installation planning – Completed. • Hold OCS construction scheduling recovery workshop for remaining OCS installation and testing – Completed. • Increase OCS crews and OCS wiring equipment to increase productivity – Completed. • 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 – Completed.
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 – Completed. • Targeted advocacy is ongoing. • Prepared earmarks grant scope and application. • Submitted Transit and Intercity Rail Capital Program (TIRCP) grant application. • Caltrain has received \$43 million in federal funding as part of the omnibus spending bill signed by President Biden in December 2022. • Amended and reduced our grant request for TIRCP funding under the Existing Projects application process from \$410 million to \$367 million.
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 – Completed. • Assess operational impact for expanding work limits with track and time – Completed.

2.0 SAFETY

There were no reportable injuries in December. The Reportable Injury Rate (RIR) for the entire year (2022) is 2.82 (down from 3.08 last month). Overall, since the project’s inception, the RIR is at 1.91, which is down from last month’s 1.95.

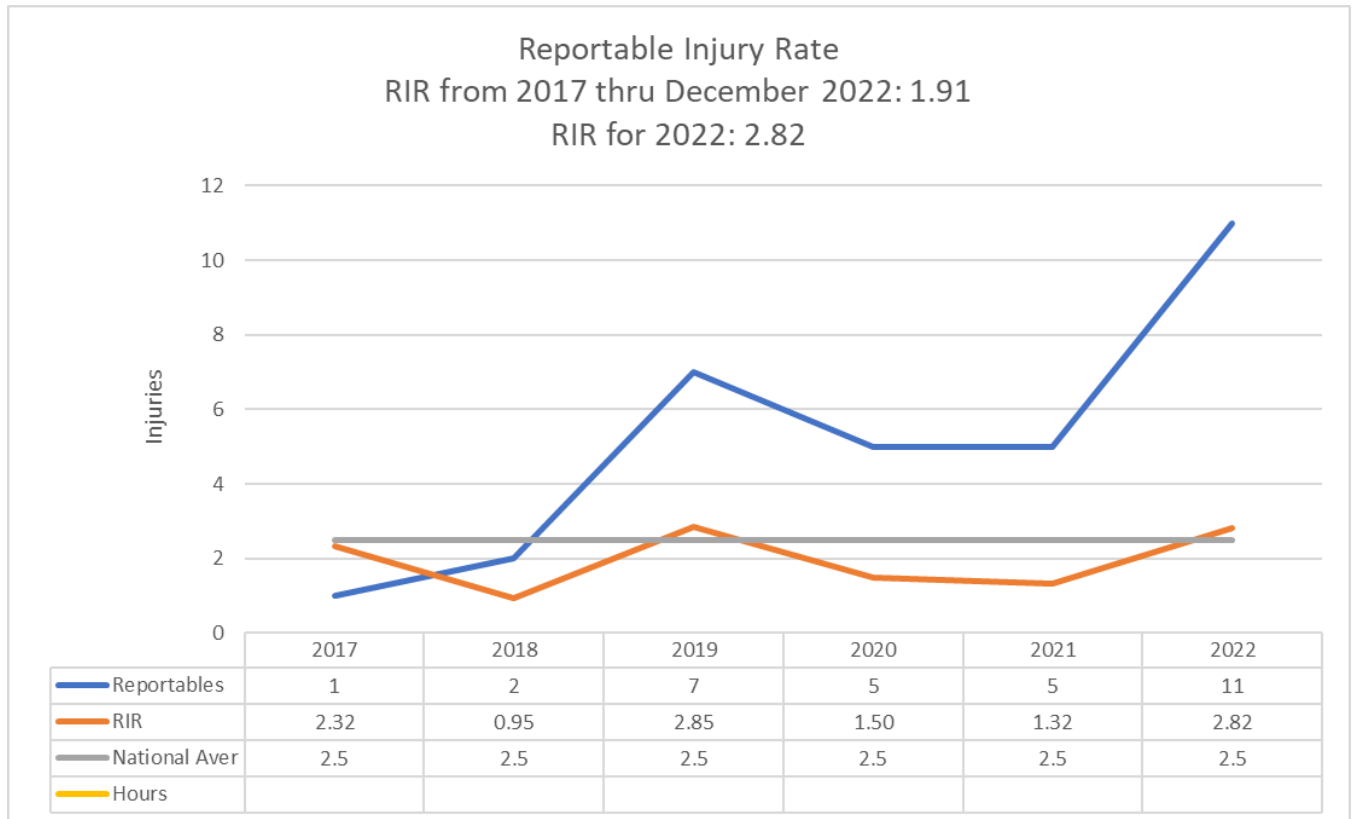


Figure 2-1. Project Reportable Injury Rate (RIR) by Year

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 emergency responders along the Caltrain corridor on emergency preparedness in advance of energization. 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. Segment 3 Fire Department safety awareness training has been scheduled in the first quarter of 2023 for Sunnyvale, Mountain View, and Palo Alto Fire Departments. Additional training is currently being coordinated with other 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 January 1, 2023. The Revenue Service Date (RSD) and Full Funding Grant Agreement (FFGA) Revenue Completion Date (RCD) remains September 26, 2024, and December 31, 2024 respectively.

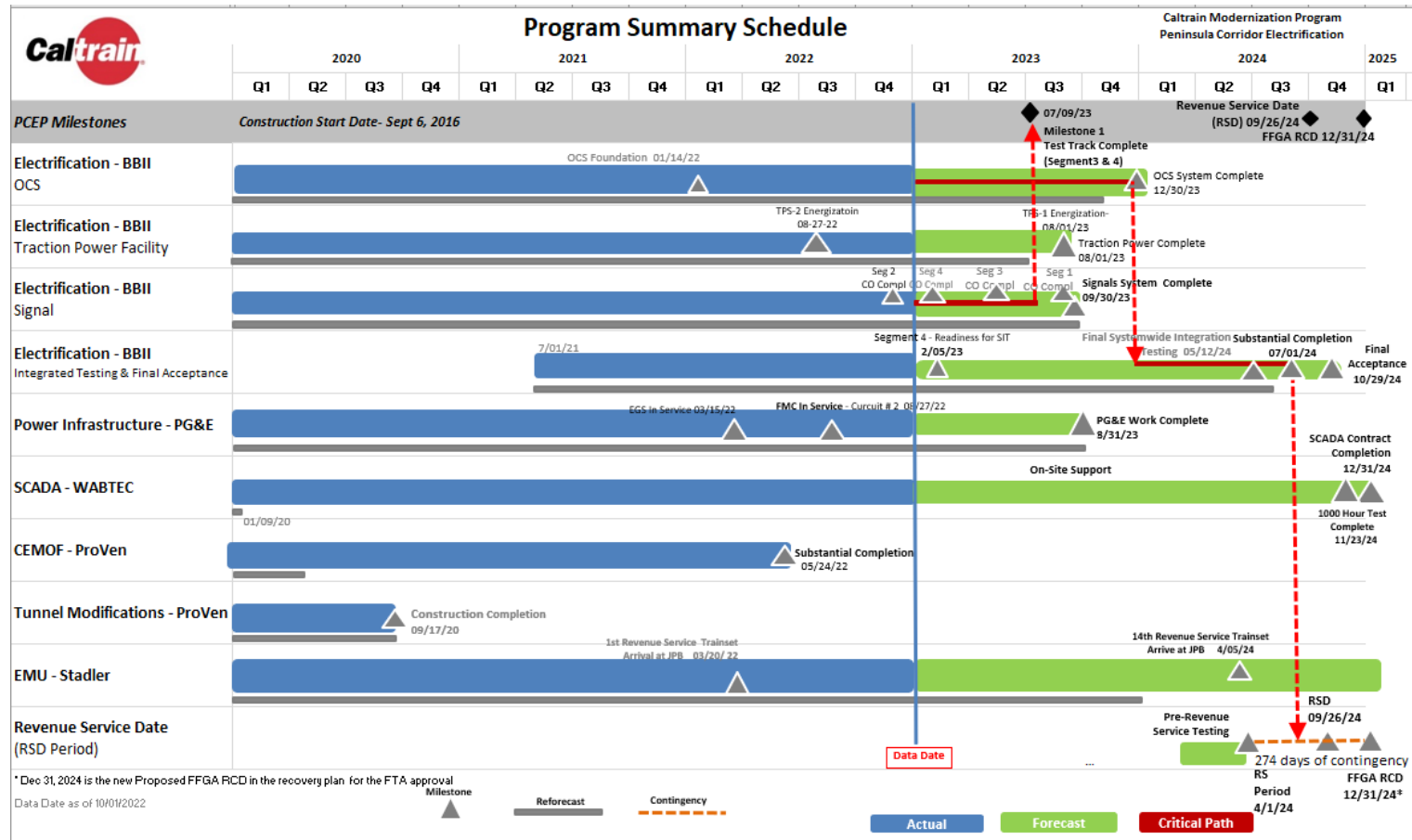


Figure 3-1. Master Program Summary Schedule

3.3 Schedule Contract Milestone Analysis

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

Project is currently performing schedule reforecast effort with data date of January 1, 2023 to reflect Path to Completion weekend area shutdown approach. The Contract Milestone Analysis table will be updated once schedule reforecast effort is completed in February 2023.

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 December 31, 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	\$23,327,321	\$1,465,924,376	\$283,215,062	\$1,749,139,438	\$0
EMU	\$693,551,258	\$430,862	\$499,392,562	\$194,158,697	\$693,551,258	\$0
PCEP TOTAL	\$2,442,690,697	\$23,758,183	\$1,965,316,938	\$477,373,758	\$2,442,690,697	\$0

- Column A "Current Budget" includes re-baseline and executed change orders and awarded contracts.
- Column B "Cost This Month" represents the cost of work performed this month.
- 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	\$17,461,139	\$871,811,548	\$225,222,333	\$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	\$7,996	\$64,602,778	\$3,488,416	\$68,091,194
Real Estate Acquisition & Support	\$34,914,177	\$34,914,177	\$71,416	\$23,980,488	\$10,933,689	\$34,914,177
PG&E, Utilities	\$132,088,995	\$132,088,995	\$521,186	\$202,044,621	-\$69,955,626	\$132,088,995
Management Oversight & Support	\$312,699,697	\$315,007,767	\$2,786,148	\$257,522,069	\$57,485,698	\$315,007,767
TASI Support	\$114,488,767	\$114,488,767	\$2,091,448	\$90,614,275	\$23,874,492	\$114,488,767
Finance Charges	\$9,898,638	\$9,898,638	\$59,348	\$9,304,280	\$594,358	\$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	\$102,452	\$3,174,578	\$5,909,598	\$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	\$657,051	\$21,424,272	\$26,793,616	\$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	\$23,758,183	\$1,965,316,938	\$477,373,758	\$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 December 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	\$39,730	\$165,396	\$2,634,604
4	Condition of existing Fiber backbone infrastructure	\$3,150,000	\$0	\$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	\$13,140	\$13,140	\$136,860
18	Impact from Caltrain other capital or third-party projects	\$2,166,683	\$11,150	\$170,492	\$1,996,191
19	Track access delay for BBII Construction	\$1,800,000	\$0	\$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	\$32,312	\$932,312	\$11,067,688
NA	Unidentified	\$54,179	\$0	\$0	\$54,179
	BBII Risk Pool Total	\$50,000,000	\$96,332	\$3,202,589	\$46,797,411

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	\$36,523,532	\$36,639,532
	No changes for the month		
	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.

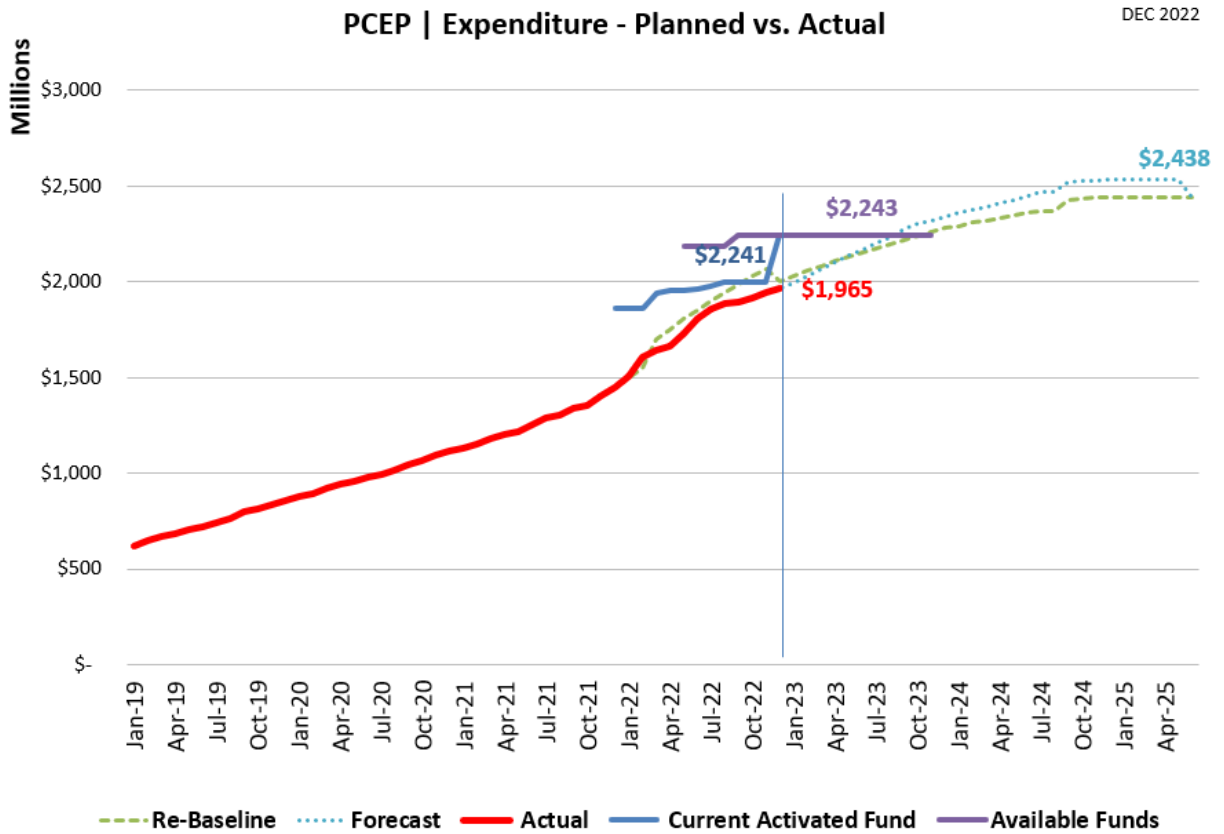


Figure 4.1 Expenditure – Funding Cash Flow

4.6 Issues

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

- ADA Ramp installed over 9.1-02A was executed on December 16, 2022 for \$11,150.
- Combination of DSC's IRL's 183, 184, 193, 194, 195, 198, 201, 222, 223, 224, 227, 229, 230, 231 were executed on December 16, 2022 for \$39,730.
- Signal House at MP 40.01 – Removal of AC Unit to clear ROW was executed on December 15, 2022 for \$13,140.
- 25kV Safety Awareness Training and Secondary In-Depth Training were executed on December 16, 2022 for \$35,312.

5.2.2 Approved Change Orders

- No Change Orders for the month of December 2022.

5.2.3 Upcoming Change Orders/Shared Risk Items

- Fifteen (15) shared risk items, totaling \$859,946 are being routed for management approval signatures.
- Electrification Change Order for Guadalupe Bridge OCS Removal and Replacement for \$1,298,842.
- Potential 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 December 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.

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 JANUARY 18, 2023

MEMBERS PRESENT: A. Brandt, R. Jaques (Alternate), L. Klein, R. Kutler, P. Leung, M. Pagee (Alternate) (arrived 5:45 pm), B. Shaw (Chair), D. Tuzman (Vice Chair), S. Seebart

MEMBERS ABSENT: P. Joshi (Alternate), JP. Torres

STAFF PRESENT: T. Burgwyn, P. Givens, L. Guan, J. Navarrete, 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.

APPROVAL OF MINUTES OF DECEMBER 21, 2022

Motion/Second: Seebart/Kutler

Ayes: Brandt, Klein, Leung, Shapiro, Shaw, Tuzman

Abstain: None

Absent: Torres

PUBLIC COMMENT

Jeff Carter, Millbrae, via Zoom Q&A, referenced the minutes from last month, page 5 under Code of Conduct and stated that he was asking about the originally proposed in person comment and stated that it was convoluted and asked whether that continues to be the process. He then requested to add topics to the list of discussion items, point to point pricing and Clipper ridership data. He then continued to comment on the New Year's Eve schedule and stated that it was confusing.

CHAIRPERSON'S REPORT

Chair Brian Shaw reported that the Measure RR item has been tentatively scheduled for March. He then reported that CAC member Emilia Shapiro has resigned from the committee and that staff will be looking for a replacement. Lastly, he reported that he and Vice Chair Tuzman met with staff to review and update the current Work Plan and will finalize the 2023 Work Plan next month.

COMMITTEE COMMENTS

Member Rosalind Kutler requested to withdraw topics from the Work Plan, equity evaluation and San Mateo County climate action plan. She then requested to add, "update basic signage

to assist English language learners/non-English language speakers in navigating Caltrain". She then suggested that it be combined to member Jean-Paul Torres' wayfinding item. She then requested to add, "report on Caltrain infrastructure during drought and flood and staff recommendations for repairs and/or needed plans for public safety".

Vice Chair Tuzman emphasized the items he would like staff to follow-up on, the pet policy on the train, the visual messaging display rollout, and the fare schedule coordination.

Member Steve Seebart shared a frustrating experience with Clipper fare on the mobile device. He suggested adding exploration on the five stations south of San Jose and what it would take to get more service and ridership there. He then requested to explore electrifying the blended corridor from San Jose south.

Alternate Member Melody Pagee requested to add conductor communication during major incidents so that passengers can make the decision to take alternate transportation.

Member Larry Klein supported the wayfinding item especially in different languages. He also supported the non-service animals on Caltrain item.

Member Adrian Brandt suggested combining similar items on the list for example grade crossing topics. He then suggested eliminating the presentation on safety to prevent fatalities from the Work Plan as staff has had adequate recent coverage on that point. He also suggested staff to revisit the tree survey report completed for electrification, considering the recent storms. Member Brandt suggested adding, under the grade crossing topic, an update on dual speed check and the wireless system. He also supports the item on distance-based fares. He would like a presentation on whether it is possible to conduct a pilot program for gates that block the entrance to the track from the crossing. Lastly, member Brandt would like to see what Caltrain can do to avoid flooding.

Member Patricia Leung stated that regarding Transit Oriented Development – internal, she would like to see a presentation on what properties Caltrain owns and opportunities for Transit Oriented Development housing. Then regarding Transit Oriented Development - external, would like to see the work being done with different cities and counties to figure out their plans for adjacent properties. This topic would speak to the connectivity where different modes of transportation meet. She then reiterated more information on the historic properties.

Member Kutler then suggested a marketing campaign for neighboring properties and nearby transit connections to help increase ridership.

Chair Shaw shared a service concern experienced earlier with train #125, it disappeared from the radar and Twitter was not very articulate with communication.

Public Comments:

Doug DeLong, Mt. View, commented on wayfinding. He stated that information is not consistent; for example, visual and audible announcements reference northbound and southbound tracks, however station signage does not identify northbound or southbound tracks. He also mentioned that navigation systems do not warn drivers of grade crossings, although the information is readily available.

Jeff Carter, Millbrae, via Zoom Q&A, stated that wayfinding is very important at Millbrae for connecting transit. He then stated that although the Eucalyptus trees are important to Burlingame, they are a problem to the train system. Lastly, he stated moving the 22nd street station in the future would be a huge problem.

Member Kutler, Chair Shaw and Member Brandt mentioned the problems with Eucalyptus trees.

2023 ELECTRIFICATION CONSTRUCTION AND TEMPORARY SERVICE PLAN

Lin Guan, Deputy Director, Project Delivery and Ted Burgwyn, Director, Rail Network & Operations Planning, presented the Caltrain Electrification Project Update. The full presentation can be found on caltrain.com.

Committee Comments:

Member Tuzman asked why SamTrans would not be able to support Caltrain during the temporary service schedule. Mr. Burgwyn responded that SamTrans is facing an extreme operator shortage and unable to support, however staff will continue to look at options during the subsequent phases.

Member Seebart asked whether major event venues will be notified of the temporary service schedule and Mr. Burgwyn confirmed.

Member Brandt stated that notifying the venues/teams is not the same as notifying the event riders and suggested notifying the event riders. Member Brandt then asked why staff chose a bus service without bike racks to support the temporary service schedule. Mr. Burgwyn responded that there were not many options in terms of the private companies that could provide the level support needed and that the provider that was chosen unfortunately does not have bike racks. Member Brandt asked for confirmation that there will be space for bikes in the luggage area and Mr. Burgwyn confirmed.

Member Kutler asked how much time would be added to a rider's commute end to end. Mr. Burgwyn responded that overall travel time from end to end would increase by approximately 45 minutes. Member Tuzman shared that the bus bridge would be considered a lifeline bridge and that Caltrain is encouraging other forms of transportation during the temporary service schedule.

Chair Shaw shared his concerns regarding the temporary service schedule during events in San Francisco. He stated that the neighborhood where the Giants stadium and the Chase Center are located, would not be able to accommodate fans driving from the Peninsula to the games. He then mentioned that if fans decide to take BART to the games during the temporary service schedule, there may not be enough parking at the Millbrae station to accommodate those cars either. He recommended staff to review the temporary service schedule to coordinate the least impacts during high attendance games.

Member Kutler then suggested Caltrain to share clear expectations during the temporary service schedule and to be specific with alternate transit routes so that passengers can make the best decision.

Chair Shaw then questioned how a bus company without bike racks was able to bid on the contract to help support the temporary service schedule.

Public Comments:

Jeff Carter, Millbrae, via Zoom Q&A, requested communication to passengers is important so that passengers are aware of the temporary service schedule. He then shared his concerns with the absence of a bike rack on the buses and the impacts of the weekend temporary service schedule to weekend ridership.

MTC REGIONAL UPDATE

Sam Sargent, Director, Strategy and Policy, presented the MTC Regional Update. The full presentation can be found on caltrain.com.

Committee Comments:

Member Seebart asked to hear more about the future transit hub in Gilroy. Mr. Sargent stated that he would follow-up with the CAC when he has further information and he also shared that there is an internal group working with VTA looking at ridership.

Member Tuzman stated that the regional network management is important. He then asked about the fare coordination integration study that came from the Blue-Ribbon Taskforce efforts and Mr. Sargent responded that he would follow-up with further information later in the year.

Member Kutler stated that there is room for broader outreach to customers and that it is important to listen to the needs of the community.

Member Leung shared that she does not see coordination between BART and Caltrain with the upcoming BART Santa Clara station. She also stated that she would like to see more coordination between different transit systems to make it easier for passengers to transfer to different modes of transportation. Lastly, she mentioned that she would like to see an update on the fare policy.

Member Brandt shared his concerns with the current lack of a regional approach with transit. He mentioned the importance on having a regional approach between all transit agencies and is looking forward to the progress from this group.

Chair Shaw also shared the importance of a regional approach and pointed out how other agencies would be able to help one another during service outages.

Public Comments:

Doug DeLong, Mt. View, shared historical context, discussed the importance of increased ridership in the Gilroy area, and supports the effort of more comprehensive planning regionally.

Jeff Carter, Millbrae, via Zoom Q&A, stated that it is long overdue for MTC to coordinate the schedules and fares regionally to benefit the rider.

STAFF REPORT UPDATE

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

On-time Performance (OTP) –

- **December:** The December 2022 OTP was 80.6% compared to 91.1% for December 2021.
 - **Vehicle on Tracks** – There were eight days with a vehicle on the tracks, which caused train delays, and all days were located at grade crossings. The train delays were on December 1 (Peninsula Ave.), December 4 (Scott St.), December 8 (3rd Ave.), December 12 (2 delays on the same day at the same location at 16th St.), December 20 (E. Meadows Dr.), December 27 (16th St.), and December 30 (Churchill Ave).
 - **Mechanical Delays** – In December 2022, there were 1134 minutes of delay due to mechanical issues compared to 1225 minutes in December 2021.
 - **Vehicle Strike** – There was one vehicle strike on December 1 at Broadway Station, resulting in a fatality that resulted in 2 trains terminated, 6 trains partially annulled, 4 trains annulled, and 13 trains delayed.
 - **Trespasser Strike** – There were one trespasser strike on December 20 near the Sunnyvale station, resulting in a fatality that resulted in 4 trains delayed.
- **November:** The November 2022 OTP was 83.2 % compared to 96.4% for November 2021.
 - **Trespasser Strikes** – 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 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.

Committee Comments:

Member Seebart thanked Mr. Santoro for adding the breakdown of the cars on the tracks. Mr. Santoro then stated the Chief of Safety, Mike Meader, would be providing this group with quarterly updates beginning in April.

Member Brandt asked whether the crossing gate on the tracks to prevent vehicles from driving onto the tracks can be implemented at Caltrain. Mr. Santoro responded that it was discussed with Mr. Meader, and he is aware of the idea and that the CAC would be updated when information is available. Member Brandt then asked why the ridership data was missing from the packet and Mr. Santoro stated the report is delayed and that it would be provided in the packet for next month. Chair Shaw requested the data be emailed to the CAC as soon as the data is available and be included in next month's packet. Mr. Santoro confirmed.

Public Comments:

Doug DeLong, Mt. View, shared his concerns with Caltrain's low on time performance and stated how it translates to unreliable service and asked staff to report on efforts to improve.

Jeff Carter, Millbrae, via Zoom Q&A, requested that the security report be returned to the board packet and looks forward to the quarterly updates from the Safety Chief. He also requested that the ridership data be made available to the public and included in the packet.

Member Brandt asked for fare evasion statistics to be included in the ridership report. Mr. Santoro stated that he would work with staff to see whether it can be added to the report. Chair Shaw stated that he and Vice Chair discussed with staff to receive ongoing updates on fare evasion and that the information Member Brandt is requesting would be helpful.

JPB CAC Work Plan

February 15, 2023

- CAC role in Measure RR oversight update
- Suicide Prevention Initiatives

March 15, 2023

- Measure RR audit report
- Corridor Crossing Strategy (tentative)
- Go Pass Donation Program

April 19, 2023

-
-

May 17, 2023

-
-

June 21, 2023

-
-

July 19, 2023

-
-

Suggested Items:

- Send MTC means-based fare pricing study to the CAC when the MTC releases it as FYI.
- 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
- Passenger notifications during service delays – requested by Member Emilia Shapiro on 12/21/22 requested by Member Emilia Shapiro on 12/21/22
- Overall safety on Caltrain to prevent fatalities, including incidents that occur at grade crossings - requested by Member Emilia Shapiro on 12/21/22
- Locomotive car regulation - requested by Chair, Brian Shaw on 12/21/22

DATE, TIME, AND LOCATION OF NEXT REGULAR MEETING:

The next meeting will be February 15, 2023, at 5:40 pm, via Zoom and in person meeting at the San Mateo County Transit District Administrative Building, 2nd Floor Bacciocco Auditorium, 1250 San Carlos Avenue, San Carlos, CA.

Adjourned at 7:56 pm.