

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

Minutes of November 3, 2022

Members Present (Remote): C. Chavez, D. Davis, J. Gee, G. Hendricks, D. Pine, C. Stone (Vice Chair), S. Walton (left 10:23am)

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

Members Absent: None

Staff Present: M. Bouchard, G. Martinez, J. Harrison, A. Myles-Primakoff, D. Santoro, J. Ye, R. Hinchman, B. Thompson, S. Sargent, C. Fromson, D. Ryan, K. Yin, R. Nielsen, T. Bartholomew, B. Shaw, P. Shrestha, D. Seamans, S. Wong, K. Scribner

1. Call to Order / Pledge of Allegiance

Chair Steve Heminger called the meeting to order at 9:02 am and led the pledge of allegiance.

2. Roll Call

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

3. General Counsel Report – Closed Sessions:

3.a. Closed Session: Threat to Public Services or Facilities – Pursuant to Government Code Section 54957(a). Consultation with: JPB, Director of Information Technology (IT)

3.b. Closed Session: Public Employment. (Gov. Code § 54957(b)) Title: Executive Director

4. General Counsel Report – Report Out From Above Closed Sessions

The Board convened in closed session at 9:02 am

The Board reconvened in regular session at 10:07 am

General Counsel James Harrison stated there was no action to report from the closed sessions.

5. Appointment of Caltrain Executive Director

Motion/Second: Heminger/Davis to appoint Michelle Bouchard as Executive Director pursuant to terms listed

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

Noes: None

Absent: None

Public Comment

Adina Levin, Friends of Caltrain, expressed support for the appointment.

Aleta Dupree spoke in support of the executive director appointment.

Vaughn Wolffe, Pleasanton, commended Ms. Bouchard on her experience and competence.

Director Walton left at 10:23 am

6. Public Comment for Items Not on the Agenda

Marie Blankley, Gilroy Mayor, commented on earlier support for Measure B and Measure RR and equitable service for their constituents. She requested an additional train for South County service to Gilroy.

Aleta Dupree commented on an all-agency Clipper pass and making fares more affordable to encourage riders.

Rich Constantine, Morgan Hill Mayor, expressed support for a fourth train to South (Santa Clara) County in light of Measure B and how South San Jose, Morgan Hill, and Gilroy are growing faster than many other cities in this county.

7. Consent Calendar

- 7.a. Approve Regular Meeting Minutes of October 6, 2022**
- 7.b. Renew Resolution Adopting Findings to Authorize Holding Meetings Via Teleconference for 30 Days Pursuant to Assembly Bill (Assembly Bill) 361**
- 7.c. Call for Public Hearing at the November Finance Committee - Clipper Next Generation Update and Monthly Pass Product Proposed Changes**
- 7.d. Report of the Acting Chief Financial Officer**
- 7.e. Accept Statement of Revenues and Expenses for the Period Ending September 30, 2022**
- 7.f. Accept Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022**
- 7.g. Award of a Contract to Bell Burnett & Associates to Provide Financial Strategy Plan Consulting Services***
- 7.h. Metropolitan Transportation Commission (MTC)/Regional Update**

Public Comment

Adina Levin, commented on 7g, financial planning in challenging times, and expressed support for business planning in a changed environment and regrowing transit ridership.

Aleta Dupree, Oakland, commented on Assembly Bill 361 and the upcoming a public hearing and presentation on Clipper at the Finance Committee meeting.

Motion/Second: Zmuda/Pine

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

Noes: None

Absent: Walton

8. Adopt Revised Rules of Procedure for the Peninsula Corridor Joint Powers Board Including Updated Committee Structure

Sam Sargent, Director, Strategy and Policy, provided a presentation that included the following:

- Expansion of the Committee Structure from two to three committees for more opportunities for input and more focused committee meetings with three Board Committee members each
- Finance Committee responsibilities – annual budget, audit, debt. Procurement, real estate transactions, and revenue expenditures and investments
- Operations, Planning, Safety (OPS) Committee – updates to the business plan, service vision updates, capital improvement program (maintenance and state of good repair), operations and performance metrics, real estate policies (as opposed to transactions), safety and security updates, service, planning, sustainability, and Title VI program. It would likely review updates on grade and grade separation projects, sustainability reports, major service changes, and TOD (Transit-Oriented Development) policy.
- Advocacy and Major Project (AMP) Committee – as a regional leader, review updates and provide recommendations on items related to capital projects with a regional scope or that have other jurisdictional and or agency partners and communications. The scope would include DTX (Downtown Rail extension), High-Speed Rail, and our Federal and State legislative programs.
- Reorganization of Order of Business for meetings to move up the Executive Director and other small clean up items
- Resolution on how the Board members or the public may request adding future agenda items
- JPB Chair to appoint new Committee Members after new Board Members are seated

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

- Request that new Chair work with the different counties on who should serve on which committees
- Add “technology” to the Operations, Planning and Safety (OPS) committee due to ensure smart/technology systems are integrated
- Under the Finance Committee, clarify the wording that that individuals cannot choose the auditor and the Committee’s duty is to develop financial policies, reserve practices, and so forth

Public Comment

Aleta Dupree commented on committee work being the hallmark of public service with detailed discussions and having the executive director report at the beginning of the meeting.

Motion/Second: Hendricks/Chavez

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

Noes: None

Absent: Walton

9. Adopt Policy Regarding New Brown Act Remote Meetings Exceptions

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

- This was an informational item and will be brought back to the Board for a future vote
- Assembly Bill (AB) 361 – permitted remote meetings during the proclaimed state of emergency; the Governor intends to withdraw the COVID-19 state of emergency on February 2023 but the Board may continue to make findings backed on local or state guidance to continue to allow for remote participation and meetings until then
- AB 2449 – starting January 1, 2023, a quorum of Board Members must participate in person from a singular physical location within the JPB’s jurisdiction, the location identified on the agenda, and open to the public
 - Members wishing to participate remotely must make a formal request to and be approved by the Board
 - Reviewed what would constitute just cause and emergency circumstances as approved by the Board
 - Member may not participate remotely for more than three consecutive months or 20% of Board or Committee meetings of the regular meetings within a calendar year
 - Approved remote Member participants must use both audio and visual technology and must publicly disclose whether any person over 18 is present at the remote location
- Proposed policy for participation in person and or remotely under AB 2449 exception if approved by the Board or Committee, and to take effect February 28, 2023

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

- The Board to make a determination on allowing public participation in person and or remotely via Zoom
- Quorum qualifications if one member wants to participate remotely under the Brown Act or under AB 2449 exceptions that must be approved by the Board or Committee

10. Adopt Resolution Honoring National Native American Heritage Month

Tasha Bartholomew, Communications Manager, presented the resolution to recognize and commemorate Native American History month.

Motion/Second: Stone/Hendricks

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

Noes: None

Absent: Walton

11. Reports

a. Report of the Executive Director

Michelle Bouchard, Executive Director, reported on the following:

- A new Executive Director report (ED) format
- The Ridership Recovery Task Force reports directly to ED
- A national rail strike averted due to continuing negotiations on a national level
- Hosting a Commuter Rail Coalition Summit in San Jose on November 14-16
- Holiday train on December 3-4 and partnering with the Marine Corps Reserve and Salvation Army

- Service changes required for electrification program work and safety for workers and riders

Mike Meader, Caltrain Chief Safety Officer, provided a presentation that included the following:

- Safety being the first priority, systematic risk assessment analysis, and the need for diesel and electric safety expertise
- Preparing for electrified service includes training, certification, activation, and operations
- Importance of data, planning, and safety for smooth transition to an electrified railroad

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

- Work to actively develop a capital project to deter suicides
- Transit America Services, Inc. (TASI) –weekly meetings on communication and methodology
- Targeting leading and lagging indicators in reports
- Addressing train schedule complaints

b. Report of the Citizens Advisory Committee (CAC)

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

- New CAC members introduced
- Update on Rengstorff project and Wayfinding
- Annual customer satisfaction survey – change to distance base
- Code of conduct update in November

c. Report of the Chair

There was none.

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

Director Jeff Gee reported on discussions on Corridor Crossing Strategy (formerly grade separation strategy) and the toolkit on how grade crossings can be executed.

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

Director Jeff Gee said there was no October meeting and the next meeting will be in November.

Public Comment

Adina Levin, Friends of Caltrain, commented on transfers at Millbrae, commended efforts for ridership regrowth, and change to regional rail service.

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

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

- Managing over 350 risks and mitigated approximately 280
- No change to revenue service date nor project budget
- Energization testing in Santa Clara and San Jose (have over a year to test and address issues)
- Social workers communicating with people at the homeless camp
- Construction update and dynamic testing anticipated late 2022

- Signal system and communication - major signal work in December
- Customer outreach
- Crossing optimization - deploying new software November 2022

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

- Federal funding update (will depend on election results)
- Senate side will advocate for language for \$51 million
- Federal Rail Association (FRA) intercity rail grant program may not be the best fit
- Caltrain eligible for state funding with more information in January 2023 – these resources will determine financial health of the agency.

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

- Request for additional information on what is supposed to happen in the next 3-4 months
- How to assess whether Caltrain is on schedule and confident about reaching dates on time
- Re-casting this information so the Board members have better decision-making materials

Public Comment

Javier Hernandez, Santa Clara, commented on apartments facing Lawrence Caltrain electrification construction, supported installation of solar panels and clean energy, and train connection to the energy grid.

13. Correspondence

Correspondence was available online.

14. Board Member Requests

Director Hendricks requested improved transparency regarding that project/program milestones.

Director Gee requested that “Technology” be included in one of the new committees (such as the Operations, Planning, Safety (OPS) Committee).

15. Date/Time of Next Regular Meeting:

Thursday, December 1, 2022 at 9:00 am via Zoom and in person at the San Mateo County Transit District, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA.

16. Adjourn

Adjourned at 12:17 pm

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