

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

Minutes of December 1, 2022

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

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

Members Absent: C. Stone (Vice Chair)

Staff Present: M. Bouchard, G. Martinez, J. Harrison, A. Myles-Primakoff, S. Sargent, C. Fromson, D. Ryan, R. Barnard, D. Chazan, M. Meader, K. Yin, B. Shaw, P. Shrestha, D. Seamans, S. Wong, K. Scribner

1. Call to Order / Pledge of Allegiance

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

2. Roll Call

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

3. Public Comment for Items Not on the Agenda

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

4. Report of the Executive Director

Michelle Bouchard, Executive Director, reported on the following:

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

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

Public Comment

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

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

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

5. Consent Calendar

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

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

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

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

Noes: None

Absent: Stone

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

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

6. Broadband Communications Services Contract Award

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

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

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

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

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

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

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

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

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

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

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

Public Comment

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

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

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

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

Noes: None

Absent: Stone

7. Adopt Policy Regarding New Brown Act Remote Meetings Exceptions

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

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

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

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

Public Comment

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

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

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

Motion/Second: Pine/Davis

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

Noes: None

Absent: Stone

8. San Francisco Downtown Rail Extension (DTX) Update

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

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

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

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

Public Comment

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

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

9. Metropolitan Transportation Commission (MTC)/Regional Update

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

- Governance framework for Regional Network Management (RNM)

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

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

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

Public Comment

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

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

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

10. Suicide Prevention Initiatives

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

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

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

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

Public Comment

Remi Tan, Pacifica, commented on grade crossing fencing.

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

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

11. Reports

a. Report of the Citizens Advisory Committee (CAC)

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

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

b. Report of the Chair

bi. Resolution of Appreciation for Director Charles Stone

bii. Resolution of Appreciation for Director Glenn Hendricks

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

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

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

Abstain: Hendricks

Noes: None

Absent: Stone

Public Comment

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

biii. Appointment of Nominating Committee for 2023 Officers

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

Director Walton left at 11:56 am

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

Director Jeff Gee reported on Corridor Crossing Strategy discussions.

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

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

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

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

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

Director Davis left at 12:00 pm

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

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

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

Public Comment

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

13. Correspondence

Correspondence was available online.

14. Board Member Requests

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

15. Date/Time of Next Regular Meeting:

Thursday, January 5, 2023 at 9:00 am via Zoom and in person at the San Mateo County Transit District, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA.

16. Adjourn

Adjourned at 12:13 pm

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