



AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

Advocacy and Major Projects (AMP) Committee Meeting

Committee Members: Steve Heminger (Chair), Cindy Chavez, Jeff Gee

This meeting will be conducted as a hybrid teleconference and in-person meeting pursuant to [Assembly Bill 2449](#) (Government Code Section 54953). Directors, staff, and the public may participate remotely via Zoom at <https://us06web.zoom.us/j/84582532747?pwd=dGdjV3lQVW1RUGUyZk9SSml6aXZRZz09> or by entering Webinar ID: **845 8253 2747**, Passcode: **268109**, in the Zoom app for audio/visual capability or by calling 1-669-444-9171 (enter webinar ID and press # when prompted for participant ID) for audio only. The video live stream will be available after the meeting at <https://www.caltrain.com/video-board-directors>.

Public Comments: 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 in 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 via the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM. Use the Raise Hand feature to request to speak. For public 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 the Hand feature for public comment and press *6 to accept being unmuted when recognized to speak for three minutes or less. 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.

February 22, 2023 - Wednesday

3:30 pm

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

1. Call to Order / Pledge of Allegiance
2. Roll Call
3. Public Comment on 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 to reply.
4. State and Federal Legislative Update and Approval of Legislative Proposal: Support ACA 1 (Aguiar-Curry) Motion
5. Link21 Update Informational
6. San Francisco Downtown Rail Extension (DTX) Project Update Informational
7. Metropolitan Transportation Commission (MTC)/Regional Update Informational
8. Committee Member Requests
9. Date/Time of Next Regular AMP Committee Meeting: Wednesday, March 29, 2023 at 3:30 pm.
The meeting will be accessible via zoom and in person at the San Mateo County Transit District, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue
10. 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 Advocacy and Major Projects (AMP) Committee: Two Wednesdays before the Board meeting, 3:30 pm. The date, time, and location of meetings may be changed as necessary. Meeting schedules for the Board and committees are available on the website.

Location of Meeting

Due to COVID-19, the meeting will only be via teleconference as per the information provided at the top of the agenda. The Public may not 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*

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Accessible Public Meetings/Translation

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

Availability of Public Records

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

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Advocacy and Major Projects (AMP) Committee
Through: Michelle Bouchard, Executive Director
From: Casey Fromson, Chief Communications Officer
Subject: **State and Federal Legislative Update and Approval of Legislative Proposal:
Support ACA 1 (Aguiar-Curry)**

Finance Committee Recommendation Advocacy and Major Projects Committee Recommendation Staff Coordinating Council Reviewed Staff Coordinating Council Recommendation

Action

Staff proposes the Committee recommend the Board:

1. Receive the attached State and Federal Legislative Updates
2. Approve Legislative Proposal: Support ACA 1 (Aguiar – Curry)

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 Affairs 650.730.6172
Officer



February 10, 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 – March 2023**

General Update

The Legislature is back in session and legislators are busy introducing new legislation until the bill introduction deadline on February 17.

Budget Update

As discussed in last month's report, the Governor presented his proposed 2023-24 January Budget in mid-January. To deal with the projected \$22.5 billion deficit, the proposed budget included various "trigger reductions" in the climate and transportation sector, including a \$2 billion reduction in Transit Intercity Rail Capital Program (TIRCP) funding.

In response, Senator Wiener submitted a letter signed by 12 other legislators (some of whom are part of Caltrain's legislative delegation) urging the Governor to restore the reductions and provide transit operations funding based on the fiscal cliff faced by many transit agencies.

TIRCP Update. On January 31, the much-anticipated TIRCP awards were announced and Caltrain secured \$367 million in state funding for the Peninsula Corridor Electrification Project (PCEP).

Bills with Recommended Action

ACA 1 (Aguiar-Curry) – Local Government Financing. Assemblymember Aguiar-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. Caltrain supported this measure in 2021. *Recommend support.*

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.

AB 463 (Hart) - Public Transit Electricity Prioritization. This bill would require the California Public Utilities Commission (CPUC) to consider the impacts of stopping electrical service to the operation of public transit vehicles when establishing priorities for electrical services that provide public benefits.

AB 557 (Hart) - Brown Act Teleconference Flexibilities. This bill would remove the sunset established in AB 361 (R. Rivas) as well as increase the time period when the Board must renew the findings of an emergency or need for social distancing from 30 days to 45 days.

AB 610 (Holden) - Free Youth Transit Passes. Assemblymember Holden reintroduced AB 1919 from last session that requires the creation of a Youth Free Transit Pass Pilot program.

SB 411 (Portantino) - Brown Act Flexibility for Appointed Bodies. This bill would allow local legislative bodies with appointed members to use teleconferencing indefinitely regardless of the presence of an emergency.

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. 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: Grant funding awarded

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.

Caltrans – Caltrans has released the FY 2023-24 Sustainable Transportation Planning Grant application guide and call for applications. The program has a total of \$84 million available for transportation planning projects statewide.

Current Guidelines: Guidelines can be found here.

Status: Applications are due March 9, 2023.

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.

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 2/10/2023

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 Public Employment and Retirement	Watch

			Item #4 2/22/2023
AB 241 (Reyes D) Clean Transportation Program.	Introduced: 1/9/2023 The California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007 creates the Clean Transportation Program, administered by the State Energy Resources Conservation and Development Commission, to provide funding to certain entities to develop and deploy innovative technologies that transform California’s fuel and vehicle types to help attain the state’s climate change policies. This bill would state the intent of the Legislature to enact future legislation related to the Clean Transportation Program.	Assembly Print	Watch
AB 463 (Hart D) Electricity: prioritization of service: public transit vehicles.	Introduced: 1/13/2023 Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law requires the commission to establish priorities among the types or categories of customers of every electrical corporation and every gas corporation, and among the uses of electricity or gas by those customers, to determine which of those customers and uses provide the most important public benefits and serve the greatest public need, and to categorize all other customers and uses in order of descending priority based on these standards. Existing law requires the commission, in establishing those priorities, to consider, among other things, the economic, social, and other effects of a temporary discontinuance in electrical or gas service to certain customers or for certain uses, as specified. If an electrical or gas corporation experiences a shortage of capacity or capability and is unable to meet all demands by its customers, existing law requires the commission to order that service be temporarily reduced by an amount that reflects the established priorities for the duration of the shortage. This bill would require the commission, in establishing those priorities, to also consider the economic, social equity, and mobility impacts of a temporary discontinuance in electrical service to the customers that rely on electrical service to operate public transit vehicles. This bill contains other related provisions and other existing laws.	Assembly Print	Watch
AB 480 (Ting D) Surplus land.	Introduced: 2/6/2023 Existing law prescribes requirements for the disposal of surplus land by a local agency, as defined, and requires, except as provided, a local agency disposing of surplus land to comply with certain notice requirements before disposing of the land or participating in negotiations to dispose of the land with a prospective transferee, particularly that the local agency send a notice of availability to specified entities that have notified the Department of Housing and Community Development of their interest in surplus land, as specified. Under existing law, if the local agency receives a notice of interest, the local agency is required to engage in good faith negotiations with the entity desiring to purchase or lease the surplus land. Existing law defines terms for purposes of these provisions, including the term “exempt surplus land,” which includes, among other things, surplus land that is put out to open, competitive bid by a local agency, as specified, for purposes of a mixed-use development that is more than one acre in area, that includes not less than 300 housing units, and that restricts at least 25% of the residential units to lower income households with an affordable sales price or an affordable rent for a minimum of 55 years for rental housing and 45 years for ownership housing. This bill would modify these provisions to require that the mixed-use development include not less than 300 residential units.	Assembly Print	Watch
AB 557 (Hart D) Open meetings: local agencies: teleconferences.	Introduced: 2/7/2023 Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via	Assembly Print	Watch

	<p>teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency’s jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health, as specified. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. Existing law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Existing law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely. The bill would also extend the period for a legislative body to make the above-described findings related to a continuing state of emergency and social distancing to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 2/8/2023</p>		<p>Item #4 2/22/2023</p>
<p>AB 610 (Holden D) Youth Transit Pass Pilot Program: free youth transit passes.</p>	<p>Existing law declares that the fostering, continuance, and development of public transportation systems are a matter of state concern. Existing law authorizes the Department of Transportation to administer various programs and allocates moneys for various public transportation purposes. Upon the appropriation of moneys by the Legislature, this bill would create the Youth Transit Pass Pilot Program, administered by the department, for purposes of awarding grants to transit agencies for the costs of creating, designing, developing, advertising, distributing, and implementing free youth transit passes to persons attending certain educational institutions, providing free transit service to holders of those passes, and administering and participating in the program, as specified. The bill would authorize a transit agency to submit a grant application in partnership with one or more educational institutions and would also authorize grant funds to be used to maintain, subsidize, or expand an existing fare free program, as provided. The bill would authorize a transit agency with an existing fare free program that enables a person 18 years of age or younger to use a transit agency’s bus and rail services without paying any additional fare or charge to submit an application without an educational institution partner, as provided. The bill would require the department to submit a report to specified committees of the Legislature on or before January 1, 2028, on, among other things, the outcomes of the program and the funding conditions associated with offering free youth transit passes, the status of transit pass programs statewide, and whether these provisions led to reductions in the emissions of greenhouse gases and vehicle miles traveled, as provided. The bill would repeal its provisions as of</p>	<p>Assembly Print</p>	<p>Watch</p>

	January 1, 2029. This bill contains other existing laws. Introduced: 2/9/2023		Item #4 2/22/2023
<u>ACA 1 (Aguiar-Curry D)</u> Local government financing: affordable housing and public infrastructure: voter approval.	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. Introduced: 12/5/2022	Assembly Print	Watch
<u>SB 84 (Gonzalez D)</u> Clean Transportation Program.	The California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007 creates the Clean Transportation Program, administered by the State Energy Resources Conservation and Development Commission, to provide funding to certain entities to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. This bill would state the intent of the Legislature to enact future legislation related to the Clean Transportation Program. Introduced: 1/13/2023	Senate Rules	Watch
<u>SB 229 (Umberg D)</u> Surplus land: disposal of property: violations: public meeting.	Existing law prescribes requirements for the disposal of land determined to be surplus land by a local agency. Those requirements include a requirement that a local agency, before disposing of a property or participating in negotiations to dispose of that property with a prospective transferee, send a written notice of availability of the property to specified entities, depending on the property's intended use, and send specified information in regard to the disposal of the parcel of surplus land to the Department of Housing and Community Development. Existing law, among other enforcement provisions, makes a local agency that disposes of land in violation of these disposal provisions, after receiving notification of violation from the department, liable for a penalty of 30% of the final sale price of the land sold in violation for a first violation and 50% for any subsequent violation. Under existing law, except as specified, a local agency has 60 days to cure or correct an alleged violation before an enforcement action may be brought. This bill would require a local agency that has received a notification of violation from the department to hold an open and public session to review and consider the substance of the notice of violation. The bill would require the local agency's governing body to provide prescribed notice no later than 14 days before the public session. The bill would prohibit the local agency's governing body from taking final action to ratify or approve the proposed disposal until a public session is held as required. By imposing new duties on local agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. Introduced: 1/23/2023	Senate Gov. & F.	Watch
<u>SB 411 (Portantino D)</u> Open meetings: teleconferences: bodies	Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify	Senate Rules	Watch

with appointed membership.	<p>each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would alternatively define “legislative body” for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the act. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 2/9/2023</p>		<p>Item #4 2/22/2023</p>
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Total Measures: 12

Total Tracking Forms: 12

Caltrain Federal Report January 2023 – February 2023

Administration Update

White House Issues New NOFO Calendar

- The White House has released a new [notice of funding opportunity calendar](#) which includes both open NOFOs and a calendar for NOFOs for the Infrastructure Investment and Jobs Act (IIJA).
- In addition, the Administration has published:
 - [State Fact Sheets](#) that summarize how IIJA is helping each state. \$18.1 billion for over 570 projects in has been announced for [the state of California](#) to date. This includes \$2 billion to improve public transit in FY 2022 and 2023.
 - [Updated BIL maps](#) that reflect the more than 20,000 projects and funding awards announced.
 - An updated [build.gov](#) layout with an illustrated map showing some early signature projects funded so far.

Congressional Update

Congress Announces Transportation Committee Leadership

- Both the Senate and House have announced the leadership and finalized the membership for each of the committees for the 118th Congress.
 - House Transportation & Infrastructure Committee (oversees transit, rail, and highways policy): Chairman Sam Graves (R-MO) and Ranking Member Rick Larsen (D-WA)
 - Senate Committee on Commerce, Science, and Transportation (oversees rail policy): Chairwoman Maria Cantwell (D-WA) and Ranking Member Ted Cruz (R-TX)
 - Senate Banking, Housing, and Urban Affairs (oversees transit policy): Chairman Sherrod Brown (D-OH) and Ranking Member Tim Scott (R-SC)
 - House Transportation-HUD Appropriations Subcommittee: Chairman Tom Cole (R-OK) and Ranking Member Mike Quigley (D-IL)

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- Senate Transportation-HUD Appropriations Subcommittee: Chairman Brian Schatz (D-HI) and Ranking Member Susan Collins (R-ME)

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.
- [Areas of Persistent Poverty Program](#). \$20 million available. All applications due by March 10, 2023.
- [Corridor Identification and Development Grant Program](#). \$365 million available. All applications due by March 27, 2023.
- [FY22 Federal-State Partnership for Intercity Passenger Rail Grant Program](#). The original deadline for this program was March 7, 2023, but it was recently extended to April 21, 2023. In addition, the funding available for the program has been increased due to funding made available through FY23 omnibus bill, adding up to an additional \$2.3 billion for a total of up to \$4.6 billion.

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Advocacy and Major Projects (AMP) Committee
Through: Michelle Bouchard, Executive Director
From: Dahlia Chazan, Deputy Chief, Caltrain Planning
Subject: **Link21 Update**

Finance
Committee
Recommendation

Technology,
Operations,
Planning, and
Safety Committee
Recommendation

Advocacy and
Major Projects
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 on the status of Caltrain’s ongoing work to support and advise the Link21 program, led by BART and the Capitol Corridor Joint Powers Authority (“CCJPA”). Caltrain staff meets with program leadership on a monthly basis, to support our partner’s work and to ensure that the interests of the JPB are represented during the planning phases of Link21.

Budget Impact

No budget impact.

Background

The 21-county Northern California Megaregion, encompassing an area of over 24,000 miles, is home to 12.5 million people and is the fifth largest megaregional economy in the United States. Along with economic and population growth over the past 30 years, the Megaregion has experienced increasing income inequality and displacement as residents struggle to live affordably and within easy reach of work, school, shopping, and recreation.

The existing and proposed future BART and regional rail services (including commuter, intercity, and high-speed rail) is unable to effectively meet the future needs of the Megaregion. Without new investments in existing services and a new transbay crossing, most trips will continue to be made by car, contributing to increased congestion and greenhouse gas emissions, unreliable travel times, and damage to the environment and public health.

BART and CCJPA, with support from the California State Transportation Agency (CalSTA), have partnered to advance the Link21 program which is focused on a new transbay passenger rail crossing. Caltrain staff are working closely with the Link21 program to support our partner's efforts and represent the interests of the JPB.

Prepared By: Sam Sargent

Director, Strategy & Policy

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**Peninsula Corridor Joint Powers Board
Staff Report**

To: Advocacy and Major Projects (AMP) Committee
Through: Michelle Bouchard, Executive Director
From: Dahlia Chazan, Deputy Chief, Caltrain Planning
Subject: **San Francisco Downtown Rail Extension (DTX) Project Update**

Finance
Committee
Recommendation

Technology,
Operations,
Planning, and
Safety Committee
Recommendation

Advocacy and
Major Projects
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating
Council
Recommendation

Action

This report includes an informational update that requires no action by the Board of Directors (“Board”) of the Peninsula Corridor Joint Powers Board (“JPB” or “Caltrain”).

Significance

Caltrain and the Transbay Joint Powers Authority (“TJPA”) are negotiating a Master Cooperative Agreement (“MCA”) for the San Francisco Downtown Rail Extension Project (“DTX” or “The Portal”) to be included in the TJPA’s August 2023 application for the Federal Transit Administration (“FTA”) Capital Investment Grants (“CIG”) Program. The MCA will address key topics, including design support and coordination; procurement and construction coordination; financial commitments; operations, maintenance, and rehabilitation; and asset disposition.

Over the course of the next six months, Caltrain staff will engage the AMP Committee and the Board to provide project updates and receive guidance on the terms of the MCA, and ultimately request approval of the MCA. This report provides an opportunity for the Committee to give input to staff on interpreting the principles as we initiate negotiations for the financial terms in the MCA.

Caltrain and TJPA are in the early stages of drafting the financial terms for the MCA. This aspect of the MCA will define the roles and responsibilities of the two agencies in payment, financing, and reporting; and define the agencies’ respective rights and responsibilities over project assets. Caltrain staff are currently reviewing the initial draft terms to assess its compatibility with the three guiding principles adopted at the February 2nd Caltrain Board meeting. The principles are as follows:

1. Project must be cost-neutral to Caltrain.
 - a. Capital Costs – Any capital contributions Caltrain makes beyond those committed to project development (PCEP, real property, \$1.5M, reimbursed staff time and resources) must be offset through committed third-party funding sources (e.g., grants).

- b. Maintaining State of Good Repair – DTX cannot detract from Caltrain’s ability to maintain its assets in a State of Good Repair.
 - c. Operating Costs – Caltrain's DTX operating contributions cannot detract from Caltrain's ability to operate the rest of the system. Any contribution of incremental operating revenue (e.g., fare revenue, special fare zone, facility revenues) must be directly attributable to DTX and any operating costs in excess of incremental operating revenue must be backstopped by non-Caltrain source(s) in case revenue projections are not met.
2. Project design, operations, and funding must be compatible with and connected to Caltrain’s existing and planned rail system and must not preclude be consistent with Caltrain’s 2040 service vision.
 3. Safety and customer experience must be the primary focus of all planning, design, construction, and operations and maintenance decisions.

Budget Impact

This informational item has no impact on the budget.

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 and will have a positive impact on Caltrain service.

The project is seeking funding through the FTA's CIG New Starts program. 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 draft 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.

On February 9th, the TJPA Board received an update on the Draft 20-Year Financial Plan that included updated draft capital and operating cost estimates. The current DTX project capital cost estimate is \$6.68 billion in year-of-expenditure dollars, and excludes maintenance of way vehicles, retrofits for vehicles to allow level boarding, and rolling stock. The incremental O&M costs for the DTX project in its project first full year of operations (2033) are preliminarily estimated at \$40 million per year in current-year dollars (2023\$). The DTX 20-Year Financial Plan is not directly a part of the MCA but will inform the financial terms of the agreement between Caltrain and TJPA.

Prepared By: Gwen Buckley Principal Planner 650-722-6827

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Advocacy and Major Projects (AMP) Committee
Through: Michelle Bouchard, Executive Director
From: Sam Sargent, Director, Strategy and Policy
Subject: **Metropolitan Transportation Commission (MTC) / Regional Update**

Finance
Committee
Recommendation

Technology,
Operations,
Planning, and
Safety Committee
Recommendation

Advocacy and
Major Projects
Committee
Recommendation

Staff Coordinating
Council Reviewed

Staff Coordinating
Council
Recommendation

Action

None. Informational only.

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 at this time.

Key Regional Items this Month

1. Major Project Advancement Policy (MAP) Updates
2. Regional Measure 3 (RM3) Update
3. MTC Regional Network Management (RNM) Framework Recommendations

1. **Major Project Advancement Policy (MAP) Updates**

Caltrain staff last presented on MAP for the November 3, 2022 MTC-Regional Update to the JPB. To recap, MAP was adopted by the MTC in October 2022 to support Plan Bay Area 2050 implementation and deliver the Bay Area’s major transportation projects.

The adopted MAP included a list of Bay Area major transportation projects and a funding endorsement table with details for Level 1 megaprojects, including Caltrain Electrification. The endorsement table guided MTC’s recommendations for the region’s Transit and Intercity Rail Capital Program (TIRCP) state funding requests:

Project/Program Title	Sponsor	Cost	Funding Gap	CIG	Other Federal	TIRCP Base	TIRCP Augment 1*	TIRCP Augment 2	SB1	Other State	Other Local/Regional	Anticipated	Total Endorsement
Revenue Envelope:				\$ 5.8	\$ 8.8	\$ 2.5	\$ 1.30	\$ 0.8	\$ 2.3	\$ 2.1	\$ 3.8	\$ 10.6	\$ 38.1
Level 1 -- Projects In, or Nearing Construction													
Peninsula Corridor Electrification Project	Caltrain	\$ 2.4	\$ 0.41	\$ 0.05	\$ 0.06	\$ -	\$ 0.30	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.41
BART Core Capacity Program	BART	\$ 4.4	\$ 0.66	\$ 0.06	\$ -	\$ -	\$ 0.25	\$ 0.35	\$ -	\$ -	\$ -	\$ -	\$ 0.66
BART to Silicon Valley Phase II	VTA	\$ 9.0	\$ 3.29	\$ 2.1	\$ -	\$ -	\$ 0.45	\$ 0.30	\$ -	\$ -	\$ 0.5	\$ -	\$ 3.30
Level 1 Megaprojects Contingency	N/A	\$ 0.5	\$ 0.40	\$ -	\$ 0.05	\$ -	\$ -	\$ 0.10	\$ -	\$ -	\$ -	\$ 0.3	\$ 0.40
Level 1 ZEB Projects		\$ 1.3	\$ 1.31	\$ -	\$ 1.11	\$ 0.10	\$ 0.10	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1.31
Level 1 BRT Projects		\$ 0.4	\$ 0.33	\$ 0.3	\$ 0.03	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.33
Transit Service Improvements and Modernization		\$ 1.3	\$ 0.75	\$ -	\$ 0.31	\$ 0.35	\$ -	\$ -	\$ 0.1	\$ -	\$ -	\$ -	\$ 0.75
Grade Separations		\$ 0.3	\$ 0.15	\$ -	\$ 0.05	\$ -	\$ 0.1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.15
Express Lanes Projects		\$ 1.0	\$ 0.96	\$ -	\$ 0.10	\$ -	\$ -	\$ -	\$ 0.3	\$ -	\$ -	\$ 0.6	\$ 0.96
Other Roadway/ATP Projects Under \$250 M		\$ 0.3	\$ 0.25	\$ -	\$ 0.10	\$ -	\$ -	\$ -	\$ 0.1	\$ 0.1	\$ -	\$ -	\$ 0.25
Level 1 Subtotal		\$ 20.9	\$ 8.5	\$ 2.5	\$ 1.7	\$ 0.5	\$ 1.2	\$ 0.8	\$ 0.4	\$ -	\$ 0.5	\$ 0.8	\$ 8.5
Level 2 -- Projects Ready for Construction													
Revenue Envelope:				\$ 3.3	\$ 7.1	\$ 2.0	\$ 0.1	\$ 0.1	\$ 1.9	\$ 2.1	\$ 3.3	\$ 9.8	\$ 29.6
Caltrain Downtown Extension (DTX)**	TJPA	\$ 6.5	\$ 4.2			\$ 0.50	\$ 0.06						\$ -
Valley Link Rail Project - Initial Operating Segment	Valley Link	\$ 1.9	\$ 1.2			\$ 0.30	\$ 0.04						\$ -
Level 2 Megaprojects Contingency	N/A	\$ 0.4	\$ 0.4										\$ -
Level 2 ZEB Projects		\$ 1.3	\$ 1.3			\$ 0.10		\$ 0.05					\$ -
Level 2 BRT Projects		\$ 0.3	\$ 0.3										\$ -
Transit Service Improvements and Modernization		\$ 1.0	\$ 0.7			\$ 0.30							\$ -
Grade Separations		\$ 0.8	\$ 0.7										\$ -
Express Lanes Projects		\$ 1.0	\$ 1.0										\$ -
Goods Movement		\$ 0.6	\$ 0.3										\$ -
Roadway-Other		\$ 0.7	\$ 0.7										\$ -
Level 2 Subtotal		\$ 14.4	\$ 10.7	\$ -	\$ -	\$ 1.2	\$ 0.1	\$ 0.1	\$ -	\$ -	\$ -	\$ -	\$ -

* = Likely future endorsement areas

October 2022 MTC funding endorsement table

Caltrain was ultimately awarded \$367 million to complete the electrification project, which is \$67 million more than the October 2022 approved funding endorsement. At the February 8, 2023 MTC Programming and Allocations Committee, MTC staff proposed a timeline for anticipated annual updates to MAP:

- February – information item on MAP Stage Gate Evaluation Policy and Procedure and new MAP Programmatic Categories.
- March – information item with proposed updates to the MAP Endorsement Table based on new project (i) cost information, (ii) funding awards, including the Caltrain Electrification state and federal awards, and (iii) newly identified funding sources for Bay Area major transportation projects.
- April – MTC adoption of proposed MAP Revisions, as detailed below.

1. **Major Project Advancement Policy (MAP) Updates** (Continued)

MTC staff proposes an update to the MAP Endorsement Table to reflect Caltrain’s \$367 million state TIRCP award on in January 2023 and \$43 million in additional federal dollars, thanks to the support of then-Speaker Pelosi, Senators Feinstein and Padilla, and the three-county federal delegation.

Other updates to the MAP Endorsement Table include \$250 million in TIRCP funds for BART’s Core Capacity Program and \$375 million in TIRCP funds for the VTA-led BART to Silicon Valley Phase II project. The latter’s increased cost estimates, transition into a different FTA Capital Investment Grant (CIG) program and newly projected FTA funding amount will be reflected in the updated Endorsement Table, along with updated costs for the Transbay Joint Powers Authority (TJPA)-led Downtown Extension (DTX) project.

- **Caltrain Staff Note:** with funding to complete Caltrain Electrification now secured from state and federal sources, staff is not concerned with the MTC updates to the MAP Endorsement Table. This update will reflect the latest cost estimates and grant awards.

More significant than the Endorsement Table update are the MTC staff-proposed Stage Gate Evaluation Policy and Procedure for major transportation projects. Caltrain staff have been expecting these new policies to guide implementation of MAP since October 2022. The policy framework slated for April 2023 MTC approval will include:

- Principles for Stage Gate Evaluation including (1) customer experience and need, (2) adherence to Play Bay Area and related fiscal constraints, (3) ability of a project sponsor to provide regional leadership and assistance on major project delivery, and (4) close partnership with state and federal partners.

- Framework for Evaluation focused on (i) cost and funding, (ii) adherence to Plan Bay Area and regional policies, and (iii) risk management;
- Process for Evaluation including (a) requests for entry into MAP or movement between MAP levels, (b) evaluation criteria, and (c) requests for MTC action.

MTC staff has also included the development of a “regional forum of peers with expertise in project delivery” as a potential piece of the MAP project evaluation process.

- **Caltrain Staff Note:** staff are closely monitoring MTC proposals related to regionalization of project delivery. So far, the idea has been floated in this MAP policy update as well as an early version of the MTC-led Rail Partnership Study. Caltrain is committed to partnering on capital projects with other operators and local jurisdictions, as the railroad currently does on many grade separations, but must retain a substantive level of control over project delivery on the corridor.

1. **Major Project Advancement Policy (MAP) Updates** (Continued)

The MAP Stage Gate Evaluation Policy and Procedure includes risk assessments, which are largely based on existing FTA Risk Management principles and state criteria:

- Assessment of project capital and operating costs and funding;
- Project governance, administration, and integration of the project into the regional transportation network;
- Transparency to the public, customers, funding partners, and transit operators.

Finally, the MAP update includes six programmatic categories to organize regional projects under \$1 billion in capital cost. The goal, according to MTC staff, was to better evaluate and prioritize projects within the context of their category:

Proposed Categories	Status/Next Step	Establish Levels in MAP
Express Lanes	Develop Regional Strategic Plan	Summer 2023
Grade Separations	Assign Projects to MAP Levels in Summer 2023 – Consistent with BIL Strategy	Summer 2023
Zero Emission Transit Transition	Develop Regional Strategic Plan - Identify Level 1 projects for 2023 federal funding cycle	Summer 2023
Transit Expansion <i>(Formerly Bus Rapid Transit . Expand category to include expansion projects from other transit modes)</i>	Continue to work with transit operators to identify projects for FTA Small Starts and other funding opportunities	TBD
Transit Priority, Networks, and State of Good Repair <i>(Formerly Transit Service Improvements and Modernization. Includes all projects in existing category minus projects moved to Major Transit Expansion; Elevates transit priority projects)</i>	February 2023 – MTC to award \$21 million for transit priority projects through Transit Priority Initiative program 2023 – 2024 – Inventory and identify additional projects and develop MAP Levels for funding opportunities.	Late 2023
Goods Movement <i>(New category including some projects from “Other Roadway”)</i>	Assign Projects to MAP Levels in March 2023 – Consistent with BIL Strategy	Summer 2023
Other Roadway <i>(Same as existing minus Goods Movement projects)</i>	Assign Projects to MAP Levels in March 2023 – Consistent with BIL Strategy	Summer 2023

Requested JPB Action: None at this time. Caltrain staff will continue to work closely with MTC to ensure a thorough understanding of the MAP Stage Gate Evaluation Policy and Procedure by transit operators. The goal is to advance projects of importance to the railroad, Caltrain customers, and the communities we serve.

2. Regional Measure 3 (RM3) Update

Last month, this report shared the good news that 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 ended a multi-year dispute that prevented many transit operators from accessing hundreds of millions of dollars in bridge toll revenues.

With \$4.5 billion for capital projects, the RM3 Expenditure Plan includes Caltrain-related investments in DTX (\$325 million), Diridon Station developments (\$100 million), and the Next Generation Clipper Fare Payment System (\$50 million).

Letters of No Prejudice (LONPs), which allow a project sponsor to proceed with RM3-eligible work, backed by local funding, while preserving eligibility for future RM3 reimbursement dating back to the date of the LONP have been issued for many projects since the legal challenge began. To date, \$598 million in LONP-backed funding has been approved by MTC, including \$30 million for Next Generation Clipper and \$30 million for Diridon Station.

Requested JPB Action: None at this time. While RM3 did not originally include funds for Caltrain-sponsored projects, the dismissal of the challenge is great news for the projects that will ultimately benefit the railroad and the flow of transportation project dollars.

3. MTC Regional Network Management (RNM) Framework Recommendations

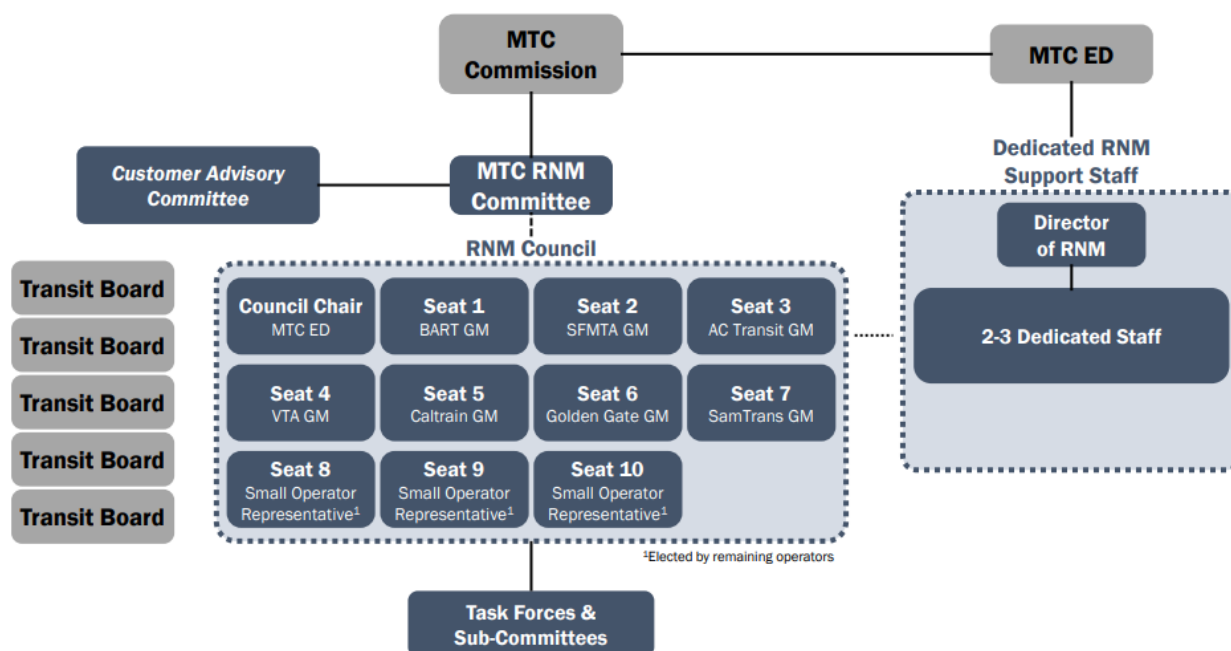
For over a year, Caltrain staff have provided updates on the progress of the MTC-led RNM Business Case. The railroad was represented on the RNM Business Case Advisory Group by Executive Director Bouchard.

The “core purpose” of RNM is to improve the transit customer experience on a regional scale and advance regional improvement projects more efficiently and effectively. The RNM Business Case and RNM Framework focused on six functional areas to determine the correct role of regional actors and transit operators:

- Fare Integration Policy
- Wayfinding and Mapping
- Accessibility
- Bus Transit Priority
- Rail Network Management
- Connected Network Planning

4. MTC Regional Network Management (RNM) Framework Recommendations (Cont.)

To implement the RNM Framework and better coordinate improvement projects in these six functional areas, MTC and consultant staff (with input from transit operators) have proposed the following structure:



- **Caltrain Staff Note:** The JPB has seen this structure graphic in previous month's MTC-Regional Reports. Caltrain executive staff have publicly expressed support for this structure, which ensures Caltrain's seat on the RNM Council. The makeup of MTC commissioners on the RNM Committee is to be determined. Representation of Caltrain's three county service area there will be critical and is expected. Staff will continue to advocate for the railroad's interests in this process and has followed up with MTC staff on an earlier JPB question about the role of transit boards.

MTC staff has developed a 180-day RNM startup plan, which would seat the RNM Committee and RNM Council, as well as kick off the hiring process for dedicated MTC staff to support this work. MTC will take action on the RNM Framework and related policies at the February 22, 2023 Commission meeting.

Requested JPB Action: None at this time.

Prepared By: Sam Sargent

Director, Strategy & Policy

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