



BOARD OF DIRECTORS 2023

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 EXECUTIVE DIRECTOR

# AGENDA

## PENINSULA CORRIDOR JOINT POWERS BOARD

### Technology, Operations, Planning, and Safety (TOPS) Committee Meeting

Committee Members: Rico E. Medina (Chair), Pat Burt, Shamann Walton

**This meeting will be conducted as a hybrid teleconference and in-person meeting pursuant to the Brown Act. Members of the public may participate remotely or in-person, provided that they satisfy the safety protocols listed below.**

Members of the public may participate remotely via Zoom at <https://us06web.zoom.us/j/81186731470?pwd=OUE3b0ZiY3ZoYzRCN280UG5Gbi9WZz09> or by entering Webinar ID: **811 8673 1470**, Passcode: **274739**, in the Zoom app for audio/visual capability or by calling 1-669-219-2599 (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>.

Members of the public also may participate in person at: San Mateo County Transit District, Bacciocco Auditorium - Second Floor, 1250 San Carlos Ave., San Carlos, CA, or any other noticed location 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](mailto: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>.

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*

**April 26, 2023 - Wednesday** **9:00 am**

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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. Meeting Minutes of February 22, 2023 Motion
5. Award of Contract for Preliminary Engineering Design Services for the South Linden Avenue and Scott Street Grade Separation Project\* Motion
6. Award of Contract for Construction Manager General Contractor Pre-Construction Services for the Mountain View Transit Center Grade Separation and Access Project\* Motion
7. Authorize Use of Construction Manager General Contractor (CMGC) Project Delivery Method Pursuant to Public Utilities Code Section for the Rengstorff Avenue Grade Separation Project Motion
8. Authorize Amendment of Cooperative Agreement between JPB, VTA, and ACE to Accept Funds from ACE for Guadalupe River Bridge Replacement Project and to Extend Term of Agreement\* Motion

~~9. Award of Contract to Compass for Shuttle Services for the Caltrain Bayshore Painting Project and Increase Construction Project Contingency Authority to 30% of Contract Price for Contract 20-J-C-079\*~~ Motion

~~10.9~~ Authorize the Executive Director to Execute a Service Agreement with the City of Menlo Park in Support of the Middle Avenue Undercrossing Project\* Motion

~~10.1~~. Capital Improvement Plan (CIP) Project Initiation Informational

~~11.2~~. Update on Caltrain Safety Performance Informational

~~12.3~~. Committee Member Requests

~~13.4~~. Date/Time of Next Regular TOPS Committee Meeting: Wednesday, May 22, 2023 at 1:30 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, San Carlos, CA 94070.

~~14.5~~. 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](http://www.caltrain.com). Communications to the Board of Directors can be e-mailed to [board@caltrain.com](mailto: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 Technology, Operations, Planning, and Safety (TOPS) Committee: Two Wednesdays before the Board meeting, 1:30pm. 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

Members of the Public may attend this meeting in person or remotely via Zoom. \*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 or in person. Public comments may be submitted by comment card in person and given to the JPB Secretary. Prior to the meeting's call to order, public comment may be sent to [publiccomment@caltrain.com](mailto:publiccomment@caltrain.com) 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 in-person or 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.

Oral public comments will also be accepted during the meeting in person or 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 two 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](mailto: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  
Technology, Operations, Planning, and Safety (TOPS) Committee  
1250 San Carlos Avenue, San Carlos CA 94070**

**Draft Minutes of February 22, 2023**

**MEMBERS PRESENT:** Rico Medina (Chair), Pat Burt, Shamann Walton

**MEMBERS ABSENT:** None

**STAFF PRESENT:** M. Bouchard, R. Barnard, S. Sargent, M. Tseng, S. Wong

**1. Call to Order/Pledge of Allegiance**

Chair Rico Medina called the meeting to order at 1:30 pm and led the Pledge of Allegiance.

**2. Roll Call**

Executive Director Michelle Bouchard called the roll and confirmed a quorum was present.

**3. Public Comment for Items Not on the Agenda**

There were no public comments.

**4. Authorize Memorandum of Understanding with the Transportation Agency for Monterey County (TAMC) for Salinas Extension**

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

- TAMC-JPB (Joint Powers Board) MOU (Memorandum of Understanding) for Salinas Extension project background.
- 2006 Final Environmental Impact Report has no expiration date.
- Gilroy-Salinas feasibility study in 2020.
- TAMC-JPB MOU overview included being cost-neutral to Caltrain, no changes to mainline service, and TAMC must address all risk and no changes to the Joint Powers Agreement governance structure.

The Board had a discussion and staff provided further clarification in response to the Board members comments and questions on collaboration with South County partners in Gilroy and Morgan Hill and how it aligns with the future service model.

Motion/Second: Walton/Burt

Ayes: Burt, Walton, Medina

Noes: None

Absent: None

**5. Authorize Use of Construction Manager/General Contractor (CMGC) Project Delivery Method for the Broadway Grade Separation Project**

Rob Barnard, Deputy Chief of Rail Development, provided an update, which included the following topics:

- Project location, goals, scope, schedule, and evaluation of project delivery methods.
- Broadway/California Drive, Broadway overcrossing, and Carmelita Avenue entrance.
- Legislative basis for Construction Manager/General Contractor (CMGC).
- Design-bid-build advantages and disadvantages.
- Project delivery workshop results.
- CMGC Findings – reduce project costs, expedite project's completion, and provide features not achievable under design-bid-build.
- Staff recommends the Board authorize use of CMGC project delivery method.

The Board had a discussion and staff provided further clarification in response to the Board members comments and questions on the following: bring the contractor in on early to improve cost and schedule certainty and clarified process to ensure subcontractors are paid.

Motion/Second: Burt/Walton

Ayes: Burt, Walton, Medina

Noes: None

Absent: None

**6. Capital Projects Quarterly Status Report - 2nd Quarter Fiscal Year 2023**

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

- Reviewed the quarterly report and capital program projects with mitigation plans.
- Projects to be re-baselined in the future and near term.

The Board had a discussion and staff provided further clarification in response to the Board members comments and questions regarding the San Franciquito bridge replacement project, next steps with acoustic monitoring, and the status of the Churchill grade crossing.

**Public comment**

Apogram was unable to unmute and speak when called and an email provided as an alternative means to submit comment to the Board.

**7. Committee Member Requests**

There were none.

**8. Date/Time of Next Regular TOPS Committee Meeting:**

Wednesday, March 29, 2023 at 1:30 pm.

**9. Adjourn**

The meeting adjourned at 2:28 pm.

DRAFT



**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
 Through: Michelle Bouchard, Executive Director  
 From: Kate Steiner, Chief Financial Officer  
 Subject: **Award of Contract for Preliminary Engineering Design Services for the South Linden Avenue and Scott Street Grade Separation Project**

<input type="checkbox"/> Finance Committee Recommendation	<input type="checkbox"/> Technology, Operations, Planning, and Safety Committee Recommendation	<input type="checkbox"/> Advocacy and Major Projects Committee Recommendation	<input checked="" type="checkbox"/> Staff Coordinating Council Reviewed	<input checked="" type="checkbox"/> Staff Coordinating Council Recommendation
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**Action**

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB):

1. Award a contract to RSE Corporation of Belmont, California (RSE) to provide Preliminary Engineering Design Services for the South Linden Avenue and Scott Street Grade Separation Project (Project) for a not-to-exceed negotiated amount of \$4,287,044 for a two-year base term.
2. Authorize the Executive Director or designee to execute a contract with RSE in full conformity with the terms and conditions set forth in the solicitation documents and negotiated agreement, and in a form approved by legal counsel.
3. Authorize the Executive Director or designee to exercise up to four additional one-year option terms, for RSE to perform additional Project-related engineering and design services for a total not-to-exceed amount of \$12,190,218 as funding becomes available, and if deemed in the best interest of the JPB.

**Significance**

The Project is needed to address existing safety and traffic operational issues. The Project will construct grade separation structures at South Linden Avenue in the City of South San Francisco and Scott Street in the City of San Bruno to improve safety by eliminating pedestrian, bicycle, and motor vehicle conflicts with trains. The Project will also help improve traffic flow, decrease train delays, and reduce train horn noise, which is expected to become exacerbated in the future due to growth in vehicular traffic, greater frequency of Caltrain service, and the eventual addition of high-speed rail.

Although the South Linden Avenue and Scott Street grade crossings are in different cities, the two grade separations are being undertaken as a combined effort because of their proximity to one another. The two crossings, which are the only remaining at-grade crossings in their respective cities, are at the epicenter of economic growth and, while today's traffic volume is moderate, they are forecasted to be major traffic bottlenecks in the future.

Approval of the above actions will provide JPB with a qualified firm to provide Preliminary Engineering Design Services for the Project and support the JPB in obtaining the necessary environmental clearances for Project construction. In addition, the actions would authorize the Executive Director or designee to exercise options for RSE to perform additional related services, if deemed in the best interest of the JPB. The base contract not-to-exceed amount will include funding for the required Tasks 1 through 6, as shown below. The optional tasks, Tasks 7 through 13, will be authorized by the JPB via task order as additional services are needed and funding becomes available.

<b>Base Contract and Options</b>	<b>Services and Tasks</b>	<b>Not-To-Exceed Amounts</b>
Base Contract	Task 1 – Project Management	\$361,904
Base Contract	Task 2 – Preliminary Studies (35% Design)	\$449,961
Base Contract	Task 3 – Preliminary Engineering (35% Design)	\$2,960,058
Base Contract	Task 4 – Environmental Clearance & Right of Way Support	\$250,018
Base Contract	Task 5 – Utility Coordination	\$229,063
Base Contract	Task 6 – Project Working File Transfer	\$36,040
	<b>Total – Base Contract</b>	<b>\$ 4,287,044</b>
Option	Task 7 – Final Design (35% to 65%, 95% & 100%)	\$ 8,722,860
Option	Task 8 – Submittal of Invitation for Bids (IFB) Plans and Specifications	\$772,274
Option	Task 9 – Project Renderings	\$261,064
Option	Task 10 – Design Support During Utilities Relocation & Right of Way Phase	\$294,447
Option	Task 11 – Design Support During Construction Procurement Phase	\$134,661
Option	Task 12 – Design Support During Construction	\$1,347,653
Option	Task 13 – Design Support for Construction Manager/General Contractor (CMGC) Project Delivery Method	\$657,259
	<b>Total – Options</b>	<b>\$12,190,218</b>
	<b>Total Contract with Base plus all Options</b>	<b>\$16,477,262</b>

**Budget Impact**

An initial \$650,000 in San Mateo County Transportation Authority (TA) funding for the Project was included in the JPB's Fiscal Year 2014 Capital Budget. Additional Project funding has been approved and included in the JPB's Capital Budgets for Fiscal Years 2016, 2017, and 2019, increasing the total Project budget to \$895,000. The Fiscal Year 2023 Capital Budget added \$5,500,000 for the Project from the TA, the City of South San Francisco, and the City of San Bruno, bringing the total Project budget to \$6,395,000.

**Background**

On October 13, 2022, the JPB issued Request for Proposals solicitation number 23-J-P-005 for the Preliminary Engineering Design Services and advertised it in a newspaper of general circulation and on the JPB procurement website. Staff held a virtual pre-proposal conference and 24 potential proposers attended. Two firms submitted proposals as follows:

1. RSE Corporation, Belmont, CA
2. Mark Thomas & Company, Inc., San Jose, CA

In accordance with federal and state law governing the procurement of architecture and engineering services, proposals were evaluated, scored and ranked solely on qualifications, with price being negotiated only with the highest-ranked firm. A Selection Committee, composed of qualified staff from JPB's Capital Program Delivery and Engineering Department, with staff from the City of San Bruno and the City of South San Francisco serving as advisors, reviewed and scored the proposals in accordance with the following weighted criteria:

Company Qualifications, Experience & References	10 Points
Qualifications and Experience of Key Personnel	25 Points
Understanding the Required Scope of Work	30 Points
Project Management Plan	15 Points
Quality Management Plan	20 Points
Small Business Enterprise (SBE) Preference	5 Points

After the scoring of the technical proposals and conducting interviews, the Committee determined RSE to be the highest-ranked firm with the most qualified proposal and approach for the Services. The firm possesses the requisite experience and qualifications as defined in the solicitation documents. RSE and its key subconsultants have experience with grade separation projects throughout California, including: 1) San Bruno Grade Separation Project; 2) South San Francisco Station Improvement Project; and 3) Burlingame Broadway Grade Separation Project.

Staff successfully negotiated the prices with RSE for Tasks 1 through 6 under the base contract, which are required for the Preliminary Engineering and Environmental Clearance phase, conducted a price analysis for the base contract and optional services, and deemed the prices to be fair, reasonable, and consistent with those paid by other public agencies in the Bay Area for similar services. Staff may negotiate RSE’s pricing for optional Tasks 7 through 13, as the need to authorize those additional services arises and funding becomes available.

The Office of Civil Rights assessed SBE preference submissions. RSE committed to utilizing SBEs for 76% of the required Services. RSE received 5 out of 5 preference points in accordance with its level of SBE utilization. Staff will provide Project updates to the Board at future meetings and present Project construction contracts for approval following the requisite competitive processes.

Prepared By:	Patrick Ng, Procurement Administrator II	650.622.8018
	Alex Acenas, Senior Project Manager	650.730.0502

**Resolution No. 2023 –****Board of Directors, Peninsula Corridor Joint Powers Board  
State of California**

\* \* \*

**Awarding a Contract to RSE Corporation for Preliminary Engineering Design Services for the South Linden Avenue and Scott Street Grade Separation Project for a Total Not-To-Exceed Amount of \$4,287,044 for a Two-Year Base Term, and Authorizing up to Four One-Year Option Terms to Perform Additional Services for a Total Not-To-Exceed Amount of \$12,190,218**

**Whereas**, on October 13, 2022, the Peninsula Corridor Joint Powers Board (JPB) issued Request for Proposals (RFP) solicitation number 23-J-P-005 for Preliminary Engineering Design Services for the South Linden Avenue and Scott Street Grade Separation Project (Project); and

**Whereas**, in response to the RFP, the JPB received two proposals; and

**Whereas**, the Selection Committee (Committee) scored, interviewed, and ranked the proposals according to the qualifications-based evaluation criteria set forth in the RFP; and

**Whereas**, the Committee completed its evaluation process, and determined that RSE Corporation of Belmont, California (RSE) is the highest-ranked proposer and possesses the necessary qualifications and requisite experience to successfully perform the scope of services defined in the solicitation documents; and

**Whereas**, staff completed negotiations with RSE, conducted a price analysis for the base contract and optional services, and determined that RSE has agreed to perform the specified services at fair and reasonable prices; and

**Whereas**, RSE has pledged 76% Small Business Enterprise (SBE) participation, as verified by the Office of Civil Rights, in which RSE is a certified SBE, and subcontracted work to four

certified SBE firms: AMC Consulting Engineers, Inc., Callander Associates Landscape Architecture, Inc., CHS Consulting Group, and PARIKH Consultants, Inc.; and

**Whereas**, staff and legal counsel have reviewed RSE's proposal and have determined that it complies with the requirements of the solicitation documents; and

**Whereas**, staff recommends that the Board of Directors (Board) award a contract to RSE for Preliminary Engineering Design Services for the Project for a total not-to-exceed amount of \$4,287,044 for a two-year base term, and authorize the Executive Director or designee to exercise up to four one-year option terms for additional related services for a total not-to-exceed amount of \$12,190,218, as funding becomes available and if in the best interest of the JPB.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a contract to RSE Corporation of Belmont, California for the Preliminary Engineering Design Services for the South Linden Avenue and Scott Street Grade Separation Project for a total not-to-exceed amount of \$ 4,287,044 for a two-year base term; and

**Be It Further Resolved** that the Board authorizes the Executive Director or designee to execute a contract with RSE in full conformity with the terms and conditions of the RFP and negotiated agreement, and in a form approved by legal counsel; and

**Be It Further Resolved** that the Board authorizes the Executive Director or designee to exercise up to four additional one-year option terms for RSE to perform additional related services for a total not-to-exceed amount of \$12,190,218, as funding becomes available and if deemed in the best interest of the JPB.

Regularly passed and adopted this 4th day of May, 2023 by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

Attest:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Kate Steiner, Chief Financial Officer  
Subject: **Award of Contract for Construction Manager General Contractor Pre-Construction Services for the Mountain View Transit Center Grade Separation and Access Project**

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**

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (Caltrain or JPB):

1. Award a Contract to Stacy & Witbeck, Inc. and Myers & Sons Construction (SWM), a joint venture headquartered in Alameda, CA to provide Pre-Construction Services (Services) for the Mountain View Transit Center Grade Separation and Access Project (Project) for an amount of \$1,488,869.
2. Authorize the Executive Director or designee to execute a contract with SWM in full conformity with the terms and conditions set forth in the solicitation documents and negotiated agreement, and in a form approved by legal counsel.

**Significance**

The Project will close the Caltrain grade crossing at Castro Street in Downtown Mountain View to vehicles, re-direct vehicular traffic from Castro Street to Shoreline Boulevard via a ramp from West Evelyn Avenue, and modify traffic movements at the Central Expressway/Moffett Boulevard intersection. The Project will also provide new access to and from the Mountain View Transit Center and downtown Mountain View via a shared use pathway and vertical circulation for pedestrians and bicycles under the tracks and Central Expressway.

Construction will be confined to the railroad, City of Mountain View, Central Expressway rights-of-way and may require temporary construction easements to enter onto private property as required. Caltrain will make accommodations to maintain Caltrain service and to facilitate traffic movements, including on Central Expressway, will be provided during staged construction of the Project.



Board approval of the above actions will provide the JPB with a qualified firm to provide CMGC pre-construction services for the final design, including the review of plans, specifications, and preparation of estimates and schedules, for the Project.

#### Pre-Construction Services:

The CMGC will work closely with the JPB staff and other consultants to perform pre-construction services to assist in the development of the final design and packaging of the construction work. The CMGC will work with the final designer, HNTB Corporation, in reviewing the Schematic Design Documents, the Design Development Documents, and the Construction Documents to ensure an efficient design and construction. The CMGC will participate in design decisions by providing information, estimates, schemes, and recommendations regarding construction materials, means and methods, systems, phasing, and costs within the budget and schedule for the Project.

During the Pre-Construction Services Phase, the CMGC will work closely with the JPB and the HNTB team to:

- Provide input on long-lead material procurement times, pricing, procurement strategies and alternatives for materials and equipment;
- Identify the recommended division of construction work into bid packages and order of bidding, and develop a detailed preliminary construction schedule;
- Perform periodic reviews of evolving design and make suggestions with regard to means and methods of construction; provide constructability recommendations and guidance; assist the JPB and HNTB with time and cost control;
- Identify phased construction opportunities and constraints;
- Employ detailed constructability reviews and workshops including trade sequencing optimization, identify early work packages and long lead items, and recognition of and development of prefabrication/pre-assembly economies;
- Monitor market conditions for Project with subcontractors and material suppliers to assess workloads, bonding capacity availability, and worker/mechanic availability and to develop interest in the Project and in bidding on the Work; and
- Identify areas of space for storage, parking, and temporary facilities throughout construction phasing.

#### **Budget Impact**

On October 6, 2022, the JPB authorized the execution of the amended cooperative agreement to receive funding for additional final design cost and the construction manager general contractor (CMGC) Pre-Construction Phase and amendment of the Project budget from \$11,200,000 to \$18,000,000.

Following execution of the Amendment to the Cooperative Agreement between the JPB, VTA, and City for the Mountain View Transit Center Grade Separation and Access Project, JPB staff included the additional funding contribution of \$7 million from VTA into the FY2023 Capital budget for the Project as follows: an additional \$3 million for the Final Design, Environmental

Permitting and Right-of-Way Engineering phases, and \$4 million for the CMGC Pre-Construction Phase.

**Background**

On August 4, 2022, the JPB adopted the CMGC Findings and authorized the use of the CMGC Project Delivery Method pursuant to Public Utilities Code Section 103393 et seq. for the Mountain View Transit Center Grade Separation and Access Project.

On October 25, 2022, the JPB issued a Request for Proposals (RFP), solicitation number 23-J-C-011, for the Services and advertised it in a newspaper of general circulation and on the JPB procurement website. Staff held a pre-proposal video conference and 10 potential Proposers attended.

On December 22, 2022, the following five firms and joint ventures submitted Proposals:

1. Clark / Shimmick Joint Venture, San Francisco, CA
2. Flatiron / Herzog Joint Venture, Concord, CA
3. Stacy and Witbeck / Myers Joint Venture, Alameda, CA
4. Walsh Construction Company II, Concord, CA
5. Kiewit Infrastructure West Co., Fairfield, CA

A Selection Committee composed of qualified staff from JPB’s Capital Program Delivery and Engineering Departments and the City of Mountain View and Santa Clara Valley Transit Authority, reviewed and scored the Proposals in accordance with the following weighted criteria:

Team Organization and Management Plan	5 Points
Company Qualifications, Experience, and References	20 Points
Qualifications and Experience of Key Personnel	20 Points
Understanding the Required Scope of Services	30 Points
Plans	10 Points
Cost Proposal and/or Labor Rates	15 Points
Small Business Enterprise (SBE) Preference	5 Points

After the initial scoring of the technical proposals, the Committee determined SWM to be the highest-ranked firm with the most qualified Proposal and approach for the Services. The firm possesses the requisite experience and qualifications as defined in the solicitation documents. SWM and its key subcontractors have experience with CMGC delivery process and worked on grade separation projects including: 1) Mid-Coast Transit Corridor CMGC Project, San Diego, CA; 2) Portland Milwaukie LRT Extension, Portland, OR; and 3) SR 140 Ferguson Rockslide Restoration, Mariposa, CA.

Staff successfully negotiated the Pre-Construction Phase prices with SWM, conducted a price analysis for the base contract, and determined the prices to be fair, reasonable, and consistent

with those paid by other public agencies in the Bay Area for similar services. The Office of Civil Rights assessed SBE preference submissions from all five proposers. SWM committed to utilizing SBEs for 12.4% of the required Services. SWM received 4 points out of the 5 preference points in accordance with its level of SBE utilization. Staff will provide Project updates to the Board at future meetings and will seek Board approval for the award of the Construction Phase.

Prepared By:	Kevin Yin	Director, Contracts and Procurement	650.622.7860
	Alvin Piano	Project Manager	650.453.8099

**Resolution No. 2023 –**

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

\* \* \*

**Awarding a Contract to Stacy & Witbeck, Inc. and Myers & Sons Construction, a Joint Venture, for the Construction Manager General Contractor Pre-Construction Services for the Mountain View Transit Center Grade Separation and Access Project for \$1,488,869**

**Whereas**, on August 4, 2022, pursuant to Resolution No. 2022-45, the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) authorized the use of the Construction Manager General Contractor (CMGC) for the Mountain View Transit Center Grade Separation and Access Project; and

**Whereas**, on October 25, 2022, the JPB issued a Request for Proposals (RFP), solicitation number 23-J-C-011, for Construction Manger General Contractor (CMGC) Pre-Construction Services for the Mountain View Transit Center Grade Separation and Access Project (Project); and

**Whereas**, in response to the RFP, the JPB received five proposals; and

**Whereas**, the Selection Committee (Committee) scored and ranked the proposals according to the weighted evaluation criteria set forth in the RFP; and

**Whereas**, the Committee completed its evaluation process, and determined that Stacy & Witbeck, Inc. and Myers & Sons Construction (SWM), a joint venture incorporated in Alameda, California, is the highest-ranked proposer and possesses the necessary qualifications and requisite experience to successfully perform the scope of services defined in the solicitation documents; and

**Whereas**, staff completed negotiations with SWM, conducted a price analysis for the base contract and optional services, and determined that SWM has agreed to perform the specified services at fair and reasonable prices; and

**Whereas**, SWM has pledged 12.4% Small Business Enterprise (SBE) participation, which has been verified by the Office of Civil Rights; and

**Whereas**, staff and legal counsel have reviewed SWM's proposal and have determined that it complies with the requirements of the solicitation documents; and

**Whereas**, staff recommends that the Board award a contract to SWM for the CMGC Pre-Construction Services, at a total amount of \$1,488,869.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a contract to Stacy & Witbeck, Inc. and Myers & Sons Construction, a Joint Venture, of Alameda, California for the Construction Manager General Contractor Pre-Construction Services for the Mountain View Transit Center Grade Separation and Access Project for a total amount of \$1,488,869; and

**Be It Further Resolved** that the Board authorizes the Executive Director or designee to execute a Contract with SWM in full conformity with the terms and conditions set forth in the solicitation documents and negotiated agreement, and in a form approved by legal counsel; and

**Be It Further Resolved** that the Board authorizes the Executive Director or designee to file any other required documentation and to take any other actions necessary to give effect to this Resolution.

Regularly passed and adopted this 4<sup>th</sup> day of May 2023 by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

Attest:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Joint Powers Board  
Through: Michelle Bouchard, Executive Director  
From: Robert Barnard  
Deputy Chief, Rail Development  
Subject: **Authorize Use of Construction Manager General Contractor (CMGC) Project Delivery Method Pursuant to Public Utilities Code Section for the Rengstorff Avenue Grade Separation Project**

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**

Staff recommends that the Board of Directors (the “Board”) of the Peninsula Corridor Joint Powers Board (“JPB”):

1. Make findings that use of the Construction Manager/General Contract (CMGC) project delivery method for the Rengstorff Avenue Grade Separation Project (Project) will accomplish one or more of the following objectives: reduce project costs, expedite the project's completion, or provide features not achievable through the more traditional Design-Bid-Build (DBB) method, as required to utilize this project delivery method pursuant to Public Utilities Code section 103395.
2. Authorize the use of the CMGC project delivery method for the Project based on these findings; and
3. Authorize the Executive Director, or designee, to file any other required documentation and to take any other actions necessary to give effect to this action.

**Significance**

The Legislature enacted Assembly Bill 797 in 2013 to authorize the San Mateo County Transit District to use the CMGC project delivery approach for public transit projects within its jurisdiction. This authorization extends to the JPB pursuant to the Joint Powers Agreement, which established the JPB.

Pursuant to Public Utilities Code section 103395, the JPB may enter into a CMGC project delivery method contract only after taking the following steps. First, the Board must evaluate the traditional DBB and CMGC method of project delivery in a public meeting. Second, the Board must then make written findings that the use of the CMGC project delivery method on a specific project under consideration will accomplish one or more of the following objectives:

- Reduce project costs;
- Expedite the project's completion; or
- Provide features not achievable through the design-bid-build method.

The Board must make findings *prior* to entering into a CMGC project delivery method contract. Contracting using the CMGC project delivery method requires two steps. First, the JPB issues a best-value procurement to engage a contractor for preconstruction services. The initial agreement must include a provision for subsequent negotiation of any of the later stages of the project including the construction itself. Second, if the JPB would like to award a contract for construction services after the initial phase of the contract, a Total Contract Price (TCP) must be negotiated. If an acceptable TCP cannot be negotiated, then JPB may award the subsequent phases of the contract using any other method of project delivery permitted by law.

Under the CMGC project delivery method, the agency conducts two qualifications-based selections to separately hire a designer and a CMGC contractor (contractor) to collaborate during the pre-construction design phase to deliver the Project. The contractor is initially authorized to participate in the pre-construction design phase work. Upon agreement on the Total Contract Price (TCP) to deliver the construction work, the contractor's construction phase contract will be executed. The CMGC project delivery best balances and facilitates important factors relating to the agency's control, including relationships with stakeholders and access to designer and contractor expertise during the pre-construction design phase.

The Project objectives are to:

- Improve safety for all modes of travel
- Improve overall traffic flow
- Reduce traffic delays pollution caused by gate down times
- Support the pedestrians and bicyclists

After assessment of the respective merits of both the DBB and CMGC project delivery methods and how these different project delivery methods would best address the unique features and complexities of the Rengstorff Avenue Grade Separation Project, staff have determined that the use of the CMGC project delivery method will provide features that are not achievable through the DBB process. The CMGC project delivery method will allow contractor collaboration with the designer, providing opportunities to improve the project with innovative solutions. CMGC project delivery is also anticipated to result in reduced project costs and expedited project completion. Proof of the cost and schedule benefits resulting from CMGC project delivery are documented in many industry documents and reports. A listing of some of the available industry documents and reports related to CMGC project delivery cost and schedule benefits are included in the *References* section of the *Alternative Project Delivery Decision Report* dated April 2023, documenting the methods and results of the March 2023 Project Delivery Assessment Workshop. The *Alternative Project Delivery Decision Report* is available upon request.



Staff recommends that the Board make these findings and authorize the use of the CMGC method for the Project. In the future, staff will seek authorization from the Board to (1) enter into agreements with City of Mountain View and Santa Clara Valley Transportation Authority (VTA) to add to the budget to the Final Design and Pre-Construction phase; (2) amend the FY23 capital budget to include new funds; and (3) amend the Project budget authority.

**Budget Impact**

There is no immediate budget impact as the result of Board action to authorize use of the CMGC contracting approach over the traditional DBB contracting process for the Rengstorff Avenue Grade Separation Project.

Separate from this Board action, project cost updates and project delivery contract negotiations affecting the Rengstorff Avenue Grade Separation Project budget will be discussed and reflected in future JPB budgets.

**Background**

The Rengstorff Avenue Grade Separation Project is one of the grade separation projects in Santa Clara County funded by Measure B, which was passed in Santa Clara County in 2016. The 2016 Measure B establishes \$700 million in funding for grade separations in the cities of Palo Alto, Mountain View, and Sunnyvale. Rengstorff Avenue Grade Separation project is located in the City of Mountain View.

**Assessment of Project Delivery Method**

In March 2022, in order to select a project delivery method for the Project, eleven representatives of the local government bodies involved in the project (three from Caltrain, two from the City of Mountain View, three from VTA, two from the City of Sunnyvale and one from the City of Palo Alto) met and conducted a facilitated Project Delivery Assessment Workshop. The objective of the Workshop was to allow the evaluators to compare and score DBB and CMGC project delivery methods.

The Workshop participants then completed the Transportation Cooperative Research Program (TCRP) Report 131-based analytical project delivery method assessment and the issue rankings were noted. This analytical project delivery assessment was conducted as a facilitated group discussion with the issue ranking completed using a consensus approach. Following the TCRP Report 131-based project delivery method assessment, the participants individually and without discussion completed the Modified Caltrans Quantitative Project Delivery Assessment Worksheets. The participants’ worksheet scores were recorded by the facilitator. The ranking summary is as follows:

Ranking or Scoring Method	DBB	CMGC
TCRP Report 131 Analytical Method	51	65
Modified Caltrans Quantitative Method	48	118

Based on the results of the two-project delivery method assessment analyses, the CMGC project delivery method will achieve the Project schedule objectives and reduce Project costs, providing the dominant and obvious choice for delivering the Rengstorff Avenue Grade Separation Project. The conclusion reached by the evaluation team is that the CMGC project delivery method offers several advantages over traditional Design-Bid-Build method, including potential time and cost savings and providing opportunities for project innovation.

### Conclusions of the Assessment

As noted in the Assessment of Project Delivery Method section, the project delivery evaluation team conducted two detailed analyses of potential project delivery methods in a facilitated Workshop. The results of these analyses presented in the previous section demonstrate the CMGC project delivery method is superior to the traditional DBB project delivery method. The Workshop methods and analysis results are documented in the *Alternative Project Delivery Decision Report* dated April 2023.

Use of the CMGC project delivery method to design and construct the Rengstorff Avenue Grade Separation Project will: (a) result in substantial costs savings and reduce risk to the JPB; (b) allow the JPB to select a highly qualified contractor with the specialized expertise required to deliver the project; (c) benefit the public by improving safety and coordination during construction; and (d) avoid favoritism and promote competition.

Specific findings which substantiate these conclusions are as follows:

**Findings:** The CMGC project delivery method will result in substantial savings and reduced financial risk to the JPB. Reduced risk provides a significant value and potential savings.

- a. **Reduced Financial Risk:** The project will occur during challenging economic conditions within the construction industry. It would be very costly and disruptive if these economic conditions created undue risk and potentially negative financial impacts on the JPB's projects. Using the CMGC project delivery method will allow the JPB to look deeply into the contractor's financial strength and expertise and eliminate participation by those companies who do not have the financial strength or qualifications to successfully complete the project.
- b. **Total Contract Price (TCP) establishes a total contract price prior to starting construction:** The contractor will be able to obtain a complete understanding of the JPB's needs, the Owner's design intent, the scope of the project, the condition of the existing facilities, and the operational needs of the JPB by participating in the development of the design documents. By participating in this pre-construction phase of the project, the contractor will be able to offer value engineering (VE) suggestions for cost and schedule savings, improvements to the design, and focus the design on the contractor's preferred construction means and methods. With the benefit of this

knowledge, the contractor will be able to negotiate a TCP paid by the JPB for the project, before JPB executes the construction contract.

- c. **Fewer Change Orders:** When the contractor participates in the pre-construction design process, fewer change orders will occur during the construction process. This is due to the contractor's better understanding of the owner's needs and the designer's intent. As a result, the project is more likely to be completed on time and on budget. In addition, fewer change orders reduce project management costs for both the JPB and the contractor.
- d. **TCP Change Orders are Reduced:** The traditional DBB project delivery method requires the designer to anticipate the low-bid contractor's preferred means and methods and to develop construction plans to accommodate a range of potential construction means and methods. With the contractor's participation in the pre-construction design phase, the designer will focus its design solutions to accommodate the contractor's preferred means and methods, reducing design effort and optimizing construction cost. Industry experience shows contractor participation during the pre-construction design phase avoids and in some cases eliminates contractor Value Engineering proposals and constructability claims during construction. Industry experience shows these benefits are achievable regardless of when contractor participation begins during the pre-construction design phase.
- e. **TCP Change Orders Cost Less:** The traditional Design-Bid-Build project delivery method typically results in contractors charging up to 20% mark-up on construction contract change orders. The CMGC project delivery method applies predetermined mark-ups less than this value. If construction change orders are encountered, the industry experience has been to establish the allowable contractor fixed fee mark-up in the range of 5% to 10%.
- f. **Contractor Construction Fee is Less:** Contracts with the contractor are designed to create a better working relationship between all parties resulting in better risk identification and allocation and reduced risk to the contractor. As a consequence, the contractor's overhead and profit fee is generally in the 3% to 5% range which is lower than the mark-up usually applied to traditional design-bid-build projects.
- g. **The JPB has an Off-Ramp:** In the event the JPB and the contractor cannot reach agreement on the TCP for the construction phase work, the JPB will not execute the contractor's construction phase contract and will advertise and award the project using any other method of project delivery permitted by law.

Prepared By:	Arul Edwin	Senior Project Manager	650 339 8845
	Robert Barnard	Deputy Chief, Rail Development	650.508.7783

**Resolution No. 2022 –**

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

\* \* \*

**Authorize Use of Construction Manager General Contractor (CMGC) Project Delivery Method Pursuant To Public Utilities Code Section 103395 for the Rengstorff Avenue Grade Separation Project**

**WHEREAS**, the City of Mountain View (City) and the Santa Clara Valley Transportation Authority (VTA) desire to close the Rengstorff Avenue at-grade crossing and Grade Separate the Caltrain tracks to improve safety and reduce traffic congestion; and

**WHEREAS**, the Rengstorff Avenue Grade Separation Project objectives are to: improve safety for all modes of travel, improve overall traffic flow, reduce traffic delays caused by gate down times, and support pedestrians and bicyclists; and

**WHEREAS**, the Legislature enacted Assembly Bill 797 in 2013 to authorize the San Mateo County Transit District to use the Construction Manager General Contractor (CMGC) project delivery approach for public transit projects within its jurisdiction. This authorization extends to the Peninsula Corridor Joint Powers Board (JPB) pursuant to the Joint Powers Agreement, which established the JPB; and

**WHEREAS**, pursuant to Public Utilities Code section 103395, the JPB may enter into a CMGC project delivery method contract after taking the following steps. First, the Board of Directors (the Board) must evaluate the traditional design-bid-build (DBB) process of construction compared to the CMGC method of project delivery in a public meeting. Second, the Board must make written findings that the use of the CMGC project delivery method on a

specific project under consideration will accomplish one or more of the following objectives: (1) reduce project costs; (2) expedite the project's completion; or (3) provide features not achievable through the design-bid-build method; and

**WHEREAS**, agency staff representatives of the Peninsula Corridor JPB, City of Mountain View, and VTA have investigated different project delivery methods and have evaluated the respective merits of delivering the Rengstorff Avenue Grade Separation Project through the CMGC project delivery method versus the DBB method; and

**WHEREAS**, staff have determined that use of the CMGC project delivery method will benefit the JPB by providing project features not achievable through the DBB project delivery method, such as opportunities for project innovation, and will likely also result in the reduction of project costs and promote the expeditious completion of the project; and

**WHEREAS**, in light of this evaluation, Staff recommends that the Board make findings that the use of the CMGC project delivery method is in the best interest of the JPB and authorize the use of the CMGC project delivery method to complete the Rengstorff Avenue Grade Separation Project; and

**NOW, THEREFORE, BE IT RESOLVED** the Board of Directors of the Peninsula Corridor Joint Powers Board hereby finds that utilizing the CMGC project delivery method pursuant to Public Utilities Code section 103395 for the Rengstorff Avenue Grade Separation Project will be in the best interest of the JPB as it will accomplish the objectives of providing project features not achievable through the traditional DBB project delivery method and will likely also reduce project costs and expedite completion; and

**BE IT FURTHER RESOLVED** based upon these findings, the Board hereby authorizes staff to proceed with using the CMGC project delivery method pursuant to Public Utilities Code Section 103395.

**BE IT FURTHER RESOLVED** that the Board authorizes the Acting Executive Director, or designee, to file any other required documentation and to take such additional actions as may be necessary to give effect to this resolution.

Regularly passed and adopted this 4<sup>th</sup> day of May 2023 by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Peninsula Corridor Joint Powers Board

ATTEST:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Robert Barnard, Deputy Chief, Design & Construction  
Subject: **Authorize Amendment of Cooperative Agreement between JPB, VTA, and ACE to Accept Funds from ACE for Guadalupe River Bridge Replacement Project and to Extend Term of Agreement**

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**

Staff recommends that the Board of Directors (the “Board”) of the Peninsula Corridor Joint Powers Board (“JPB”) authorize the Executive Director, or designee, to execute an amendment to, and restatement of, the Ninth Amended and Restated Cooperative Agreement (“Cooperative Agreement”) between JPB, the Santa Clara Valley Transportation Authority (“VTA”), and the San Joaquin Regional Rail Commission, operator of the Altamont Corridor Express (“ACE”) to:

1. Accept a cost contribution from ACE in the amount of \$1,330,429 as funding for the Guadalupe River Bridge Replacement Project.
2. Extend the Cooperative Agreement from June 30, 2023, to June 30, 2028.
3. Take any other actions necessary to give effect to the amendment.

**Significance**

The Guadalupe River Bridge is owned by the JPB and supports rail traffic for multiple rail services, including ACE. The terms of ACE’s usage of JPB assets such as the Guadalupe River Bridge are defined in an existing Cooperative Agreement between the JPB, VTA, and ACE. The Cooperative Agreement specifies a cost sharing arrangement wherein ACE agrees to pay a portion of JPB’s costs of future improvements, capitalized maintenance, and/or capacity additions.

The cost sharing arrangement in the Cooperative Agreement is applicable to the Guadalupe River Bridge Replacement Project. As such, ACE has indicated its willingness to contribute to the cost of the Guadalupe River Bridge Replacement Project per the terms of the Cooperative Agreement.



JPB recommends acceptance of an ACE cost contribution of \$1,330,429 for the Guadalupe River Bridge Replacement Project. This value is derived upon a formula contained in previous amendments to the Cooperative Agreement using ACE’s usage percentage of the corridor and JPB’s costs for the project. The recommended \$1,330,429 ACE contribution value is identical to the projected ACE contribution proposed by staff in the Guadalupe River Bridge Replacement Project funding plan approved by the Board on October 6, 2022.

Staff recommends that the Cooperative Agreement should be amended for two primary purposes. First, the Cooperative Agreement must be amended to reflect the ACE cost contribution for the Guadalupe River Bridge Replacement Project. Second, the Cooperative Agreement is scheduled to expire on June 30, 2023, and should be extended to the mutual benefit of all parties to the agreement for an additional term of five years.

**Budget Impact**

Following execution of the amendment to the Cooperative Agreement, staff will include the additional funding contribution of \$1,330,429 from ACE in the FY24 and FY25 capital budget for the Guadalupe River Bridge Replacement Project. The JPB will continue receiving annual cost-share revenue from ACE for Station User Fees, Trackage User Fees, and Storage/Layover Trackage Fees.

**Background**

The current Cooperative Agreement is the Ninth Amended and Restated Cooperative Agreement by and among the JPB, VTA, and ACE, dated September 20, 2018. If approved, the current agreement will be superseded by the Tenth Amended and Restated Cooperative Agreement by and among the same parties.

Prepared By:	Robert Barnard	Deputy Chief, Design & Construction	650.508.7783
	Mike Boomsma	Senior Project Manager	808.208.2355

**Resolution No. 2023 –**

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

\* \* \*

**Authorize Amendment of Cooperative Agreement between JPB, VTA, and ACE to Accept Funds from ACE for Guadalupe River Bridge Replacement Project and Extend Term**

**Whereas**, the San Joaquin Regional Rail Commission currently operates the Altamont Corridor Express (“ACE”) on right-of-way owned and maintained by the Peninsula Corridor Joint Powers Board (“JPB”); and

**Whereas**, the JPB, the Santa Clara Valley Transportation Authority (“VTA”), and ACE are parties to a Ninth Amended and Restated Cooperative Agreement dated September 20, 2018 (“Cooperative Agreement”); and

**Whereas**, the current Cooperative Agreement is scheduled to expire on June 30, 2023;

**Whereas**, the Cooperative Agreement contains a cost sharing arrangement whereby ACE agrees to pay a portion of JPB costs for future improvements, capitalized maintenance, and/or capacity additions; and

**Whereas**, the JPB is undertaking the Guadalupe River Bridge Replacement Project, a capital maintenance project to replace and extend a bridge which is owned by JPB and used, in part, by ACE; and

**Whereas**, JPB staff recommends that \$1,330,429 is a fair and reasonable value of a cost contribution by ACE to the Guadalupe River Bridge Replacement Project based on the terms of the Cooperative Agreement; and

**Whereas**, JPB staff recommends that the Cooperative Agreement be amended to extend its term from June 30, 2023, to June 30, 2028 and to incorporate the aforementioned cost contribution by ACE to the Guadalupe River Bridge Replacement Project; and

**Whereas**, JPB staff recommends that Board authorize the Executive Director, or designee, to execute an amendment reflecting these changes to the Cooperative Agreement; and

**Whereas**, JPB staff recommends that the Board authorize the Executive Director to accept an ACE cost contribution of \$1,330,429 as funding for the Guadalupe River Bridge Replacement Project and to extend the term of the Cooperative Agreement from June 30, 2023 to June 30, 2028;

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director, or designee, to execute an amendment to, and restatement of, the Cooperative Agreement by and among JPB, VTA, and ACE to;

1. Receive an ACE funding contribution in the amount of \$1,330,429 as funding for the Guadalupe River Bridge Replacement Project;
2. Extend the term of the Cooperative Agreement from June 30, 2023 to June 30, 2028; and
3. Take any other actions necessary to give effect to this resolution.

Regularly passed and adopted this 4<sup>th</sup> day of May 2023 by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

Attest:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Technology, Operations, Planning and Safety Committee  
Through: Michelle Bouchard, Executive Director  
From: Dahlia Chazan, Deputy Chief, Caltrain Planning  
Subject: Authorize the Executive Director to Execute a Service Agreement (Agreement) With The City of Menlo Park For Activities Undertaken in Support of the Middle Avenue Undercrossing Project

<input type="checkbox"/> Finance Committee Recommendation	<input type="checkbox"/> Technology, Operations, Planning, and Safety Committee Recommendation	<input type="checkbox"/> Advocacy and Major Projects Committee Recommendation	<input checked="" type="checkbox"/> Staff Coordinating Council Reviewed	<input checked="" type="checkbox"/> Staff Coordinating Council Recommendation
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**Action**

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB or Caltrain):

- 1) Authorize the Executive Director, or designee, to execute a Service Agreement (Agreement) For Reimbursement from the City of Menlo Park for Activities Undertaken in Support of the Middle Avenue Undercrossing Project (Project) for \$571,940.60 of reimbursable Caltrain expenses; and
- 2) Amend the Project budget from \$400,000 to \$571,941, to include additional \$171,941 reimbursable expenses from the Agreement, increasing the Caltrain FY2023 Capital Budget from \$127,204,412 to \$127,376,353.

**Significance**

The City of Menlo Park is the project sponsor for a proposed new bicycle and pedestrian undercrossing of the Caltrain right-of-way (“ROW”) near Middle Avenue in Menlo Park. The project would be located near Caltrain mile post 29.15, north-east of the intersection of El Camino Real and Ravenswood Avenue. The City proposes the installation of a pedestrian and bicycle undercrossing near Burgess Drive and Alma Street to facilitate access between the eastern and western sides of the Caltrain ROW, as well as to and from Alma Street and El Camino Real, both of which run parallel to Caltrain tracks in the project area.

An initial Service Agreement between the City and Caltrain was executed on March 9, 2022, and included coordination with Caltrain staff pertaining to the technical review of the project’s preliminary engineering phase (30% design).

The purpose of the Agreement subject to this staff report is for Caltrain to perform:

- Task 1: Alternative Contract Delivery Analysis;
- Task 2: Development of a Memorandum of Understanding (MOU);
- Task 3: Development of Request(s) for Proposals (RFPs) for advancing the project beyond the Preliminary Engineering (PE) and Environmental Clearance phase into final design and construction in accordance with the consensus alternative delivery method recommendation.

The Agreement assumes that Caltrain and the City will work to ascertain the most efficient means of completing the project's NEPA Environmental Clearance and CEQA Determination and that the decision will be further defined as part of the scope described in the MOU.

The Agreement provides an initial not-to-exceed amount of \$571,940.60, of which \$89,278.60 is included as contingency funds, to cover Caltrain costs for the performance of the tasks listed above.

The Agreement will expire on June 30, 2024, unless extended by mutual agreement of the parties. Staff will return to the Board for authorization before proceeding with any procurement and construction activities for the final design work.

### **Budget Impact**

In FY2023, the Board approved a budget of \$400,000 for the Middle Avenue Undercrossing Project. The execution of the Agreement with the City of Menlo Park will provide additional funding that will increase the total project budget by \$171,941, from \$400,000 to \$571,941, increasing the Caltrain FY2023 Capital Budget from \$127,204,412 to \$127,376,353.

### **Background**

The Middle Avenue Undercrossing Project will construct a grade separated pedestrian and bicycle rail crossing under the Caltrain railway to create a pedestrian and bicycle connection opportunity. The undercrossing will be located near Middle Avenue, connecting Alma Street near Burgess Park to El Camino Real at the open space plaza that is part of Stanford's Middle Plaza at 500 El Camino Real project. The undercrossing will improve connectivity for neighborhoods on both sides of the Caltrain tracks to City amenities, schools, public transit and downtown Menlo Park. Once constructed, the undercrossing will also provide much needed connectivity in the area during construction of the future planned Menlo Park Grade Separation Project, which would grade separate Ravenswood, Oak Grove, and Glenwood Avenues.

To date the project has received \$21,788,000 in funding to support design and construction, including Measure A/W Pedestrian/Bicycle Program (San Mateo County Transportation Authority), Middle Plaza Development Agreement contribution (Private, Stanford University), City of Menlo Park Transportation Impact Fees, Stanford Recreational Mitigation Grant, One Bay Area Grant (Metropolitan Transportation Commission) and the Federal Omnibus Budget Bill (USDOT). The City continues to pursue County, State, and Federal funding for the project and is in the process of purchasing property to support implementation of the undercrossing.

The Agreement executed by the parties is meant to cover Caltrain’s costs to conduct critical project development tasks for the transition from City-led activities (planning, environmental clearance and preliminary engineering/design) into Caltrain-led activities (final design and construction).

Prepared By:	Nicole Soutanov	Deputy Director, Capital Program Planning	650-632-6867
	Dennis Kearney	Consultant, Capital Planning Support	

Resolution No. 2023 – xx

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

\* \* \*

**Authorize the Executive Director to Execute a Service Agreement with the City of Menlo Park  
in Support of the Middle Avenue Undercrossing Project**

**WHEREAS**, in 2022, the Peninsula Corridor Joint Powers Board (JPB or Caltrain) and the City of Menlo Park (City) negotiated and executed a Service Agreement describing the parties' cooperation to complete technical review of the locally preferred alternative during the project's preliminary engineering phase (30% design), and authorizing reimbursement from City to Caltrain for such efforts; and

**WHEREAS**, this new Service Agreement (Agreement) is for the next phase of work, including performance of an analysis for Alternative Contract Delivery, providing for the development and execution of an MOU, and prepare (a) Request(s) for Proposals (RFPs) for advancing the project beyond the Preliminary Engineering (PE)/Environmental Clearance phase into final design and construction in accordance with the consensus alternative delivery method recommendation.

**WHEREAS**, the Caltrain FY2023 Capital Budget includes \$400,000 for the Middle Avenue Undercrossing Project; and

**WHEREAS**, the execution of the Agreement between Caltrain and the City of Menlo Park will provide additional funding that will increase the project budget by \$171,941, from \$400,000 to \$571,941, increasing the Caltrain FY2023 Capital Budget from \$127,204,412 to \$127,376,353.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director, or designee, to execute an Agreement Regarding Reimbursement for Activities Undertaken in Support of the Middle Avenue Undercrossing Project, with the City of Menlo Park for \$571,940.60 of reimbursable Caltrain expenses, and to take any other action necessary to implement the Agreement; and



**BE IT FURTHER RESOLVED** that the Board of Directors authorizes the amendment of Middle Avenue Undercrossing project budget from \$400,000 to \$571,941, and the Caltrain FY2023 Capital Budget from \$127,204,412 to \$127,376,353.

Regularly passed and adopted this 4<sup>th</sup> day of May 2023 by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Peninsula Corridor Joint Powers Board

ATTEST:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Technology, Operations, Planning and Safety Committee  
Through: Michelle Bouchard, Executive Director  
From: Dahlia Chazan, Deputy Chief, Caltrain Planning  
Subject: **Capital Improvement Plan (CIP) Project Initiation**

<input type="checkbox"/> Finance Committee Recommendation	<input type="checkbox"/> Technology, Operations, Planning, and Safety Committee Recommendation	<input type="checkbox"/> Advocacy and Major Projects Committee Recommendation	<input checked="" type="checkbox"/> Staff Coordinating Council Reviewed	<input checked="" type="checkbox"/> Staff Coordinating Council Recommendation
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**Action**

This item is for information only and does not require action by the Board of Directors (“Board”) meeting of the Peninsula Corridor Joint Power Board (“JPB”).

**Significance**

Staff will provide an informational update on Caltrain’s long-term Capital Improvement Plan (“CIP”) Development Project. The presentation will introduce the CIP Development Project, the expected deliverables, the timeline and will provide an overview of the development process which includes internal and external stakeholders’ engagement.

The project officially kicked-off in January 2023. The team plans to deliver the products from this effort incrementally starting this year. Among other deliverables, the Draft Prioritization Framework and a Draft List of Projects will be developed by the end of 2023 to inform Fiscal Year 2025 Capital Budget Amendment Process.

Staff will provide the Board with regular updates, occasionally requiring Board input, throughout the Project.

**Budget Impact**

There is no budget impact associated with this informational item.

Instead, this Project will equip Caltrain to make well-informed decisions regarding its investments. In the context of scarce resources, Caltrain’s long-term CIP will be critical to ensure efficient planning of resources, delivery, and prioritization of capital investments.

## **Background**

Caltrain continues to undergo significant change. In 2019, the Caltrain Board approved the Long-Range Service Vision, which sets the overall tone for the railroad's future. A key element in meeting that future is the delivery of an electrified railway through the Peninsula Corridor Electrification Project (PCEP).

In addition to the significant future plans ahead for Caltrain, the railroad continues its ongoing maintenance, system upgrades, transit asset management, and state-of-good-repair programs that enhance system operation, passenger experience, and railroad performance in accordance with agency goals and federal requirements.

To date, Caltrain has traditionally documented, planned, and programmed these efforts in a distributed manner across various departments. Given the major shift ahead due to the completion of PCEP, the adoption of the Caltrain Framework for Equity, Connectivity, Recovery and Growth, the creation of a dedicated funding source as well as Caltrain's increased participation in other locally- and regionally-led projects, Caltrain needs a roadmap for accomplishing the service vision while also meeting ongoing capital requirements. It is also imperative this roadmap be condensed into one central, prioritized product and process that communicate Caltrain's priorities each year.

The Caltrain 10-year Capital Improvement Plan (CIP) will provide this roadmap and will be the first formal CIP in the agency's history. It will provide many benefits to the agency:

- Align agency's objectives and goals with day-to-day operations of the railroad, the long-range service vision and third-party projects that directly benefit the corridor and require Caltrain's participation.
- A clear roadmap for the agency's involvement and leadership in the programming and development of capital projects at all phases which include:
  - Caltrain-sponsored state of good repair, improvement and expansion projects.
  - Grade crossing projects on Caltrain right-of-way funded by local jurisdictions.
  - Major projects including, but not limited to, Diridon Station and the San Francisco Downtown Rail Extension
- Support strategic, rigorous and thoughtful decision-making in the context of scarce resources.
- Efficient, transparent, prioritized and integrated process to manage the agency's involvement in capital projects and programs.

The CIP will include:

- The **CIP Narrative**, which highlights the goals and objectives of the CIP for Caltrain: the basis of the CIP narrative is a thorough evaluation of Caltrain Board-adopted policies and plans that address, or are relevant to, capital projects including the Long-Range Service Vision and other associated commitments to customers and the local

communities (such as the Framework for Equity, Connectivity, Recovery and Growth) paired with extensive stakeholder interviews.

- An evidence-based, and equitable **prioritization framework** to connect the dots between involvement in capital projects and agency’s goals and objectives: The prioritization framework will help advance critical outcomes that capital projects deliver on such as equity, service reliability and efficiency, fair allocation of resources and improvement of the customer experience. The prioritization framework is expected to be completed by the end of 2023 to inform the fiscal year 2025 budget amendment.
- A **prioritized list of capital projects**, which includes their description, timeline and cost: the list will become the roadmap of capital projects using the final prioritization framework.
- A four- or five-year **Rolling Capital Program**, which distills the CIP’s broad and likely unconstrained list of capital projects and programs into a short-range program of implementation. This deliverable will directly inform the Agency’s next two-year fiscal budget development process. The Rolling Program will define funding needs and strategies for the implementation of the CIP.

The CIP Project Team will also review the **internal processes** and establish governance **procedures** for the creation, adoption, future maintenance, and amendments to the CIP. The CIP will inform, complement and/or integrate with existing internal processes such as the budget process, and the capital projects delivery quality control process. The CIP development effort will also be mindful of other internal efforts moving in parallel such as the Corridor Crossings Strategy, the Financial Strategy, and individual capital projects.

Finally, the CIP will be developed through a strong **internal stakeholder engagement** process for building consensus around the goals and outcomes sought from the investments laid out in the CIP. Internal engagement has already started through the formation of the CIP Executive Steering Committee and the CIP Internal Stakeholder Group. Additional input from external parties, such as the JPB Member Agencies, the public, key corridor capital project sponsors is also expected throughout the CIP development process.

Prepared By:	Lyne-Marie Bouvet	Principal Planner, Capital Improvement Plan	650-508-6446
	Nicole Soultanov	Deputy Director, Capital Program Planning	650-632-6867

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Mike Meader, Caltrain Safety  
Subject: Safety Performance Dashboard

<input type="checkbox"/> Finance Committee Recommendation	<input type="checkbox"/> Technology, Operations, Planning, and Safety Committee Recommendation	<input type="checkbox"/> Advocacy and Major Projects Committee Recommendation	<input checked="" type="checkbox"/> Staff Coordinating Council Reviewed	<input checked="" type="checkbox"/> Staff Coordinating Council Recommendation
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**Action**

This item is for information only.

**Significance**

This report and accompanying presentation are submitted to keep the Board advised as to the Safety Performance of Caltrain based upon measurement of Key Performance Indicators (KPIs or metrics). Caltrain is committed to providing a safe work environment for our employees and contractors, and safe and efficient train service for our customers. Caltrain is also committed to continuous improvement through the capture and analysis of KPIs. Regularly reviewing these metrics will enable staff to identify areas needing improvement and focus our activities to achieve improved safety performance.

Caltrain will provide quarterly safety reports to the board and will be sharing this same information with employees as we work to build a stronger Safety Culture consistent with our #1 Core Value – **Safety** – First and Always and our System Safety Program Plan (SSPP). These reports will include both lagging safety performance indicators reported to the Federal Railroad Administration (FRA) and leading safety performance indicators. While lagging indicators can alert you to a failure in your safety program or to the existence of a hazard, leading indicators allow an organization to take preventive action to address that failure or hazard before it turns into an incident. Future quarterly reports will include Hazard Reporting and Security performance information, as we develop reporting mechanisms in those areas as well.

**Budget Impact**

There is no impact on the budget associated with receiving this informational update. Caltrain's ability to further enhance its safety program is contingent on the availability of funding dedicated to that purpose.

**Background**

Caltrain had provided some safety and security performance reports prior to the pandemic. The launch of a Safety Performance Dashboard will mark a renewed commitment of reporting on these organizational focus areas. Caltrain will use improved data capture and analysis to identify safety gaps and be more proactive in closing those gaps prior to an incident occurring.

Prepared By: Mike Meader

Caltrain Safety Chief

650.295.6821