

**Peninsula Corridor Joint Powers Board  
Advocacy and Major Projects (AMP) Committee  
1250 San Carlos Avenue, San Carlos, CA 94070**

**DRAFT Minutes of November 2, 2023**

**Members Present:** Pat Burt, Rico E. Medina, Shamann Walton, Monique Zmuda, Devora “Dev” Davis (Vice Chair), Jeff Gee (Chair)

**Members via  
Teleconference:** Cindy Chavez, Ray Mueller

**Members Absent:** Steve Heminger

**Staff Present:** T. Bartholomew, M. Bouchard, C. Fromson, J. Harrison, T. Huckaby, K. McCoy (Balfour Beatty Infrastructure, Inc.), S. Sargent, D. Seamans, B. Shaw, P. Shrestha, M. Tseng

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

Chair Gee called the meeting to order at 9:00 am and Director Walton led the Pledge of Allegiance.

**2. Roll Call**

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

**3. Consideration of requests, if any, of Directors to participate remotely due to Emergency Circumstances**

James Harrison, General Counsel, reported that Director Mueller was participating remotely due to AB (Assembly Bill) 2449 under a Just Cause exemption. Chair Gee also noted that Executive Director, Michelle Bouchard, was participating remotely.

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

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

James Harrison, General Counsel, stated that there was nothing to report.

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

Aleta Dupree commented on looking forward to ridership increasing, promoting Clipper, and hope to continue to wrap up electrification.

**7. Report of the Executive Director**

Michelle Bouchard, Executive Director, provided updates which included the following:

- Continued support for electrification activity and other events throughout the region

- Caltrain passenger train car showcased at the APTA Expo in Orlando, Florida, which was the only one on the showroom floor and thanked partners at Stadler; they received nationwide coverage of the PCEP (Peninsula Corridor Electrification Project) program
- Completed planned partial weekend shutdowns with normal weekend service to end of the year and will start weekend shutdowns again at the beginning of the year
- Families can take advantage of the family fare promotion that started in September
- TOD (Transit Oriented Development) project at Tamien station will bring 555 new housing units near public transit
- Supported MST (Monterey-Salinas Transit) bus line ribbon cutting in Gilroy, which is a critical service connecting Salinas to Gilroy
- Last week, MTC (Metropolitan Transportation Commission) received information item on how to allocate \$1.1 billion from the state for capital and operating needs, with an additional \$300 million in discretionary funding; MTC staff recommended a projected \$25 million for Caltrain
- SamTrans (San Mateo County Transit District) is pursuing options for a new headquarters (HQ) building in San Mateo County within a ¼-mile walk of a rail transit station; staff met to discuss the HQ plan, co-location options, and a Caltrain consultant to assist in exploring and analyzing its options; will report back as work progresses

#### Public comments

Aleta Dupree shared her prior experience using the bus bridge as working fine, was interested in what commuter rail goes to Salinas, opined getting funding from MTC as essential, and there should be a civil rights and equity component to the new headquarters.

Adina Levin, Friends of Caltrain and Seamless Bay Area, commented on joint advocates' letters on state funding, looking at the legislative framework and advocating to ensure enough operating funding to continue, improve, and transform regional transit service.

Jeff Carter commented on having the new train at the Orlando conference and appreciated the SamTrans bus bridge service during the October Fleet Week and Blue Angels events.

## **8. Consent Calendar**

**8.a. Meeting Minutes of October 5, 2023**

**8.b. Approval of the 2024 JPB Caltrain Board Meeting Calendar**

**8.c. Appointment of the Citizens Advisory Committee Representatives**

**8.d. Accept Statement of Revenues and Expenses for the Period Ending September 30, 2023**

**8.e. Renew Findings of an Emergency Regarding the North Channel Embankment of the San Francisquito Creek Bridge Due to Erosion Pursuant to Public Contract Code §22050\***

**8.f. Approve Project Labor Agreement Policy**

**8.g. Award of Contract for Insurance Brokerage Services\***

**8.h. Authorize Use of Construction Manager General Contractor (CMGC) Project Delivery Method Pursuant to Public Utilities Code Section 103395 for the Middle Avenue Pedestrian and Bicycle Undercrossing Project**

Item 8.f. Approve Project Labor Agreement Policy was pulled from the Consent Calendar by Director Chavez.

Director Zmuda commented on item 8.g. Award of Contract for Insurance Brokerage Services noting that the same contractor has been used for a long time and there were no other bids. She reported that the original recommendation was for a five-year contract and two one-year extensions, and the Finance Committee requested that staff reevaluate the market prior to exercising the two-year option.

Motion/Second with the exception of 8.f.: Medina/Walton

Ayes: Burt, Chavez, Medina, Mueller, Walton, Zmuda, Davis, Gee

Noes: None

Absent: Heminger

Mr. Harrison noted there were no Consent calendar items with asterisks and nothing to disclose.

Director Chavez's comments on item 8.f. Approve Project Labor Agreement Policy included the following:

- Interested in moving the PLA threshold from \$10 million to \$2 million as Santa Clara County, VTA (Santa Clara County Valley Transit Authority), and Santa Clara Valley Water District have \$2 million PLA thresholds for their significant projects (such as VTA's rail projects, the County's hospital and jail projects, and Valley Water's dam projects)
- Santa Clara County supports maintaining continuity with the same predictable threshold for developers and contractors, including Caltrain
- Understood concerns were raised at the Finance Committee about the potential burden on staff to implement the policy; appears the administrative process can be low demand once the initial documents are created
- \$2 million is a proven policy threshold by VTA, the only regional transit agency staff brought forward with a specific dollar threshold, meets goals for continuity, and is the least arbitrary amount to start with
- Concerned that the \$10 million threshold will only capture a small number of projects which most need a PLA policy; meanwhile higher-dollar projects already have other mechanisms to help ensure that jobs are safe and have good providers
- Noted that if Caltrain finds the demand is too high on staff, the Board has the ability to change the policy at any time

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

- Engagement with peers showed a threshold range from \$10 million to \$1 million; some thresholds were attached to projects, such as AC Transit (Alameda-Contra Costa Transit District) and others to sales tax measures, such as LA Metro (Los Angeles Metro Rail)
- Section 3 of the draft PLA policy does have a provision for modifying the threshold, but would not do that until completion of the Capital Investment Plan (CIP)

#### Public comments

David Bini, Executive Director for the Building Trades Council in the South Bay, supported the recommendation with two modifications: supported the \$2 million threshold and noted the PLA provides staff the ability to bring projects to the Board for exclusion; the Building Trades Council works closely with each project's general contractor to manage the PLA functions and ensures all subcontractors follow the PLA; PLAs set the conditions for projects to be more reliably delivered on time and on budget; ensures every contractor will work on a level playing field and reasonable and equitable working conditions for everyone.

Rudy Gonzalez, representing 27 unions in San Francisco, supported the recommendations with these amendments: supported consistency amongst the contracting community with a \$2 million threshold and it would capture the majority of the work.

Bart Pantoja, representing the San Mateo County Building Trades Council, supported conformity with project labor agreements, prevailing wages, and noted compliance is the main issue.

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

- Decreasing the threshold to \$2 million is comparable to regional transportation agencies
- An average threshold amount would be effective for local contractors in the workforce and allow for opportunities for better partnerships
- Concerns that a \$2 million dollar threshold is too low due to the various projects, governance changes, and the Capital Improvement Plan (CIP)
- PLA Section 3 drafted to keep threshold in place until modified by the Board but no earlier than completion of the CIP

Director Davis moved to adopt the staff recommendation, seconded by Director Zmuda. The Board continued discussions where Director Chavez emphasized the importance of making policy decisions while completing various bodies of work, rather than focusing on a large project labor agreement and mentioned that the Board could modify the program based on the Joint Policy Board's feedback, but the staff gave themselves the option to exclude projects they deemed unnecessary or inappropriate.

Director Chavez moved to approve the PLA with a \$2 million threshold that will remain in place until modified by the Board, seconded by Director Walton.

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

- Section 3 stipulated keeping the \$10 million threshold in place until modified by the Board, but no earlier than the completion of the CIP and the Board has the ability to exclude certain projects from the policy
- Clarified the number of projects that would fall under different thresholds and the reason for \$2 million versus \$10 million and possibility of other thresholds in between
- PLAs are typically for large multi-craft, complex projects and not for single-craft projects
- Develop a template with General Counsel and labor partners to ensure that there is no significant burden on staff and the contracting community

Motion/Second Medina/Walton to approve the lower threshold to \$2 million

Ayes: Chavez, Medina, Mueller, Walton, Gee

Noes: Burt, Zmuda, Davis

Absent: Heminger

#### **9. American Indian (Native American) Heritage Month**

Tasha Bartholomew, Media Relations Manager, provided highlights on the resolution which included the following:

- Tribute to and reflection on the many contributions Native Americans have made to our country over the centuries
- Maintain diverse and vibrant cultures, traditions, and deeply rooted sense of community

Motion/Second: Davis/Chavez

Ayes: Burt, Chavez, Medina, Mueller, Walton, Zmuda, Davis, Gee

Noes: None

Absent: Heminger

#### **10. Approve Three-Year Contract Extension with Outfront Media for Advertising Services**

Taylor Huckaby, Deputy Chief of Communications, provided the presentation which included the following:

- Contract for station ads and screen wraps
- Ad revenue is highly localized, independent of economic factors
- Had two large advertisers (Google and Alaska Airlines) advertise in 2022 but since there has been a significant downturn in revenue as the economy has faltered
- Research revealed that other agencies either deferred or waved their Minimum Annual Guarantee (MAG) during the pandemic, including Walmart, LA Metro, MARTA (Metropolitan Atlanta Rapid Transit Authority), and VTA, due to similar revenue declines

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

- Need the three-year extension to get enough ridership data for better future contract negotiation position and revenue split

- A 3-year contract extension would provide 18 months of post-electrification ridership data starting in September 2024
- Review advertising at all stations in three years, need to think about the stations' entry points with great advertising, and creating a better experience
- Concerns with staleness with having the same vendor for 13 years

Motion/Second: Davis/Medina

Ayes: Burt, Chavez, Medina, Mueller, Walton, Zmuda, Davis, Gee

Noes: None

Absent: Heminger

*Director Chavez left the meeting at 11:22 am*

#### **11. Update Regarding Implementation of JPB Governance MOU**

James Harrison, General Counsel, provided the presentation that included the following:

- Tentative agreement with VTA and CCSF (City and County of San Francisco)
- Develop an inventory of capital assets and real property owned and in the process of reviewing compilation for completeness and accuracy
- Security and safety were key issues identified and oversight during the governance process; FRA (Federal Railroad Administration) requires that a safety officer report directly to the executive officer of the agency

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

- Clarification for Safety Officer reporting to Safety Director and Rail Safety employees report to SamTrans Safety Director
- Timelines in the MOU for approval of the RPOA (Real Property Ownership Agreement), shared services agreement, and the JPA (Joint Powers Agreements), but failure to meet those timelines does not affect the validity of the MOU

*Director Walton left the meeting at 11:36 am*

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

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

- Substantial completion by the end of the year not met due to continued overhead catenary system issues
- Developed a comprehensive list of open items; met with BBI (Balfour Beatty Infrastructure, Inc.) and they will provide a schedule to finalize completion
- Found and implemented a solution for impedance bond cable theft corridor wide

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

- Weekend shutdowns completed for the remainder of the year
- Additional shutdowns planned for early 2024

Keith McCoy, Project Director for Balfour Beatty Infrastructure, Inc, provided a presentation, which included the following:

- Focus areas have remained the same: OCS (overhead catenary system) progress – 87 percent on regulation and one of big challenges is getting regulation completed.
- Short circuit testing shifted to February
- Traction power is tied directly to OCS, and if OCS is behind, traction power will be behind

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

- Few additional staff hired for project closeout
- Tentatively there will be three more weekend shutdowns
- Found software glitches and they have been addressed

#### Public comments

Aleta Dupree commented on the importance of project and the finish line is in sight.

Adrian Brandt commented on disappointment with the project's delay, pleased with solution for impedance bond thefts, inquired why removing Balfour Beatty wire train as it is essential in getting work done expeditiously, and reiterated increased gate downed times with dual speed check grade crossing activation system.

Doug DeLong, resident of Mountain View, thanked Mr. McCoy for the additional visibility on the parallel and switching stations, commented on the impedance bonds solution working, noticed a wire over the right of way at the Stanford stadium stop, and a problem with the trees and the wiring at the Park Station.

Paul Wendt commented on impedance bonds theft being solved and curious about how the train car got to Orlando.

Chair Gee noted that Stadler funded the train transport and exhibit at the APTA (American Public Transportation Association) expo in Orlando and asked Mr. McCoy to address the concern about the wire train. Mr. McCoy responded that the wire train is not in use anymore because all wires are up and installed.

## **13. Reports**

### **13.a. Report of the Citizens Advisory Committee**

Brian Shaw, CAC Chair, provided the report that included the following:

- Accelerate working with BART on the fare study and implementation
- A fare coordination and integration study released in 2021 showed that distance-based fares are capable of increasing ridership
- Four percent of fare evaders caught are being cited, which shows there is a problem
- Proposal to amend CAC bylaws to change agenda order and bringing to next month's meeting for approval
- Received annual Brown Act training and adopt a Code of Conduct in order to implement reasonable rules regarding the conduct of the public during meetings
- Learned that remote participation under AB2449 is prohibited unless there is an in-person quorum. Members may not participate remotely for a period of more than three consecutive months or 20 percent, which is two meetings every year
- Received safety quarterly update; report shows most incursions occurs after dark and the need for better lighting
- Two items dropped off the CAC work plan – Go Pass cost-per-ride information and Clipper Data Availability - will review and get back on the workplan

### **13.b. Report of the Chair**

Chair Gee provided an update on the following report:

- Secretary of Labor, Stewart Knox, was here yesterday visiting San Francisco
- Extended invite to visit Redwood City on Sunday for the Día de los Muertos event

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

Chair Burt provided an update on the following report:

- Had a thorough report on safety by Mike Meader, Chief Safety Officer
- Update on corridor strategy and looking at the next phase of which model the Board will adopt the after the first of the year
- In-person workshop in Mountain View on November 30th and open to public
- Second deep dive on corridor crossing study and hoping to provide the Board with input on which model to pursue

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

Chair Gee provided an update on the following:

- The Board authorized and approved the release of the first package for the Civil and Tunnel Progressive Design build in October and approved the RFQ (Request for Quote) for contractors
- Upcoming items to be asking for the RM3 (Regional Measure 3) funds for TJPA DTX (downtown extension) and Right of Way (ROW) acquisition

## **14. Correspondence - Posted online**



**15. Board Member Requests** – There were none.

**16. Date/Time of Next Regular Meeting: Thursday, December 7, 2023 at 9:00 am**

**17. Adjourn** – Meeting adjourned at 12:11 pm