

**Peninsula Corridor Joint Powers Board
Board of Directors
1250 San Carlos Avenue, San Carlos, CA 94070**

Minutes of April 4, 2024

Members Present: Margaret Abe-Koga, Pat Burt, Jeff Gee, Rico E. Medina, Ray Mueller (arrived at 9:06 am), Shamann Walton, Monique Zmuda, Devora “Dev” Davis (Chair),

Members Absent: Steve Heminger (Vice Chair)

Staff Present: M. Bouchard, C. Fromson, J. Harrison, K. McCoy (Balfour Beatty Infrastructure, Inc.), R. Mohtashemi (Senator Weiner’s Office), D. Ryan, D. Seamans, B. Shaw, P. Shrestha, M. Tseng

1. Call to Order/Pledge of Allegiance

Chair Davis called the meeting to order at 9:01 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 – There were none.

4. Public Comment on Items not on the Agenda

Greg Conlon, Atherton resident and formerly president of CPUC (California Public Utilities Commission) in the 1990s and commented that he acquired \$1 million from CPUC for grade crossings. Mr. Conlon also commented on his concerns about the railroad-involved fatalities.

Aleta Dupree commented about her attendance at the electric train tour at 4th & King Station and looking forward to future events. She also commented about the advanced work of Clipper, testing Clipper 2, and Clipper as the leader of Clipper START program.

Carter Lavin, Transbay Coalition, commented on the Stronger Communities through Better Transit Act, House Bill H.R. 7039. Encouraged writing letter to Congresswoman Eshoo who is not yet a co-sponsor of bill and critical for transit operational funding be included in the five-year transportation plan.

Adrian Brandt commented that vehicle or trespassing codes were violated in order to become a victim and people are intentionally putting themselves in the path of oncoming trains. Urged to consider carefully what is really going on – safety versus mental health.

Adina Levin, Friends of Caltrain and Seamless Bay Area, supported Carter Lavin's comment on the bill and getting support now increases the likelihood for Federal support for operating funding.

Jay Adams commented on whether electric trains will be tested between Mountain View and San Francisco during weekend shutdowns on April 13-14 and 20-21.

Jeff Carter supported comments made by Adrian Brant about most fatalities are by suicide and seconded comments by Adina Levin regarding the funding bill.

Chair Davis thanked the public for their comments and reiterated Mr. Brandt's comment that deaths along corridor are tragic and rarely accidents.

5. Report of the Executive Director

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

- Supported mental health groups along the Peninsula
- Thanked Congress Members Eshoo, Mullin, and the delegation who secured \$1 million in Federal funding to implement safety improvement to grade crossings in the corridor
- Kick-off Giants season – the train is the best way to get to the games. New Bay FC (Football Club) team here at PayPal Stadium and created joint swag in support
- Headquarter search – working with SamTrans to consider co-locating but also exploring other options. Last week, Caltrain issued an RFI (request for information) for potential new office space and expect to provide an update in May and a recommendation in June
- Supplemental Reading File contains a comparison of Caltrain and BART's (Bay Area Rapid Transit) respective ridership recovery and analysis of demographic differences; continue to review to understand how to grow ridership
- Regional Measure – thanked Board Members and Senator Weiner and his staff for support and discussions
- PCEP (Peninsula Corridor Electrification Project) – successful back-to-back tests of traction power system. Shipped 32 gallery cars to Sonoma, CA. A successful event with SPUR group resulting in positive reactions. The next major public event is scheduled on May 11th in San Carlos and we are working on a public EMU (electric multiple units) event in Palo Alto Station

Public comments

Aleta Dupree commented on looking forward to the train to the baseball Giants opener, hearing more about the new (headquarter) building, and good to have both agencies together.

Adrian Brandt commented on the Caltrain and BART comparison report in the reading file.

6. Consent Calendar

6.a. Meeting Minutes of March 7, 2024

6.b. Accept Statement of Revenues and Expenses for the Period Ending February 29, 2024

6.c. 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* *Approved by Resolution 2024-26*

6.d. Authorize Amendment 1 to Contract with Olson Remcho LLP for General Counsel and Other Legal Services Including Execution of Two One-Year Option Terms* *Approved by Resolution 2024-27*

6.e. Award of Contract for On-Call Management of Soil, Hazardous Waste and Other Environmental Compliance Services* *Approved by Resolution 2024-28*

6.f. Authorization to Apply to CalPERS for a Successor Agency Contract *Approved by Resolution 2024-29*

6.g. Award of Contract for Electrified Rail Support Services* *Approved by Resolution 2024-30*

Motion/Second: Medina/Zmuda

Ayes: Abe-Koga, Burt, Gee, Medina, Mueller, Walton, Zmuda, Davis

Noes: None

Absent: Heminger

7. State and Federal Legislative Update: Consideration of Position on Senate Bill 1031, The Connect Bay Area Act

Casey Fromson, Chief of Staff, Devon Ryan, Government Affairs Officer, and Raayan Mohtashemi, Senator Weiner's Office Legislative Aide, provided the presentation that included the following:

- Received two community project awards from Congresswoman Eshoo and Congressman Mullin to support the Caltrain grade crossing improvements project to fund safety improvements at Whipple Avenue in Redwood City, Ravenswood Avenue in Menlo Park, and East Meadow Drive in Palo Alto
- Avoided government shutdown until October; President included \$25.4 billion for proposed budget
- AB (Assembly Bill) 1837 bill to codify Regional Network Management Council. Collection of all different transit agencies and MTC (Metropolitan Transportation Commission) to make decisions for regional transit
- FY (fiscal year) 2026 starts to see a deficit; \$25 million proposed from MTC would reduce the deficit to \$11 million, but no funding received yet
- Legislative program adopted in January focused on customer experiences, frequency, schedule, coordination, fair integration, seamless payment options, consistent signage, communication efforts
- SB (Senate Bill) 1031, sponsored by MTC, replaced SB925. \$750 million intended for

some of the operator shortfalls

- Provides MTC with more authority to control existing resources
- Transit Demand Management (TDM) section of the bill require employers to purchase a universal pass or something equivalent
- Include language on assessment and plan to consolidate all Bay Area transit agencies
- Different funding sources: sales tax, partial tax, payroll tax, and vehicle registration fee
- Create a \$750 million annual minimum for transit service, and can be bonded against
- Intent to require MTC to consider need and geographic balance for distributing the revenues, but no further information provided
- Would require CalSTA (California State Transportation Agency) to enter into an agreement with a transportation institute (University of California Institute of Transportation studies or the Minnesota Transportation Institute at San Jose State) to conduct an assessment of the associated advantages and disadvantages of consolidating all the Bay Area transit agencies and it would need to be done by January 1, 2026. Funding not identified in bill
- TDM requires voter approval for employers with 50 or more employees located in proximity to transit to purchase universal passes for employees. No funding was identified for administration of the program, and no funding identified to backfill impacted agencies
- Bill would allow MTC the ability to withhold or condition existing and future STA (State Transit Assistance) and TDA (Transportation Development Act), also known as LTF (Local Transportation Funds), which agencies depend on for operations support
- The bill is a work in progress and staff have been working with MTC and the author's office on amendments

Mr. Mohtashemi noted that the bill is a work in progress and looking forward to continuing engagement with all stakeholders, including all transit operators.

Public comments

Vaughn Wolff commented that the current process is not working as there is no transit system allowing from point A to point B.

Greg Conlon commented on request from Congressman Mullin and Congresswoman Eshoo and suggested amending to include \$3 to 5 billion to bury or elevate tracks.

Carter Lavin, Transbay Coalition, encouraged to support bill and endorse the measure.

Aleta Dupree referenced City of New York consolidation of three systems to one.

Max Siegel, San Jose, urged to oppose unless amended.

Anthony Lazarus commented on considering how work patterns changed and the need to work together.

Jonathan Cole, Climate Action California, commented on the need for reliable, frequent, well coordinate public transits across the region, and urged to continue working with the bill's author.

Sandra Lang, Burlingame, urged bill's author to refine and clarify tax revenue authorization language and incorporate safety needs.

Adrian Brandt commented on need for a seamless approach and urged to work with Senator Weiner, his staff, and Senator Wahab to fine tune language.

Adam Hall, Transportation Solutions at San Jose State University, commented on the need to consolidate a lot of agencies and supports the bill.

Jordan Moldow commented on the need to rebuild ridership but need more frequency and encouraged to support bill.

Adina Levin, Friends of Caltrain and Seamless Bay Area, commented on the need for funding to continue and improve service, support bill and directions, and support staff recommendations to work with authors to amend language.

Ian Griffiths, San Francisco resident and Seamless Bay Area, supported staff recommendations to work with bill's authors and seek clarification within the bill.

Dan Bell inquired whether passage of the measure required two-third voter approval.

Lian Chikako Chang urged to adopt and support if amended and hold off on taking a position while working on amendments rather than risk progress by taking an opposed position.

Jeff Carter commented on transportation should be seamless and easy to use as it is difficult to use to get to multiple locations and supports staff recommendations.

Chair Davis reported a discussion with Senator Weiner, Ms. Bouchard, Ms. Fromson, and Mr. Mohtashemi that included the following:

- No direct Caltrain operation support in the bill, and that would be a condition of support
- Language needed in bill in holding Go Pass revenue harmless
- Deep concerns regarding consolidation as a foregone conclusion – open to assessment and additional paths (costs and risks)
- Timing of parts of the bill that goes into effect once the bill passes
- Senator Weiner as strong advocate for transit at the state level
- Facing severe revenue shortage in near future with no plan for moving forward with full electrification expansion

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

- Requires two-thirds voter approval
- No direct Caltrain operation support in the bill
- Clarification on Mr. Mohtashemi's role in drafting and amending the bill
- Any textual language for amendments and for MTC expansion of power
- Clarification on timelines/important dates for amendments. Most opportune time for amendments considered on the senate side
- Need for consolidation language to be removed, substantial amendments, and delineation of funding. If MTC cannot have a discussion, transit agencies should take a position
- Clarification on funding allocation and need to indicate specific amount versus range
- Justification for opposing the bill unless substantially amended. Include an explanation and possibility of changing position in the letter
- Concerned with consolidation language, timeline, not given the opportunity to be heard, and the difference between oppose unless amended versus support if amended

Director Abe-Koga left the meeting at 10:58 am

Chair Davis suggested to write a letter strongly opposing the bill unless amended, take an opposed unless amended position, or leave open ended.

Motion to oppose SB 1031 unless amended, and direct to staff to convey proposed amendments to drop consolidation and support coordination, drop expansion of MTC authority, and ensure equitable allocation of funding/Second: Mueller/Medina

Ayes: Burt, Gee, Medina, Mueller

Noes: Walton, Zmuda, Davis

Absent Abe-Koga, Heminger

The Board Members continued the robust discussion and staff provided further clarification in response to the following Board comments and questions regarding the following:

- Transportation Hearing as best chance for people to understand seriousness of issue and importance of amendments
- Funding allocation under expenditure plan
- Still have opportunity for feedback since Senator Weiner's position is unknown. Beneficial for staff to work with Senator's Office and not to take an opposed position
- Pleased with TDM measures for employers
- Consolidation assessment can range \$10 to \$20 million. Coordination has more benefits for riders. Potential costs for regional transportation to be seamless
- Concerns for expansion of MTC authority and short timeline for opportunity to weigh in

Motion to oppose bill at this time and likely at the next meeting if substantial amendments are not made in the month of April, with proposed amendments to drop consolidation and support coordination, drop expansion of MTC authority, and ensure equitable allocation of funding/Second: Davis/Walton

Substitute Motion to defer action and schedule a special meeting in two weeks/Second: Burt/Mueller

Ayes: Burt, Gee, Medina, Mueller

Noes: Walton, Zmuda, Davis

Absent Abe-Koga, Heminger

Motion to oppose bill at this time and likely at the next meeting if substantial amendments are not made in the month of April, with proposed amendments to drop consolidation and support coordination, drop expansion of MTC authority, and ensure equitable allocation of funding/Second: Davis/Walton

Ayes: Walton, Zmuda, Davis

Noes: Burt, Gee, Medina, Mueller

Absent Abe-Koga, Heminger

Director Walton left the meeting at 11:33 am

Chair Davis noted that Director Abe-Koga would like to invoke AB2449 and waiting for her remote connection.

Motion to temporarily table item 7/Second: Medina/Gee

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

Noes: None

Absent Abe-Koga, Heminger, Walton

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

Pranaya Shrestha, CalMod Chief Officer, Casey Fromson, Chief of Staff, and Keith McCoy, Project Direct, BBI (Balfour Beatty Infrastructure, Inc), provided the presentation that included the following:

- No changes to revenue service or budget
- Two successful weekend short circuit testing
- Live run testing from end to end is scheduled later this month. Received fifth electric train 1,000-mile testing. 10 train sets onsite
- Approximately \$39 million remaining in project contingency pool
- Some punch list items to be completed after September launch, but no safety concerns

- Public event on May 11th and 160th years of passenger rail
- Completed four out of five short-circuit testing
- On target with completion of punch list items by the end of July

Public comments

Aleta Dupree commented on her experience on the bus bridge last year where it worked fine, need to keep working on impedance bond thefts, and looking forward to finishing testing and getting line fully ready for end-to-end operation.

Adina Levin commented on critical milestones coming up and hoped statuses of short circuit testing and live run tests can be posted via social media before next meeting.

Motion to table item 8 and return to item 7/Second: Gee/Mueller

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

Noes: None

Absent Abe-Koga, Heminger, Walton

Director Abe-Koga returned to meeting at 11:45 am

7. State and Federal Legislative Update: Consideration of Position on Senate Bill 1031, The Connect Bay Area Act – Continued

James Harrison, General Counsel, reported that Director Abe-Koga has invoked AB2449 under Just Cause circumstances and needs to disclose whether there is anyone 18 years of age or older in her presence. Director Abe-Koga disclosed her daughter is over 18 years of age.

Motion to oppose SB 1031 unless amended, and direct to staff to convey proposed amendments to drop consolidation and support coordination, drop expansion of MTC authority, and ensure equitable allocation of funding/Second: Mueller/Medina

Chair Davis confirmed to add support coordination language in letter.

Ayes: Abe-Koga, Burt, Gee, Medina, Mueller

Noes: Zmuda, Davis

Absent: Heminger, Walton

Motion to schedule special meeting on April 24, 2024/Second: Burt/Mueller

Director Burt commented on the rapid timeframe and having the special meeting will provide a better opportunity to have input earlier in the process subsequent to the Transportation Committee Meeting.

Director Medina noted that there is a MTC Workshop scheduled on April 24, 2024, which will result in Director Abe-Koga and staff's absence. Ms. Fromson reiterated MTC Workshop and Transportation Committee Meeting dates. Director Burt withdrew motion.

Director Abe-Koga left the meeting at 11:54 am

8. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report - Continued Public comments

Adrian Brandt suggested for RFI (request for information) or RFP (request for proposal) for engineers to design a tamper detection circuit that could be added onto or built into impedance bonds.

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

- Request for costs associated for replacement of impedance bonds and what is being done to minimize theft
- Clarification on expenditures for shared risk pool versus project contingency
- Potential disruption of service with copper theft
- John Hogan, Chief Operating Officer, reported that two intrusion boxes coming used for vehicle incursions, but moving forward with other areas, such as people coming onto right-of-way

9. Link21 Program Update – Deferred

10. Reports

10.a. Report of the Citizens Advisory Committee – Brian Shaw, Chair, provided an update on CAC discussions, which included the following:

- Member Kline resigned. Four vacancies need to be filled
- Received Measure RR audit and review. Approved report and instructed staff to move forward
- Financial plan – provided suggestions for shorter trains for off-peak hours to save money, energy, labor, and to educate the public that electric trains may be quieter and cleaner, but not necessarily cheaper to run
- Next meeting agenda to include safety quarterly update, wayfinding report, and access policy

10.b. Report of the Chair – Chair Davis reported on event scheduled on Friday with legislators to introduce electrified trains. Previously done three to four times with legislative delegations, SPUR, and other groups in San Jose. Getting the word out about EMUs to ensure getting people interested. Attended Bay FC opener game

where it was sold out. Saw line for Lyft after the game, so there is an opportunity there.

10.c. Report of the Local Policy Maker Group (LPMG) – Chair Burt reported quarterly in-person meeting in Redwood City. Focused on advancing corridor-wide crossing investment program. Useful to have a written report in more detail that would lay out recommendations.

10.d. Report of the Transbay Joint Powers Authority (TJPA) – Chair Gee reported still working on funding and concurrently working on shortlisting the major contractors for civil and tunnel track.

11. Correspondence – Available in agenda packet or online.

12. Board Member Requests – There were none.

13. Date/Time of Next Regular Meeting: Thursday, May 2, 2024 at 9:00 am.

14. Adjourn – The meeting adjourned at 12:06 pm.