

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

**Minutes of May 2, 2024**

**Members Present:** Margaret Abe-Koga, Pat Burt, Jeff Gee, Rico E. Medina, Ray Mueller, Shamann Walton, Monique Zmuda, Steve Heminger (Vice Chair), Devora “Dev” Davis (Chair)

**Staff Present:** J. Baker, M. Bouchard, A. Brandt, A. Burnett (Bell Burnett & Associates), D. Chazan, C. Fromson, S. Graham (BART), J. Harrison, K. McCoy (Balfour Beatty Infrastructure, Inc.), D. Seamans, P. Shrestha, A. To, C. Tsao (Capitol Corridor), M. Tseng

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

Chair Davis called the meeting to order at 9:01 am and led the Pledge of Allegiance.

**2. Roll Call**

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

**3. Public Comment on Items not on the Agenda – There were none.**

**4. Closed Session: Conference with Legal Counsel – Pending Litigation (§ 54956.9(d)(1)) [Rogers v. Peninsula Corridor Joint Powers Board, San Mateo County Superior Court, Case No. 23-CIV-03335]**

*Director Abe-Koga left the meeting at 10:17 am*

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

Legal Counsel James Harrison noted that there were no reportable actions.

**6. Public Comment for Items Not on the Agenda – Chair Davis reduced public comment time to one minute for each speaker.**

Vaughn Wolffe commented on funding concerns and suggested to be more concerned with moving people rather than spending money.

Jeff Carter agreed with Mr. Wolff and commented on seeing electric trains being tested.

Marie Blankley, Mayor of Gilroy, commented on seeing ridership increase to Gilroy since the fourth train was added - 38 percent increase and 138 trips since September 25<sup>th</sup>.

## 7. Report of the Executive Director

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

- Two major electrification milestones completed last month: Successful integrated testing along the right of way and end-to-end corridor runs, as well as testing of timetable times
- Celebration event in San Carlos on May 11<sup>th</sup>
- Appreciated Mayor Blankley's comments. Great response to fourth train addition in September 2023. Getting ridership back one person at a time. Trips from Gilroy to North San Jose will also see reduced travel times
- Bike to Wherever – sponsoring two energizer stations on May 16<sup>th</sup> at San Mateo and Mountain View. Hosting an informative online event on May 6<sup>th</sup> to explore the best ways people can integrate biking with Caltrain for commuting or leisure destinations
- Regional transit revenue measure – gratitude for Board support, ongoing engagement, and leadership
- Caltrain headquarters – continue to explore possibilities, including co-locating with SamTrans in Millbrae. Completed RFI (request for information) for available locations

### Public comments

Aleta Dupree commented on the event in San Carlos, good progress with electrification, support for the bike community, and bike share and storage are essential.

Jeff Carter commented that co-locating with SamTrans is in the best interest to keep costs down and provide better service and amenities to riders.

## 8. Consent Calendar

**8.a. Meeting Minutes of April 4, 2024**

**8.b. Accept Statement of Revenues and Expenses for the Period Ending March 31, 2024**

**8.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\***

**8.d. Authorizing the Application for and Receipt of Low Carbon Transportation Operations Program Funds for Ridership Recovery Service Enhancement**

Motion/Second: Medina/Zmuda

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

Noes: None

Absent: Abe-Koga

## 9. Receive Energy Procurement Strategy Update and Authorize Application to California's Low Carbon Fuel Standard Program

Alex Burnett, Bell Burnett & Associates, provided the presentation, which included the following:

- Active discussions with two CCAs (Community Choice Aggregators): Peninsula Clean Energy (PCE) and San Jose Clean Energy (SJCE). They are the default providers based on location of traction power stations in San Jose and South San Francisco
- PCE offers two products, ECOPlus and Eco100, and both are 100 percent renewable
- PCE is made up of Eco100 of 50 percent solar and 50 percent wind, whereas San Jose has a total green product, which is 100 percent wind
- PCE authorized a new tariff as of April 25th. PCE is taking to CARB (California Air Resources Board) to get certified. Will charge no incremental premium and getting at the same price as ECOPlus. SJCE is working to create this too
- PG&E (Pacific Gas and Electric Company) is responsible for delivery of energy. Discussing two strategies to reduce costs. Looking at combining the two meters at each substation to measure regenerative braking and enter into an interconnection agreement
- Do not have legal authority to enter wholesale market
- LCFS (Low Carbon Fuel Standard) program – need to register. Credits generated are market based and can fluctuate. Program currently undergoing rulemaking process so the State can change rules at any time
- Authorized to hire two positions: Manager of Energy and Senior Energy Analyst

#### Public comments

Vaughn Wolff suggested asking the CCAs to start considering floating solar on the bay and they should have batteries at stations to allow plugin for diesel locomotives.

Aleta Dupree commented on future electricity will price more favorably than diesel.

Jeff Carter commented on the importance of getting the best price and policy for electrification.

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

- Clarified fiscal year (FY) budget has \$25 million, but unsure how much electricity will be used until in revenue service
- Confirmed low carbon credits and LCFS assumptions and credits
- Not seeking authority to enter into the wholesale market as it comes with a list of considerations, such CCAs manages portfolio in terms of energy procurement, resource adequacy, and regulatory compliance
- New energy load is subject to Power Charge Indifference Adjustment (PCIA), which is regulated and a non-bypassable charge. It is supposed to compensate or otherwise help PG&E offset for departing load, not new load

Motion/Second: Gee/Heminger

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

Noes: None

Absent: Abe-Koga

## **10. State and Federal Legislative Update and Consideration of Positions on Legislation:**

### **HR 7039 (Johnson), AB 1837 (Papan), AB 2053 (Lee), SB 1031 (Wiener and Wahab)**

Casey Fromson, Chief of Staff, introduced Jason Baker, Director of Government and Communication Affairs, and Devon Ryan, Government Affairs Officer, provided the presentation that included the following information and staff recommendations for support:

- H.R. 7039, the Stronger Communities Through Better Transit Act, provides \$20 billion a year for four years for a total of \$80 billion for transit operations funding. Based on Federal Transit Administration (FTA) formulas
- AB (Assembly Bill) 2503 – CEQA (California Environmental Quality Act) Exemption for Passenger Rail Projects Bill would exempt rail electrification projects from CEQA
- AB 1837 codify the existing Regional Network Management Council to promote coordination of regional transit priorities

Staff provided further clarification in response to Director Zmuda's question regarding the funding source for H.R. 7039.

- SB (Senate Bill) 1031 presentation included the following:
  - Senate Transportation Committee Hearing term sheet was outlined. Notable item included sales tax not limited to more than half a cent, which would drop the bill down to \$1 billion, but goal being \$1.5 billion to help cover operating deficit
  - Whole Measure RR was a huge benefit, additional funds are needed to control and keep costs down
  - Guarantee at least \$25 million annually for large operators
  - Consolidation has progressed. More focused on a study with no predetermined outcomes. Senator Wahab's office open to amendments
  - TDM (transportation demand management) – another pass would interfere with Go Pass. New language coming along with some hold harmless language
  - Enhanced MTC (Metropolitan Transportation Commission) authority – new guardrails in place provides some restrictions on MTC. May continue to have refinements with continued conversations shaping the bill
  - Board position remains – Opposed unless amended

### Public comment

Ian Griffiths, Seamless Bay Area, commented on the funding measure that addresses the biggest need and it is appropriate for Caltrain to change its position to support if amended.

Jeff Carter supported the recommended amendments, transit should be funded to the same extent as highways, freeways, and airports.

Katherine Dumont, Menlo Park resident, expressed support and commented on need to keep transportation systems healthy and operational, and coordination is important.

Dylan Finch, member of SamTrans Citizens Advisory Committee, commented on compromising on SB1031.

Adrian Brandt opined that legislation is the best and only chance to get to seamless world class transit and urged support for the CEQA (California Environmental Quality Act) electrification exemption.

Anthony Montes, Silicon Valley Bicycle Coalition, commented on the need to ensure that Bay Area transit is reliable, well-coordinated, and well-funded, and encouraged working with the authors to refine the bill.

Anthony Lazarus commented on having a broad view and the need to move forward.

Adina Levin, Friends of Caltrain and Seamless Bay Area, urged continuing to work on bill and commented that stable funding is absolutely essential and having better coordination over time is something helpful for people who use Caltrain along with other agencies.

Don Cecil, SAMCEDA (San Mateo County Economic Development Association), noted having no position yet and the current position or staff recommendation has brought people to the table to talk and reaching out to seek thoughts on amendments.

Jordan Moldow, City of San Jose, urged to move to a support if amended position and bill should be amended to be open to all kinds of different revenue measures.

Ken Kershner, Menlo Park resident, commented on SB1031 being the only shot at funding a regional coordinated transit system and to find a way forward to support if amended.

Eleni Jacobson encouraged to move to a support if amended position.

Chance Boreczky commented that SB1031 is the right way to address the new economic realities and urged to continue to engage closely on pursuing amendments to move to a support if amended position.

Paul Wendt, Belmont, commented that he strongly supports better coordinated schedules and urged support with amendments.

Chair Davis thanked the public speakers for their time and comments and following the bills closely.

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

- Defined large operators as agencies with five million in ridership and with mileage minimums
- Concerns with authority and process for return to source percentages and qualifications as a source
- Bill contemplates four different types of revenue measures: payroll tax, parcel tax, sales tax, and vehicle registration

- Current amendments limits MTC (Metropolitan Transportation Commission) bond authority to capital funds
- Clarified existing transit operation shortfalls include post electrification shortfalls and not current shortfalls
- Concerned large operators will not be covered in the outer years and authorizing a nine-county payroll tax
- Start discussing a plan B with Member agencies as contingency to get Caltrain needed funding as there are a lot of potential failure points for this legislation and beyond
- Next set of amendments will be available on May 8<sup>th</sup>

The Board approved the staff recommendations to support H.R. 7039, AB 1837, and AB 2053.

Motion/Second: Gee/Medina

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

Noes: None

Absent: Abe-Koga

*Chair Davis took the agenda item #11 to Receive Link21 Program Update out of order prior to PCEP Monthly Progress Report.*

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

Pranaya Shrestha, Chief Officer of CalMOD, Casey Fromson, Chief of Staff, and Keith McCoy, Project Director for BBI (Balfour Beatty Infrastructure) provided the presentation that included the following information:

- On schedule, no changes to budget, and on target with substantial completion for May 8<sup>th</sup>
- Finished construction activities along with integrated testing
- Six train electric train sets have completed 1,000 miles. On target for the needed eight train sets for the power contingency test
- Top risk remains theft of impedance bonds. \$2.35 million taken out of shared risk with BBI funding half
- Date for last weekend shutdown is June 8<sup>th</sup> – 9<sup>th</sup> throughout the whole corridor. Bus bridges to Millbrae, Palo Alto, and San Jose - No service anywhere else
- 2,500 RSVPs received for May 11<sup>th</sup> Electric Train Tour event – also celebrating 160 years of service. Next event on June 1<sup>st</sup> at Palo Alto station with Stanford University and City of Palo Alto
- Continued focus on safety. Successful end-to-end test over the weekend. Wrapping up traction power training in May
- 72 percent complete with punch list and will be completed in July. On target for final acceptance for September 8<sup>th</sup>
- Focusing on identifying items after revenue service, such as corrosion equipment and

will be done after start of revenue service - not safety related

#### Public comments

Aleta Dupree commented that she would like to see details about bus bridge and the need for a deep dive on impedance bonds.

Adrian Brandt commented that the best practice to reduce energy use is to run shorter trains.

Adina Levin commented that it was great to hear the words finished construction.

### **12. Receive Link21 Program Update**

Dahlia Chazan, Chief of Planning, Sadie Graham, BART (Bay Area Rapid Transit) Link21 Director, Camille Tsao, Capitol Corridor Link21 Lead, provided the presentation that included the following information:

- Advanced in partnership with BART and Capital Corridor since 2020
- Transit ridership has not returned to pre-COVID levels. Forecasted for increased ridership over time and expect to see back at pre-COVID levels at or before 2040
- Developing service plan building on Caltrain's adopted service plan
- Crossing is not the only thing included in program - will include improvements using existing rail corridors. Opportunity to provide better passenger experience or improve connections to communities across the region and mega region
- Provided differences between BART, wide gauge versus regional rail, and standard gauge crossings. Regardless of what track piece is used, the new crossing would meet overarching goals of program. Improvements in addition to the new crossing would help improve the passenger experience

*Director Walton left the meeting at 12:19 pm*

#### Public comments

Vaughn Wolff commented that making long range plans with agencies that have never been able to deliver anything on time is slated.

Jeff Carter commented about funding sources for the project that is going to be extremely expensive.

Adrian Brandt favored the technology choice for standard gauge.

Aleta Dupree advocated for dual gauge and dual power systems.

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

- Concerns for more rail operators on the corridor and more land for the passing tracks

- Management Team should include Caltrain if moving forward with standard gauge crossing, which would require additional staffing resources
- Concerns for existing capital infrastructure along with infrastructure expansion
- Need to review new technologies that would offer better alternatives than the two gauges

**13. Monthly Reports were provided on the following items:**

13.a. Report of the Citizens Advisory Committee – Adrian Brandt, Vice Chair, provided an update on CAC discussions, which included the following:

- Member Torres (San Francisco Member) resigning
- South County Gilroy service update received. Discussed disparity between AM and PM ridership. Technical issues delayed new service out of Gilroy in the morning
- Discussed cross platform transform planned at Diridon Station
- Had Station Access Policy Update. Ongoing issues with elevators being available and standardizing designs
- Had Quarterly Safety Update that touched on tree issues
- Requested information on ongoing issues with vehicle incursions and trespasser strikes

*Director Mueller left the meeting at 12:55 pm*

13.b. Report of the Chair – Chair Davis skipped her report due to time constraints

13.c. Report of the Local Policy Maker Group (LPMG) – Chair Burt reported on receiving the Station Access Plan and a discussion around the critical partnership role that cities need to and could benefit from in being full partners in the program.

13.d. Report of the Transbay Joint Powers Authority (TJPA) - Chair Gee reported still waiting on approval to enter into engineering.

**14. Correspondence** – Available online.

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

**16. Date/Time of Next Regular Meeting: Thursday, June 6, 2024 at 9:00 am.**

**17. Adjourn** - The meeting adjourned at 12:57 pm