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Agenda

Peninsula Corridor Joint Powers Board

Advocacy and Major Projects (AMP)

Committee Meeting

September 25, 2024, 3:30 pm

Bacciocco Auditorium, 2nd Floor
1250 San Carlos Ave., San Carlos, CA

Committee Members: Steve Heminger (Chair), Margaret Abe-Koga, Jeff Gee

Members of the public may participate remotely via Zoom at <https://us02web.zoom.us/j/84582532747?pwd=dGdjV3lQVW1RUGUyZk9SSml6aXZRZz09> or by entering Webinar ID: **845 8253 2747**, Passcode: **268109**, in the Zoom app for audio/visual capability or by calling 1-669-444-9171 (enter webinar ID and press # when prompted for participant ID) for audio only. The video live stream will be available after the meeting at <https://www.caltrain.com/video-board-directors>.

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.

Public Comments: Public comments may be submitted to publiccomment@caltrain.com prior to the meeting's call to order so that they can be sent to the Board as soon as possible, while those received during or after an agenda item is heard will be included 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

Note: All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board.

*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.

September 25, 2024 - Wednesday

3:30 pm

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

A double asterisk indicates that one or more Directors of the JPB serve on the governing board of a public agency with which the JPB proposes to contract. Under Government code section 1091(a)(9), this relationship is considered to be a noninterest but it must be disclosed.

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 July 24, 2024 Motion
5. Receive Update on Diridon Station Design Alternatives and Authorize Execution of a Cooperative Agreement with Diridon Partner Agencies to Establish Interim Project Organization Structure* ** Motion
6. Receive Update on Transit 2050+ Informational
7. Receive State and Federal Legislative Update Informational
8. Committee Member Requests
9. Date/Time of Next Regular AMP Committee Meeting: Wednesday, October 30, 2024 at 3:30 pm.
The meeting will be accessible via Zoom and in person at the San Mateo County Transit District, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070.
10. Adjourn

Note: All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board.

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Date and Time of Board and Committee Meetings

JPB Board: First Thursday of the month, 9:00 am; JPB Advocacy and Major Projects (AMP) Committee: Two Wednesdays before the Board meeting, 3:30 pm. The date, time, and location of meetings may be changed as necessary. Meeting schedules for the Board and committees are available on the website.

Location of Meeting

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 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 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.

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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
Advocacy and Major Projects Committee
1250 San Carlos Avenue, San Carlos, CA 94070
DRAFT Minutes of July 24, 2024**

Members Present: Jeff Gee, Steve Heminger (Chair)
Member Attended via Teleconference: Margaret Abe-Koga
Staff Present: M. Bouchard, J. Harrison, M. Lee, S. Lopez, M. Reggiardo, D. Ryan, M. Tseng, K. Walesh (VTA)

1. Call to Order/Pledge of Allegiance

Chair Heminger called the meeting to order at 3:31 pm and led the Pledge of Allegiance.

2. Roll Call

Deputy District Secretary Margaret Tseng called the roll and confirmed a Committee quorum was present.

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

4. Meeting Minutes of May 29, 2024

Motion/Second: Gee/Abe-Koga
Ayes: Abe-Koga, Gee, Heminger
Noes: None

5. State and Federal Legislative Update and Approval of Legislative Proposal: Support SB 925 (Weiner)

Devon Ryan, Government Affairs Officer, provided the presentation that included the following:

- Federal Updates:
 - H.R. 8996 – Rail Safety Enhancement Act of 2024 authorizes an additional \$1 billion in support of the railroad crossing elimination program and contained various safety elements including a two-person crew requirement, which Caltrain already meets
 - FRA’s (Federal Rail Administration) Rail Crossing Elimination Grant Program - significant funding source for grade crossing. Up to 20 percent of the total funding can be allocated to one state. Applications are due September 23rd with 20 percent match requirement
 - Updates from the Federal House Appropriate Committee - passed four of twelve appropriation bills. Senator Padilla advanced Caltrain’s South County Wi-Fi Community Project request
- State Updates:
 - The California Governor signed AB (Assembly Bill) 173 Transportation Budget Trailer Bill. Maintains transit package funds including \$25 million from MTC (Metropolitan Transportation Commission) to Caltrain for FY (fiscal year) 2026

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

- AB 173 reinstating grade separation funding for locations in Burlingame, Palo Alto, and Mountain View
- Blue Ribbon Task Force status addressing transit fiscal cliff and operating capital
- Eligibility and availability of funding allocation towards suicide prevention measures, such as fencing to improve safety for residents

Motion/Second: Gee/Abe-Koga

Ayes: Abe-Koga, Gee, Heminger

Noes: None

6. Receive Update on Diridon Station Business Case

Marian Lee, Diridon Station Project Director, introduced Kim Walesh, VTA Governance Lead, provided the presentation on Long-term Governance and Funding that included the following:

- Long term governance as the entity that will lead the delivery stage of the project
- Evaluated three case studies involving a joint powers authority, a public benefit corporation, and construction authorities
- Scanning for federal, state, regional, and local funding sources
- Potential financial tool, Enhanced Infrastructure Financing District (EIFD), for local match in San Jose. An EIFD would be funding by County and City from the increased revenue of the property tax in the local area due to the development of the Diridon Station.

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

- Difficulties with rotating Board Members and the importance of having an involved and committed Board
- Need for partner accountability and consequences and to resolve bonding issue
- Design-Build/Operate/Maintain contract evaluation for Diridon Station alternatives

Melissa Reggiardo, Planning Manager, provided the presentation on station alternative designs that included the following:

- Station alternatives, elevations, components, footprint, and operator layout with consideration of the public use for various operators services of train, light rail, busses, high speed rail, and airport connector
- Stacked alternative is the only method that does not encroach onto Pacific Gas & Electric (PG&E) substation, but has broader impact to land use to the north and larger impact to current operations during construction
- Existing roadways and streets surrounding station are planned to be pedestrianized, identified as major bicycle routes, or cannot accommodate facility due to expanded rail infrastructure

- Designs alternatives will have sufficient infrastructure to accommodate all future services

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

- High-level cost considerations which will be fine-tuned
- Funding considerations from the public agencies, private entities, state, and federal
- Consideration of exemptions from federal and state agencies similar to local stadiums

Public comment

Adrian Brandt commented on the at-grade design alternative and expressed flooding concerns from Gaudalupe River, support for direct connections, and disappointment of proposed bus stop location.

Chair Heminger commented on the importance of connections between BART (Bay Area Rapid Transit) and Caltrain.

6. **Committee Member Requests** - There were none.
7. **Date/Time of Next Regular AMP Committee Meeting:** Wednesday, August 28, 2024 at 3:30 pm
8. **Adjourn** - The meeting adjourned at 4:56 pm.

**Peninsula Corridor Joint Powers Board
Staff Report**

To: JPB Advocacy and Major Projects Committee
Through: Michelle Bouchard, Executive Director
From: Marian Lee, Diridon Station Project Director
Subject: Receive Update on Diridon Station Design Alternatives and Authorize Execution of a Cooperative Agreement with Diridon Partner Agencies to Establish Interim Project Organization Structure

Finance Committee
Recommendation

Technology, Operations, Planning,
and Safety Committee
Recommendation

Advocacy and Major Projects
Committee Recommendation

Purpose and Recommended Action

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

1. Receive this informational update on the Diridon Station Business Case and station design alternatives.

The purpose of this informational report and accompanying presentation is to share progress on the Diridon Station Business Case since the previous update at the July AMP meeting. Since July, the Diridon Joint Policy Advisory Committee (JPAB) met in August and staff presented information regarding the following items:

- Station Design Alternatives
- Long-term Governance and Funding for Project Delivery
- Interim Integrated Project Team Organization

For the AMP meeting, Caltrain staff will present information regarding station design alternatives and the interim integrated organization. An update on long-term governance and funding is included in the materials as background but will not be presented until the November AMP meeting.

The Station Design Alternatives item is informational.

2. Authorize the Executive Director to execute a Cooperative Agreement with Caltrain's Partner Agencies regarding the Interim Integrated Project Team.

The Interim Integrated Project Team item is an action item, in which staff is seeking Board approval to enter into a Cooperative Agreement with the other four project Partner Agencies.

The Cooperative Agreement will formalize the commitments and actions needed by the Partner Agencies to set up the Interim Integrated Project Team.

Discussion

Background

The Partner Agencies – Caltrain, Santa Clara Valley Transportation Authority (VTA), the City of San José (San José), Metropolitan Transportation Commission (MTC), and California High-Speed Rail Authority (CHSRA) -- are working together on the Diridon Station Business Case to plan for the transformation of San Jose’s downtown transit hub. Diridon Station is integral to California’s transportation network. It currently serves Caltrain, Capitol Corridor, Altamont Corridor Express (ACE), and Amtrak passenger rail, as well as VTA light rail transit (LRT) and bus services. Diridon must also accommodate planned and expanded services in the region, including new California High-Speed Rail (CAHSR) and Bay Area Rapid Transit (BART) service, as well as expanded service for Caltrain, Capitol Corridor, and ACE. To effectively accommodate planned activity and future service needs, the station must be reconfigured, expanded, and upgraded to provide adequate capacity, functionality, and interconnectivity for passengers.

The Partner Agencies are developing detailed station design alternatives through a Business Case process to better understand costs, benefits, risks, and potential implementation strategies. The first phase of the Business Case has identified two station design alternatives to discuss with the community at-large. In the next phase of work, the Partner Agencies will engage with the community to identify at least one recommended alternative that will be carried forward for environmental analysis.

Station Design Alternatives

At the July 2024 AMP meeting, the project team presented three station design alternatives: At-Grade, Stacked and Elevated. The three alternatives were evaluated against the project goals, objectives, and performance metrics. After thorough review, the Stacked Alternative scored the lowest and is recommended for elimination.

Although the Stacked Alternative had some desirable traits, including the narrowest platform and track footprint in the immediate station area, it fell short in many other areas. The most notable shortcomings of the Stacked Alternative are: 1) suboptimal passenger experience since it includes another level of transit services for passengers to navigate; 2) significant visual impact on the surrounding communities; 3) difficulty providing quality access at grade crossings given double-decker infrastructure; 4) complex constructability and the inability to phase the construction of the two levels of tracks and 5) largest land impacts outside of the immediate station area. Therefore, it is recommended the Elevated and At-Grade Alternatives progress to public engagement and further design refinement, and the Stacked Alternative is eliminated.

Over the summer of 2024, the project team refined the design of the At-Grade and Elevated Alternatives. Major refinements include confirming the proposed track and platform widths through a passenger flow analysis, moving the LRT station from the west to east side of the

station, confirming that a direct connection the BART tunnel is technically feasible, and updating track elevations to reduce land impacts including no longer impacting Caltrain's Equipment Maintenance and Operations Facility (CEMOF) under the Elevated Alternative.

While the Elevated and At-Grade Alternatives have a relatively similar passenger experience and footprint in the immediate station area, the extent of the proposed track changes north and south of the station is significantly different. The Elevated Alternative proposes a substantial length of elevated track which provides a fully grade separated system. It separates the existing at-grade crossings at West Virginia Street and Auzeais Avenue and requires modification at all other crossings, including the rebuilding of the San Carlos Street bridge.

Unlike the Elevated Alternative, a fully grade separated system is not inherent to the design of the At-Grade Alternative. The At-Grade Alternative conforms to the existing tracks before the West Virginia and Auzeais at-grade crossings. However, considering future train traffic, auto traffic, and previous community discussions about the benefits of grade separations, the At-Grade Alternative includes an auto road closure for West Virginia Street (maintaining bike and pedestrian access) and a grade separation at Auzeais Avenue. The auto closure and grade separation at West Virginia and Auzeais, respectively, are initial recommendations that will be vetted thoroughly with the community.

The varying track change extents of the alternatives, and particularly, the much longer length of the Elevated Alternative, drives other key differences between the alternatives such as constructability and cost. At this very conceptual level of design (less than 5 percent) the approximate cost range of the At-Grade Alternative is \$3 to \$6 billion, and the Elevated Alternative is \$5 to \$10 billion. The estimates are in 2023 dollars and are subject to escalation.

The two refined alternatives will be shared in upcoming public engagement events from mid-August through October, including pop-ups, event tabling, a station exhibit, stakeholder engagement, and a community meeting. At the November AMP meeting, the project team will share public and stakeholder feedback, and a strategy and funding approach to the environmental phase that will commence next summer.

See Attachment A for the August JPAB staff memo on this topic.

Long-term Governance

VTA is responsible for the long-term governance and funding work. This item will not be presented at AMP this month, but a more comprehensive update will be presented in November 2024.

At the July AMP meeting, VTA presented practical lessons learned from case studies representing a range of governance models: Salesforce Transit Center-Phase 1 (joint powers authority), Denver Union Station (nonprofit development corporation), LA Metro Gold Line (construction authority). The presentation identified eight desired features of a project delivery governance model, including focus, accountability, leadership, and capacity to attract funding.

It also shared the limitations of traditional value-capture tools in San Jose, and the importance of the City and County considering creation of an Enhanced Infrastructure Financing District (EIFD) to support local match requirements.

Since then, the consultant team developed a recommendation to pursue the Transit District/Transit Commission governance model, in the form of a Diridon Delivery Authority (Authority). This type of governance model can create a focused entity for a finite period during the station design and construction. The board composition can be customized to local needs, and the relationships between the Partner Agencies and the Authority can be defined through contractual agreements to ensure ongoing communication and involvement. The Authority can be dissolved when construction is completed. Formation of the Authority would require legislative action, which would confirm the powers, scope, and other critical parameters of the Authority. This could also be an opportunity to seek State funding and support.

The consultants also completed an inventory of potential funding and financing sources for the project and analyzed potential bonding capacity of an EIFD revenue stream. The analysis shows that formation of an EIFD with participation by both Santa Clara County and the City of San Jose could generate a meaningful stream of revenue from accelerated new development within a one-mile radius of the station. The consultant team will share updated analysis of potential annual EIFD yields, and how the annual revenue stream might support bonding.

See Attachment B for the August JPAB staff memo and PowerPoint presentation on long-term governance.

At the November AMP meeting, the consultant team will bring forward supplemental information about how the Delivery Authority could operate.

Interim Integrated Project Team Organization

The JPAB has asked staff to continue to work diligently on station design while, in parallel, pursuing a long-term governance organization. At past JPAB meetings, staff presented a proposal to immediately set up an Interim Integrated Project Team organization to ensure more efficient production and discussed the key terms of the interim organization.

A new Cooperative Agreement among the Partner Agencies has been drafted. The intent of the agreement is to formalize the following commitments and actions to set up the Diridon Station Interim Integrated Project Team:

- Evolve the advisory JPAB into a voting Steering Committee
- Delegate authority to the Steering Committee to take actions and make recommendations
- Identify areas of lead responsibility for each partner agency
- Structure the integrated project team with appropriate levels of staff and subject matter consultants that enables thorough deliberation, quality work products, and efficient resolution
- Set up San José downtown integrated team project office

The term of the agreement is up to four years, beginning late Summer 2024. This period includes the pre-environmental (Business Case Phase 2) and the environmental phase. When the long-term organization is ready, this agreement can be replaced.

Attachment C is the August JPAB staff memo and presentation which provides more information about the Interim Integrated Project Team Organization. It also includes information about the pre-environmental phase of work, budget/funding and scope of work for the key consultants assigned to the project. The budget for FY24 – 25 is \$7.8M. The funding sources are: \$6.3 million from MTC Regional Measure 3; \$1 million from VTA Measure B; and \$500,000 from the City of San Jose.

Attachment D is the Cooperative Agreement. Staff recommends the Board authorize the Executive Director or designee to enter into the Cooperative Agreement with the Partner Agencies to formalize the Interim Integrated Project Team. The Partner Agencies will obtain approvals and signatures of the Cooperative Agreement over the next few months. Activation of the Steering Committee will occur this winter to account for transitions and appointments related to election outcomes.

Budget Impact

There is no direct budget impact associated with this action.

Prepared By:	Gwen Buckley	Principal Planner	650-722-6827
	Melissa Reggiardo	Manager, Caltrain Planning	650-868-9925

Resolution No. 2024-

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

* * *

**Authorizing Execution of a Cooperative Agreement with Diridon Partner Agencies to Establish
Interim Project Organization Structure**

Whereas, the Peninsula Corridor Joint Powers Board (JPB or Caltrain), the Santa Clara Valley Transportation Authority (VTA), the City of San José, the Metropolitan Transportation Commission (MTC), and the California High-Speed Rail Authority (CHSRA) (Partner Agencies) are working together on the Diridon Station Business Case (Business Case) to plan for the transformation of San Jose’s downtown transit hub; and

Whereas, the first phase of the Business Case has identified two station design alternatives to discuss with the community at-large, and in the next phase of work, the Partner Agencies will engage with the community to identify at least one recommended alternative that will be carried forward for environmental analysis; and

Whereas, the Diridon Station Joint Policy Advisory Board (JPAB) has asked staff to continue to work diligently on station design while, in parallel, pursuing a long-term governance structure; and

Whereas, at the past JPAB meetings, staff presented a proposal to immediately set up an Interim Integrated Project Team organization prior to a long-term governance structure to ensure more efficient production; and

Whereas, a new Cooperative Agreement among the Partner Agencies has been drafted to formalize the following commitments and actions to set up the Diridon Station Interim

Integrated Project Team: 1) evolve the advisory JPAB into a voting Steering Committee; 2) delegate authority to the Steering Committee to take actions and make recommendations; 3) identify areas of lead responsibility for each partner agency; 4) organize the integrated project team with appropriate levels of staff and subject matter consultants that enables thorough deliberation, quality work products, and efficient resolution; and 5) set up a San José downtown integrated team project office; and

Whereas, the term of the agreement is up to four years, beginning late Summer 2024, which includes the pre-environmental and the environmental phase of work; and

Whereas, the long-term governance organization, when established, will supersede this agreement; and

Whereas, staff recommends that the Board authorize execution of a Cooperative Agreement with Diridon Partner Agencies to establish an Interim Project Organization Structure; and

Now, Therefore, Be It Resolved that the Board of Directors of the Peninsula Corridor Joint Powers Board, hereby authorize the Executive Director, or designee, to execute a Cooperative Agreement with Diridon Partner Agencies, in substantially the same form as Attachment D, to establish an Interim Project Organization Structure and to take any other actions necessary to give effect to the Agreement.

Regularly passed and adopted this 3rd day of October 2024 by the following vote:

Ayes:

Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

JPB Secretary
1892322v1



Memorandum

TO: Diridon Station Joint Policy Advisory Board

FROM: Marian Lee/Melissa Reggiardo, Diridon Business Case Director/Manager

DATE: August 14, 2024

SUBJECT: Diridon Station Design Recommendation

FOR INFORMATION ONLY

INTRODUCTION:

The purpose of this informational report and accompanying presentation is to share progress on the Diridon Station Business Case since the previous update at the May JPAB meeting. The update in May shared three station design alternatives. Today's update shares the two alternatives that staff recommend advancing for public engagement and further analysis. At the November JPAB, staff will report on the input received from the public and share a proposed approach to the environmental process, which is anticipated to kick-off in summer 2025.

DISCUSSION:

Background

Caltrain, Santa Clara Valley Transportation Authority (VTA), the City of San José, the Metropolitan Transportation Commission, and the California High-Speed Rail Authority (CHSRA) (Partner Agencies) are working together on the Diridon Station Business Case to plan for the transformation of San Jose's downtown transit hub. Diridon Station is integral to California's transportation network. It currently serves Caltrain, Capitol Corridor, Altamont Corridor Express (ACE), and Amtrak passenger rail, as well as VTA light rail transit (LRT) and bus services. Diridon must also accommodate planned and expanded services in the region, including new California High-Speed Rail (CAHSR) and Bay Area Rapid Transit (BART) service, as well as expanded service for Caltrain, Capitol Corridor, and ACE. To effectively accommodate planned activity and future service needs, the station must be reconfigured, expanded, and upgraded to provide adequate capacity, functionality, and interconnectivity for passengers.

In 2020, the Diridon Integrated Station Concept (DISC) process produced the original Concept Layout, which is a spatial vision for future Diridon station redevelopment. Building on this concept, the Partner Agencies are developing more detailed station design alternatives through a Business Case process to better understand costs, benefits, risks, and potential implementation strategies. The Business Case seeks to develop alternatives to the original Concept Layout that provide much of the benefit with reduced impact and costs.

To date, Business Case has identified two station design alternatives to discuss with the community at-large. In the next phase of work, the Partner Agencies will work with the community to recommend one alternative that will be environmentally cleared.

Elimination of the Stacked Alternative

At the May 2024 JPAB meeting, the project team presented three station design alternatives: At-Grade, Stacked and Elevated. The At-Grade Alternative has at-grade tracks and a lower-level concourse, meaning the concourse is slightly below-grade and uses gradual sloping to integrate into the surrounding street network. The Stacked Alternative has a lower-level concourse like the At-Grade Alternative but splits rail infrastructure into two levels – high-speed rail on the upper level and all the other tracks on the street level. The Elevated Alternative has elevated tracks with a ground level concourse. This alternative is most like the original Concept Layout since it requires elevating existing rail infrastructure.

The three alternatives were evaluated against the project goals, objectives, and performance metrics. Ultimately, the Stacked Alternative scored the lowest and is recommended for elimination.

While one of desirable attributes of the Stacked Alternative was having the narrowest platform and track footprint in the immediate station area, it fell short in many other areas including passenger experience, project deliverability, and visual impact. It scored lower in passenger experience since it includes another level of transit services for passengers to navigate. The Stacked alternative is the most complicated project to deliver with its double decker infrastructure and would require the greatest coordination to implement and it significantly impacts the view from the station area and surrounding communities. And lastly, one of the initial favorable concepts of potentially phasing the two levels of platforms and tracks was also found to be infeasible. Therefore, it is recommended the Elevated and At-Grade alternatives progress to public engagement and further design refinement, and the Stacked alternative eliminated.

Two Refined Alternatives for Public Engagement

The At-Grade and Elevated Alternative have been refined since the May JPAB meeting. Major refinements include confirming the proposed track and platform widths through a passenger flow analysis, moving the LRT station from the west to east side of the station, confirming that a direct connection the BART tunnel is feasible, and updating track elevations to avoid impact on Caltrain's Equipment Maintenance and Operations Facility (CEMOF) and reduce land use impacts more generally.

- CHSRA Passenger Flow Analysis: Working closely with the Business Case project team, CAHSR conducted a passenger flow analysis and validated that the proposed track and platform widths are feasible for future operations. This confirms that the main hall of the historic station can be preserved with modifications to the annex in both alternatives. The At-Grade alternative would maintain the façade of the historic annex and the Elevated

Alternative would build over the annex. Additionally, the PG&E substation can be rebuilt in place.

- Light Rail Transit (LRT) Station Location: Both alternatives now assume a light-rail station on the eastern side of the station, rather than on the western side where it is today. This location provides better intermodal connectivity between light rail and heavy rail. It also allows for the curve of the LRT tunnel to be straightened since it won't have to bend to accommodate a western station. There are slight differences in terms of where the LRT platforms are located between the At-Grade and Elevated Alternatives. The At-Grade Alternative proposes a more central location under the historic station while the Elevated includes two east-west access points, with the eastern access point within Cahill Plaza.
- BART to Silicon Valley (BSV) Connection: The project has been working with the BSV Technical Task Force to analyze the feasibility of a direct connection to the BART tunnel. The Task Force has determined that a tunnel connection is feasible which could potentially shave approximately one minute off passenger transfer times. To enable the direct connection, BSV needs to modify their existing designs to extend the mezzanine and allow for a knock-out panel.
- Avoidance of CEMOF Relocation. Originally, the track designs for the Elevated Alternative were unable to descend to grade before CEMOF, which triggered the preliminary assessment that a relocation of the facility was needed to provide access. The project team has since been able to modify the track elevation in the northern corridor so that it doesn't require a relocation of CEMOF, reducing the cost of the Elevated Alternative. Additionally, these modifications also reduce land use impacts generally.

Extent of Track Changes and Grade Separations

While the Elevated and At-Grade Alternatives have a relatively similar passenger experience and footprint in the immediate station area, the extent of the proposed track changes north and south of the station is significantly different. The Elevated Alternative proposes a substantial length of elevated track from approximately West Virginia Street in the south to north of CEMOF on the northern end (though CEMOF access is still maintained). Comparatively, the At-Grade Alternative generally conforms to the existing tracks before the San Carlos Street bridge in the south and before CEMOF in the north.

The track extent and elevation have an impact on the grade separations and crossing upgrades associated with the station project. The Elevated Alternative provides a fully grade separated system in which all the crossings have the streets traveling under the elevated tracks. It separates the existing at-grade crossings at West Virginia Street and Auzerais Avenue and requires modification at all other crossings, including the rebuilding of the San Carlos Street bridge.

Unlike the Elevated Alternative, a fully grade separated system is not inherent to the design of the At-Grade Alternative. The At-Grade Alternative conforms to the existing tracks before the West Virginia and Auzerais at-grade crossings. However, considering future train traffic, auto traffic, and previous community discussions about the benefits of grade separations, the At-

Grade Alternative includes an auto road closure for West Virginia Street (maintaining bike and pedestrian access) and a grade separation at Auzerais Avenue where the road would dip under the tracks. The auto closure and grade separation at West Virginia and Auzerais, respectively, are initial recommendations that will be vetted thoroughly with the community.

The varying track change extents of the alternatives, and particularly, the much longer length of the Elevated Alternative, are what drives other key differences between the alternatives – visual impacts as well as construction complexity and cost.

Preliminary Cost Range Estimates

The cost estimates for the two alternatives were updated to reflect the recent design refinements. The approximate cost range of the At-Grade Alternative is \$3 to \$6 billion, and the Elevated is \$5 to \$10 billion. The estimates are in 2023 dollars and are subject to escalation. The estimate range uses industry best practices for conceptual design, where the low end of the range is 30 percent below the mid-point estimate and the high end is 50 percent above the midpoint estimate. The At-Grade alternative is generally less expensive because it doesn't elevate the tracks and requires less concrete, steel, tracks and systems. The Elevated is more expensive because it elevates tracks over a long distance and requires more concrete, steel, tracks and systems.

Public Engagement

The two refined alternatives will be shared in upcoming public engagement events from mid-August through October, including pop-ups, event tabling, a station exhibit, stakeholder engagement, and a community meeting. The goal is to build on the extensive outreach completed through the DISC process, build awareness, and seek feedback to inform the selection of a recommended alternative by next summer.

NEXT STEPS:

Over the next few months, the project team will further advance design for the two alternatives and work with the community to identify the recommended station alternative for environmental clearance. At the November JPAB, the project team will share public and stakeholder feedback, approach to the environmental work and funding that will commence next summer, and a 2025 JPAB meeting lookahead.



Memorandum

TO: Diridon Station Joint Policy Advisory Board

FROM: Kim Walesh, VTA Governance Lead

DATE: August 8, 2024

SUBJECT: Governance and Funding for Project Delivery

FOR INFORMATION ONLY

INTRODUCTION

Today's meeting will continue discussion on long-term governance and the funding strategy for the Diridon Station project.

Long-term governance means formalizing an entity to lead the delivery stage of the Diridon Station project. Governance by a lead entity, including a board and staff, is distinguished from the five-agency cooperation model that has led the planning phase since 2018.

At their May meeting, JPAB members reviewed practical lessons learned from case studies representing a range of governance models: Salesforce Transit Center-Phase 1 (joint powers authority), Denver Union Station (nonprofit development corporation), LA Metro Gold Line (construction authority). They affirmed eight desired features of a project delivery governance model, including focus, accountability, leadership, and capacity to attract funding. They learned about the unique limitations of traditional value-capture tools in San Jose, and the importance of the City and County considering creation of an Enhanced Infrastructure Financing District (EIFD) to support local match requirements.

Since then, the consultant team developed a recommendation to pursue the Transit District/Transit Commission governance model, in the form of a Diridon Delivery Authority. The consultants also completed an inventory of potential funding and financing sources for the project and analyzed potential bonding capacity of an EIFD revenue stream.

DISCUSSION

Explore Creation of Diridon Delivery Authority

The consultant team recommends further exploration of the Transit District/Transit Commission model (working title: Diridon Delivery Authority) because it can create a focused entity for a finite period during the station design and construction. The board composition can be customized to local needs. The relationships between the partner agencies and the Authority can

be defined through contractual agreements, and ongoing communication and involvement can be ensured. The Authority can be dissolved when construction is completed. Formation by State legislative action would be required and would confirm the powers, scope, and other critical parameters of the Authority. This could also be an opportunity to seek State funding and support.

The consultant team has deemed the other three model options first introduced at the JPAB meeting in 2024 as not worthy of more consideration. The Joint Powers Authority has less flexibility in board composition and is considered less efficient and independent. A state-chartered entity would diminish local control and be less efficient due to the required state involvement. A nonprofit development corporation would not on its own have the powers and authorities needed in the delivery phase; there are insufficient public real estate development opportunities remaining to merit the need for a development corporation.

When the Delivery Authority model was compared with the alternative of an existing agency overseeing the construction, the Delivery Authority excels on the desired features of Focus (singular purpose), Decision-making (timely, nimble decision-making), Leadership (dedicated board and executive as project champions), and Legitimacy (partners recognize need for new entity.)

Partner agencies identified several important issues requiring more review before a final recommendation could be made for the Authority model. These include:

- a. How to ensure continuous, safe system operations during the construction period
- b. Precedents for operating as a nascent governance entity prior to formal establishment of the Delivery Authority, including potential early hiring of a start-up Director
- c. Defining the relationships between the Authority and partner agency responsibilities, authorities, and interests
- d. The staffing model for the Authority (i.e., PERS employees, contractors)
- e. Potential of the Diridon Authority as a new model or potential evolution to support other mega-project delivery in the Bay Area.

Inventory of Funding and Financing Sources

The consultant team will provide an overview of the inventory of federal, state, regional, and local funding/financing sources potentially applicable to the project. This will serve as the basis for a more specific Funding Implementation Plan that will be created to start seeking capital for the project. VTA has responsibility for leading the Funding Implementation Plan and fundraising for the project.

Potential Enhanced Infrastructure Financing District (EIFD)

Significant local funding will be required to meet match requirements that can unlock state and federal grant funding. Local revenue streams can also help secure low-cost, long-term federal financing.

EIFDs are the primary value capture tool available for Diridon because land included in the Diridon Station Area Plan has already been upzoned and new assessments/fees on development are economically infeasible in the foreseeable future.

EIFDs, or variations thereof, are the primary form of tax-increment financing allowed in California. Investment in a multi-modal station and improved transportation service will lead to significant acceleration of property tax revenue due to accelerated property development and turnover in the surrounding area. Recognizing this, cities and counties can elect to set aside a portion of this property tax increment to fund the transportation project—either directly or through bonding/financing mechanisms.

Analysis shows that formation of an EIFD with participation by both Santa Clara County and the City of San Jose could generate a meaningful stream of revenue from accelerated new development within a one-mile radius of the station. The consultant team will share updated analysis of potential annual EIFD yields, and how the annual revenue stream might support bonding.

EIFD's can have a 30-45 year life, but it is important that an EIFD be established as early as possible to secure the base assessed property values at the existing level before large-scale development near the station gets underway.

NEXT STEPS

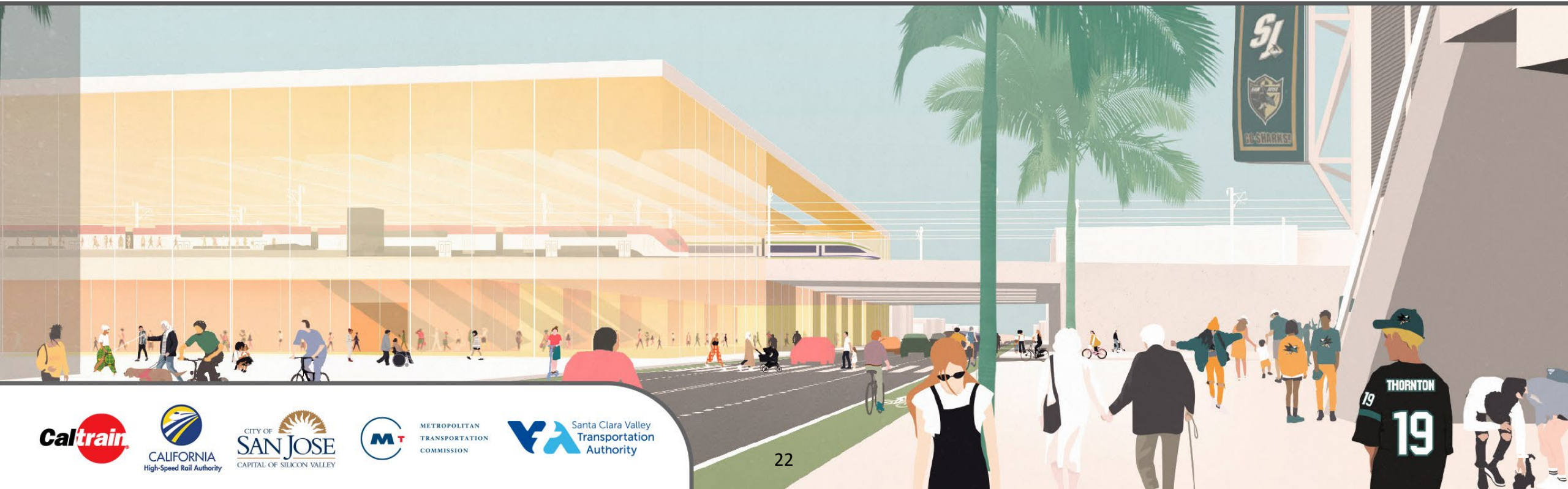
At the November JPAB/Steering Committee meeting, the consultant team will bring forward supplemental information about how the Delivery Authority could operate, addressing key outstanding issues.

Since it is anticipated that creation and start-up of a Delivery Authority could take two years, a decision to pursue this model should be made by early in 2025.



August 14, 2024

Joint Policy Advisory Board: Governance & Funding Agenda Item #8



METROPOLITAN
TRANSPORTATION
COMMISSION



Introduction



Discussed **Case Studies** (*Salesforce, Denver, LA Metro*)



Described **Funding Challenges & Opportunities** (*inc. EIFD analysis*)



Reviewed **Existing Conditions**



Identified Priority **Governance Features**



Proposed Governance Entity

- Organizational Structure
- Critical Features
- Evaluation Against Criteria



Funding & Financing Sources

- Inventory
- Priority Source Identification
- Updated EIFD Analysis

Governance Entity Analysis

Org Structure

Key Features

Alternative Evaluation

High-Priority Governance Features

Entity Features	Description
Accountability	Clear accountability for project advancement; clear, binding, and enforced roles, responsibilities, and rules
Authority & Capacity	Has all needed authorities and capacities to deliver ; ability to assume and manage risk
Decision-making	Timely, robust decision-making ; well-defined, agreed upon process for decision-making
Focus	Singular purpose to drive project progress
Funding	Strong capacity and credibility to attract funding
Integration	Ability to influence projects in Station Area to align with vision ; clearly established rules of coordination
Leadership	Dedicated executive leadership and staff; board of project champions
Legitimacy	Recognized and entrusted by partner agencies and their public leaders

Potential Governance Entity Types



**Joint Powers
Authority**



**State-
Chartered
Entity**



**Transit District/
Transportation
Commission**



**501(c)(3)
Development
Corporation**



**Existing
Partner Agency**

Entity Types Not Under Consideration



Joint Powers Authority

JPA could diminish powers; is less efficient & independent

Less flexible board curation



State-Chartered Entity

Entirely new structure could create unnecessary state role, diminish local control



Transit District/ Transportation Commission



501(c)(3) Development Corporation

Lacks needed authorities; insufficient public real estate dev't. opportunities



Existing Partner Agency

Proposed Entity for Further Consideration

Item #5.
9/25/2024

SAN JOSÉ
DIRIDON STATION



Joint Powers
Authority



State-
Chartered
Entity



**Transit District/
Transportation
Commission**

*Dedicated delivery
entity, limited duration*



501(c)(3)
Development
Corporation



**Existing
Partner Agency**

*Evaluated for
comparison*



Transit District/ Transportation Commission

Entity Type: Delivery Authority (Transportation Commission)

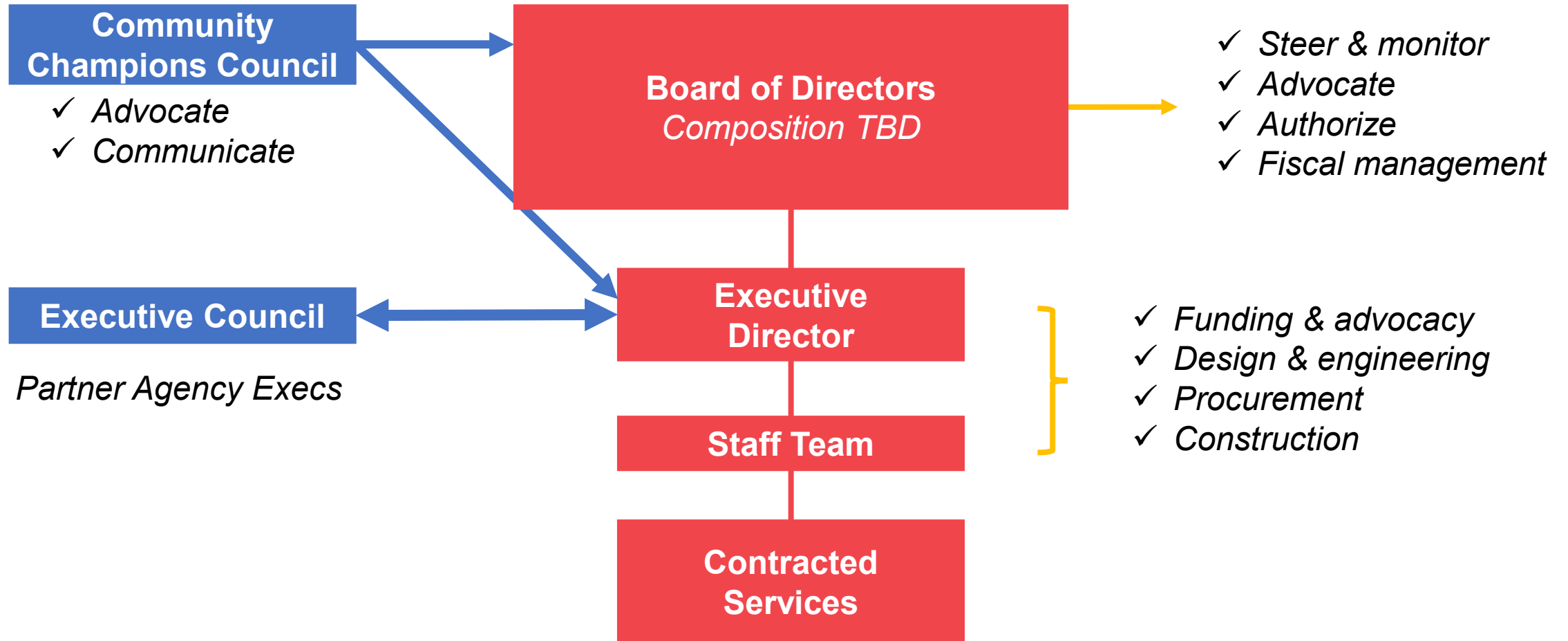
Strengths:

- Singular focus
- Can be dissolved at completion
- State process can tailor board and authorities
- Contracts will determine relationships with Partner Agencies

Challenges:

- Requires legislative approval
- Subject to political headwinds
- Once authorized, may be difficult to modify

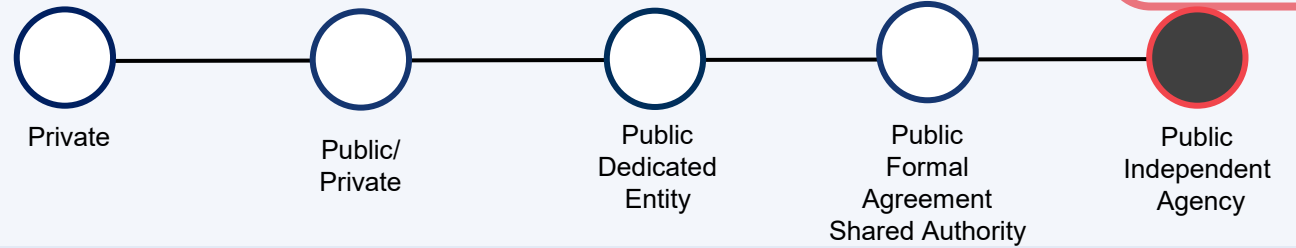
Proposed Diridon Delivery Authority



Diridon Governance Expected to Evolve Over Time

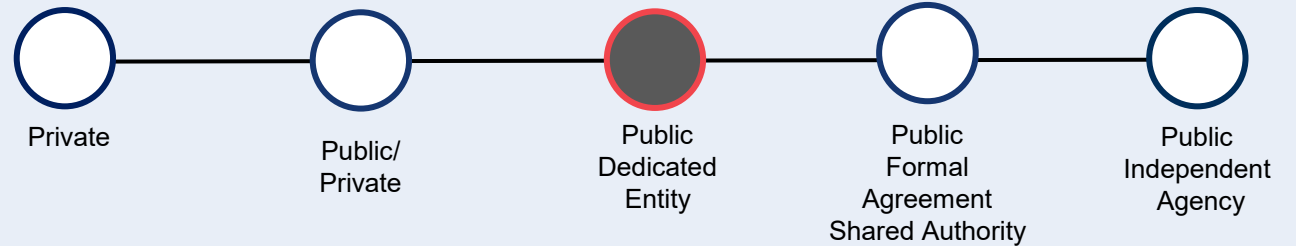
Environmental

Caltrain will lead on environmental.



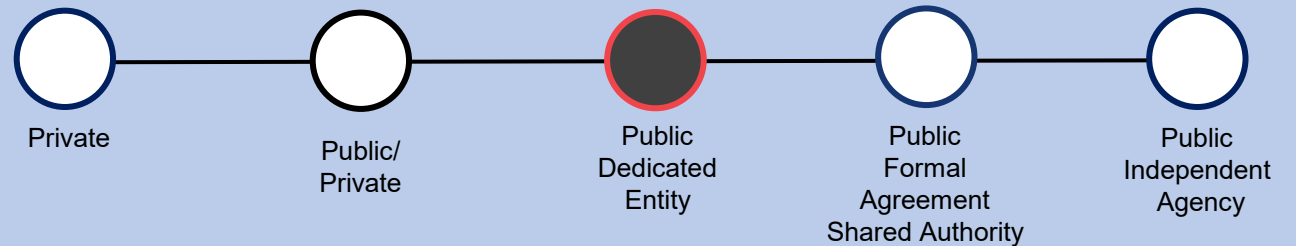
Pre-Development

Diridon Delivery Authority oversees **preliminary design** and finalizes **construction delivery approach**. Delivery Authority assumes funding advocacy.



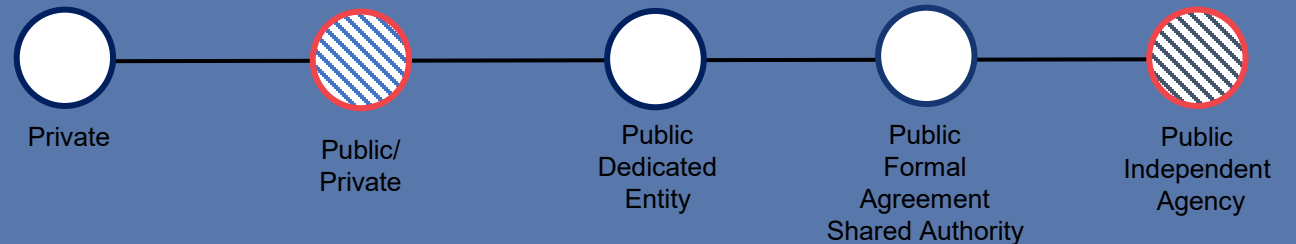
Development/Delivery

Diridon Authority will develop the construction packages and **procure construction partners**. Delivery Authority will **manage the construction process** to be on time and budget.



Operations & Maintenance

Caltrain is **responsible for station operations** at the end of construction. Potential to contract pre-farebox O&M responsibilities to a **private partner**.



Governance Entity Analysis

Org Structure

Key Features

Alternative Evaluation



Board Structure:

- Small, nimble, engaged
- Multi-year terms, low turnover
- Qualified with skills, experience, and “standing”
- Could include private citizen directors

Board Member Duties:

- Participation in monthly meetings
- Active advocacy on behalf of project
- Approve project budget, solicitations, and contracts
- Approve agreements with Partner Agencies
- Hire Executive Director and hold accountable



Desired Competencies

- Leader and integrator
- Effective advocate
- Strong decision-maker
- Politically savvy
- Thoughtful in talent identification
- Understands complexity of capital projects
- Great communicator
- Relationship builder

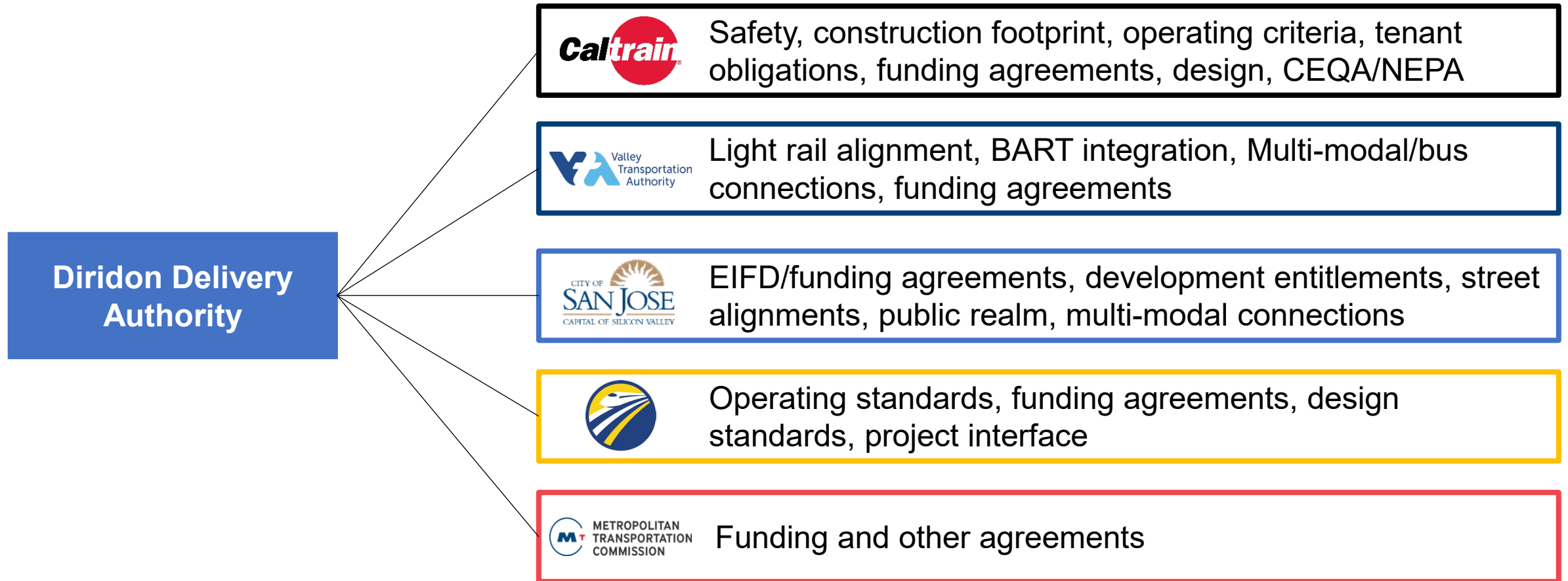


Characteristics

- Comprised of Partner Agency executives
- Creates ongoing **communication channel** to ensure that:
 - Partner Agency executives are **informed** about project progress
 - Partner Agency interests & design **needs are met**
 - Delivery Authority executive can **consult** with Partner Agency execs on critical project questions

Authority – Partner Agreements

Contractual agreements between the new entity and Partner Agencies will provide the Authority with clear scope and requirements, and assure the agencies of appropriate involvement.



Topics for Further Exploration

- Startup and **interim operation** prior to formal establishment
- **Staffing model** for the Authority
- **Relationships** between the Authority and Partner Agencies
- How to ensure **safe, continuous system operation** during the construction period
- Potential of Diridon Authority as **model for future mega-projects**

Governance Entity Analysis

New Entity: Org Structure

New Entity: Key Features

Alternative Evaluation

Alternative Evaluation

Features	Description	Diridon Delivery Authority	Existing Agency (Caltrain/VTA)
Accountability	Clear accountability for project advancement	Green	Green
Authority & Capacity	Possesses all needed authorities and capacities to deliver	Yellow	Yellow
Decision-making	Timely, robust decision-making	Green	Red
Focus	Singular purpose	Green	Red
Funding	Strong capacity and credibility to attract funding	Yellow	Yellow
Integration	Can influence projects in Station Area to align with vision	Yellow	Yellow
Leadership	Dedicated staff and board project champions	Green	Red
Legitimacy	Recognized and entrusted	Green	Yellow

Funding & Financing Sources

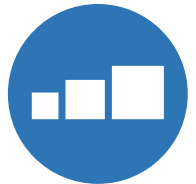
Funding and Financing Inventory Components



Type: Funding or Financing



Jurisdiction: Federal, State, or Regional & Local



Magnitude: \$0-\$50M, \$51-\$99M, or \$100M+



Project Stage: Planning, Capital, or Both

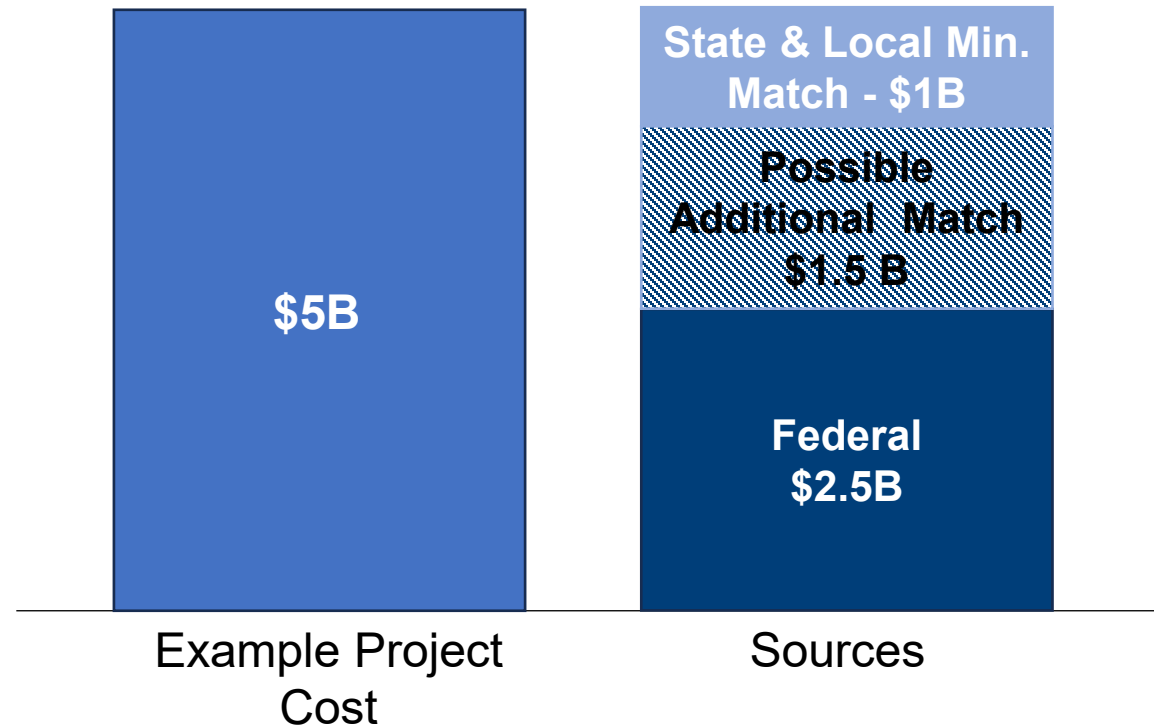
Takeaways

- 1 There are local, regional, state, and federal sources to support planning, design, and pre-development costs.
- 2 With the need for a significant local match to access federal funding, new local and regional sources are likely necessary.
- 3 Our project narrative to access large federal capital funding programs will need to be thoughtful and creative in articulating project benefits.

Federal Match Requirement

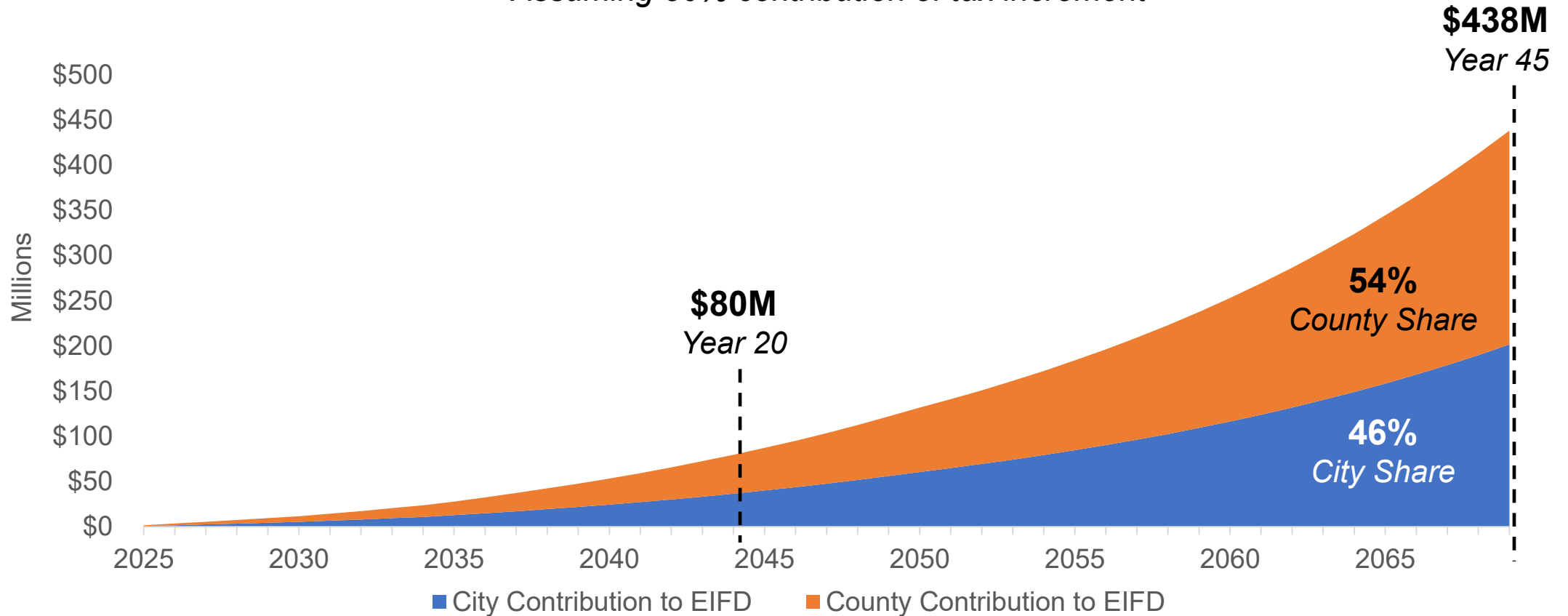
Federal programs often expect a state & local match of **at least 20% of project cost, but often higher up to 50% of cost.**

Higher state & local cost sharing often make a project more competitive.



Illustrative EIFD Yield

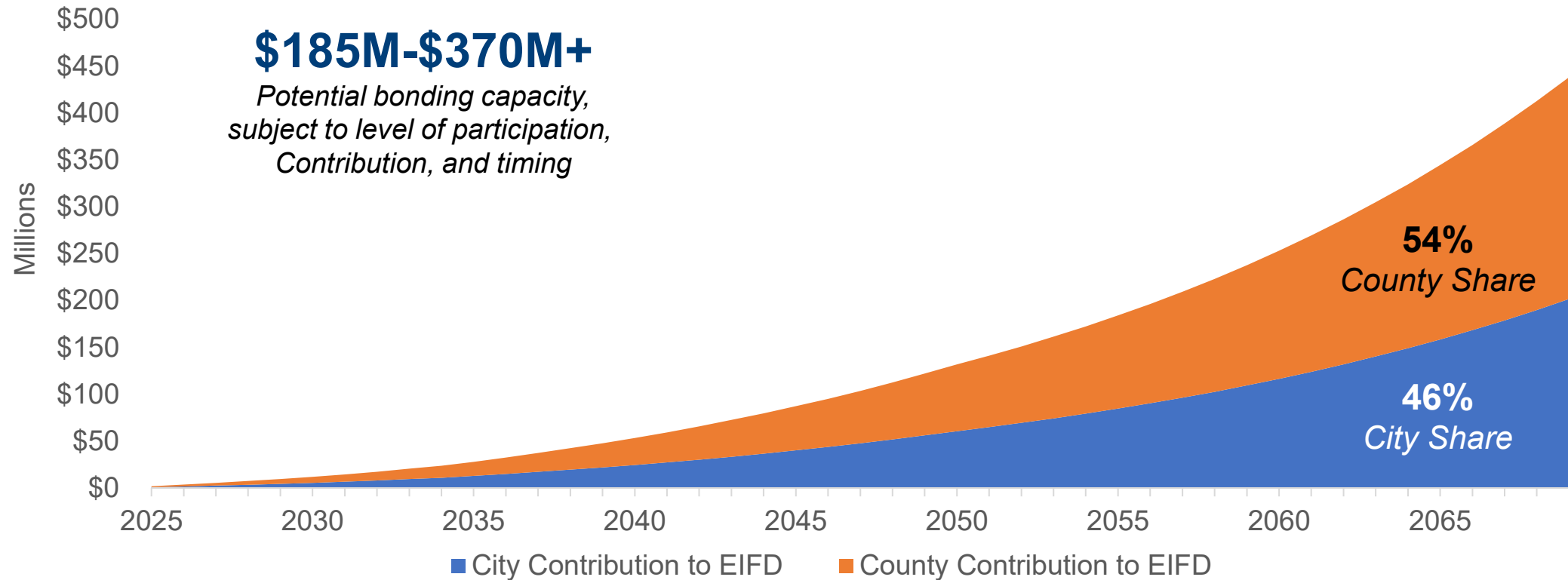
Annual EIFD Revenue Projection by Jurisdiction, 1 mi. Radius
Assuming 50% contribution of tax increment



This chart depicts revenue projections based on a commitment of 50% of the City and County tax increment.

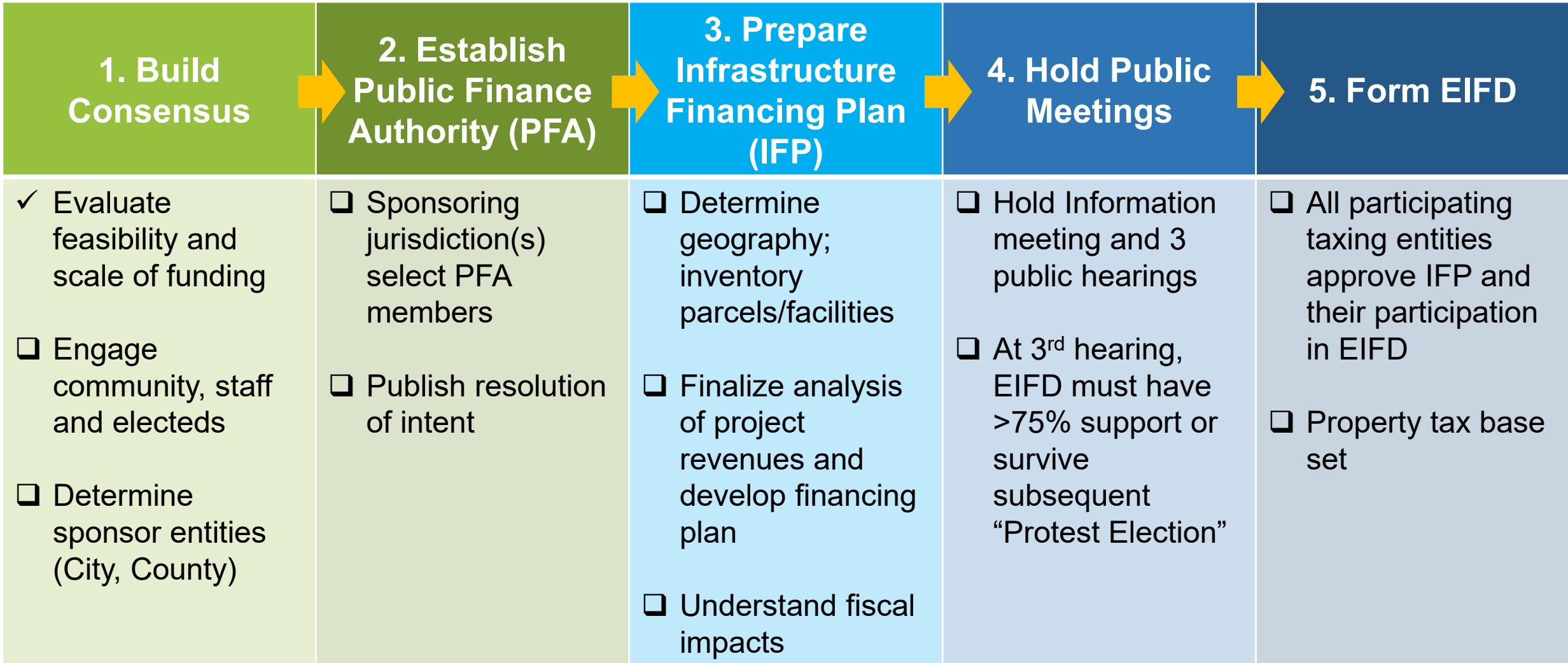
Illustrative EIFD Yield

Annual EIFD Revenue Projection by Jurisdiction, 1 mi. Radius
Assuming 50% contribution of tax increment



This chart depicts revenue projections based on a commitment of 50% of the City and County tax increment

Steps for Formation of EIFD



Discussion



Memorandum

TO: Diridon Station Joint Policy Advisory Board

FROM: Marian Lee, Diridon Business Case Director

DATE: August 14, 2024

SUBJECT: Interim Integrated Project Team Organization

FOR INFORMATION ONLY

INTRODUCTION:

The purpose of this informational report is to share progress on setting up the Diridon Station **Interim Integrated Project Team Organization**. The JPAB has expressed a strong desire to explore and establish a long-term governance structure for the Diridon Station project. With understanding that will take time, an Interim Integrated Project Team organization structure that would allow efficiencies to advance the project more expeditiously was presented and supported by the JPAB in February and June 2024. Specifically, at the June JPAB meeting, key terms of a new cooperative agreement that would formalize the interim organization structure were presented as well as the estimated budget and funding plan for FY24-25.

This meeting will provide an update on the following:

- Status of the cooperative agreement;
- Confirmation of budget and funding for FY24-25 and key consultants; and
- Next steps for implementing the interim organization.

DISCUSSION:

Background

Caltrain, Santa Clara Valley Transportation Authority (VTA), the City of San José, the Metropolitan Transportation Commission (MTC), and the California High-Speed Rail Authority (CHSRA) (Partner Agencies) are working together on the Diridon Station Business Case to plan for the transformation of San José's downtown transit hub. It currently serves Caltrain, Capitol Corridor, Altamont Corridor Express (ACE), and Amtrak passenger rail, as well as VTA LRT and bus services. Diridon must also accommodate planned and expanded services in the region, including new California High-Speed Rail and Bay Area Rapid Transit (BART) service, as well as expanded service for Caltrain, Capitol Corridor, and ACE. To effectively accommodate planned activity and future service needs, the station must be reconfigured, expanded, and upgraded to provide adequate capacity, functionality, and interconnectivity for passengers.

Cooperative Agreement Update

Context

As a reminder, this new cooperative agreement will formalize the following commitments and

actions needed by the partner agencies to set up the Diridon Station Interim Integrated Project Team:

- Evolve the advisory JPAB into a voting Steering Committee
- Delegate authority to the Steering Committee to take actions and make recommendations
- Clearly identify areas of lead responsibility for each partner agency
- Structure the integrated project team with appropriate levels of staff and subject matter consultants that enables thorough deliberation, quality work products, and efficient resolution
- Set up San José downtown project office

This agreement will cover up to four years starting this summer/fall. Summer 2024 – 2025 is the pre-environmental phase (also referenced as Business Case Phase II). Summer 2025 – 2028 is the environmental phase. During the pre-environmental phase, there will be community outreach and additional technical work to select a proposed station design for environmental review. During the environmental phase, the selected station design will be evaluated through the state and federal environmental processes.

During this same time period, in parallel, the project team will work on selection and implementation of the long-term governance organization. This will allow for practical transition from the Interim Integrated Team to the Long-term Governance Organization by the time environmental review is complete, if not earlier.

Update

Staff is in the process of drafting the agreement and is getting prepared to obtain approvals from the partner agencies in the August to October timeframe. Approvals will be requested from:

- Caltrain Advocacy & Major Projects Committee and Board
- VTA Governance & Audit Committee and Board
- MTC
- CHSRA Program Delivery Committee
- San Jose City Council

Activating the Steering Committee (restructured JPAB) is targeted for November 2024 or early 2025. This timeframe will allow for elections and appointments.

Fiscal Year 2024 – 2025 Scope, Budget, Funding (Pre-Environmental Phase)

The budget for the pre-environmental phase is \$7.8M and has been confirmed. The deliverables for this phase of the project are:

- 10% design plans
- Community engagement
- Project selection and definition for environmental review
- Environmental review strategy and procurement
- Long-term governance selection and start of implementation
- Funding and Advocacy

Funding source agency approvals have been obtained. Funding agreements and related actions are being processed.

The funding sources for this phase of work are:

- MTC RM3 for Diridon Project \$6.3M (balance from previous RM3 allocation to VTA)
- VTA Contribution to Caltrain (Measure B) \$1M
- City of San Jose \$500K

Breakdown of the budget by agency is provided below. Attachments A, B and C provide descriptions for each of the budget items identified below.

Caltrain Budget, Scope of Work, Consultants (See Attachment A)

Item #	Scope of Work	Consultant	Budget Estimate
1	Station Design and Business Case Analysis	Mott MacDonald	\$4,800,000
2	Project Director / Program Management	Lighthouse Public Affairs	\$430,000
3	Environmental Strategy and Procurement	TBD	\$200,000
4	Third Party Design Review	N/A	\$260,000
5	Caltrain Administrative Overhead <i>(Eligible for Reimbursement)</i>	N/A	\$40,000
6	Contingency	N/A	\$570,000
TOTAL BUDGET ESTIMATE			\$6,300,000

VTA Budget, Scope of Work, Consultants (See Attachment B)

Item #	Scope of Work	Consultant	Budget Estimate
1	Program Management	Kim Walesh	\$31,500
2	Governance consultant	HR&A	\$495,000
3	Funding and Advocacy support	TBD	\$173,500
4	Contingency	N/A	\$300,000
TOTAL BUDGET ESTIMATE			\$1,000,000

City of San Jose Budget, Scope of Work, Consultants (See Attachment C)

Item #	Scope of Work	Consultant	Budget Estimate
1	Community Engagement	Winter Consulting	\$296,000
2	Community Engagement	Kimley-Horn Associates	\$134,750
3	Contingency	N/A	\$ 69,250
TOTAL BUDGET ESTIMATE			\$500,000

NEXT STEPS:

Over the next few months, while continuing to operationalize the interim organization structure, the team will focus on:

- Completing the drafting of the cooperative agreement (August)
- Obtaining cooperative agreement approvals and signatures (August – October)
- Activating the project office at San Jose City Hall (September)
- Activating the Steering Committee and securing appointments (November 2024 - Early 2025)

Attachment A Caltrain FY24-25 Budget Estimate
Diridon Station Pre-Environmental Phase (*Station Design, Business Case*)

Caltrain is the lead agency for station design, environmental review and manages partner agency coordination. Caltrain’s total budget estimate for FY 2024 - 2025 is \$6.3M.

Funding sources to be provided on a reimbursement basis are:

- Metropolitan Transportation Commission Regional Measure 3: \$5.3M
- Santa Clara Valley Transportation Authority (VTA)/Caltrain Measure B: \$1.0M

The table below details the total budget estimate. Descriptions of the work scope and deliverables are also provided below.

Item #	Scope of Work	Consultant	Budget Estimate
1	Station Design and Business Case Analysis	Mott MacDonald	\$4,800,000
2	Project Director / Program Management	Lighthouse Public Affairs	\$430,000
3	Environmental Strategy and Procurement	TBD	\$200,000
4	Third Party Design Review	N/A	\$260,000
5	Caltrain Administrative Overhead <i>(Eligible for Reimbursement)</i>	N/A	\$40,000
6	Contingency	N/A	\$570,000
TOTAL BUDGET ESTIMATE			\$6,300,000

Item #1 Station Design and Business Case Analysis

Consultant: Mott MacDonald

Budget Estimate: \$4,800,000

Task A: Project Management

Manage scope, schedule, and budget. Track schedule, budget and deliverables.

Task B: Technical Support for Partner, Stakeholder and Public Input and Engagement

Prepare for, present and attend all meetings with Partner Agency staff and executives, as well as the Joint Policy Advisory Board meetings and Partner Agency Board meetings as needed. Support city-led engagement efforts including stakeholder meetings for advocacy and outreach. Develop content for the city for public engagement.

Task C: Design Refinement

Advance design on two alternatives selected in Phase 1 of the Business Case from approximately 5% to 10% design for track engineering, station design and civil structures. Further develop design of station components including the historic station, connections to the BART Silicon Valley project, bus stop layover facility, and PG&E substation as well as development of a station architectural concept. Develop a multi-modal access plan/parking plan, grade crossing strategy, and geotechnical and utility analysis. Develop

construction and project phasing plan and update rough order of magnitude cost. Compile technical reports into detailed alternatives report.

Task D: Quantitative Assessment of Two Alternatives and Project Recommendation

Perform a detailed evaluation of alternatives using iterations of engineering drawings, architectural plans and graphics, constructability assessments and cost estimates (produced in Task C). Prepare benefit-cost analysis and report aligned with federal grant standards. Identify the recommended alternative. Undertake a high-level market demand analysis and report to understand the potential locations for and desired types of land uses serving station users. Compile results into Business Case Recommendation Report.

Item #2 Project Director / Program Management

Consultant: Lighthouse Public Affairs

Budget Estimate: \$430,000

Marian Lee, Partner at Lighthouse Public Affairs, will serve as the Project Director for Caltrain. The Project Director will serve as .5FTE seconded staff overseeing all station design and pre-environmental technical work and coordinating other project efforts with Partner Agencies in the areas of community outreach, long-term governance planning, funding and advocacy. The Director will manage the Caltrain team comprised of staff and consultants in the areas of planning, engineering, public affairs and program management and oversee Caltrain's scope of work, schedule and budget. The Director is accountable to the Caltrain Executive Director and will provide all major strategic direction on the Diridon project. The director will work closely with Partner Agency management staff and represent Caltrain at Diridon project meetings as appropriate.

Item #3 Environmental Strategy and Procurement

\$200,000 has been identified for the purpose of developing a strategy for federal and state environmental review and environmental consultant team procurement. The scope of work and budget is to be prepared with the goal of starting the environmental review process in summer 2025. It will take approximately 12 months for strategy development and completion of the procurement process.

Item #4 Third Party Design Review

\$260,000 has been identified for the purpose of operators/third parties reviewing station design. Some operators require funding to identify and allocate resources for review. Agencies that will need to be engaged for this effort are Caltrain, Union Pacific Railroad, Altamont Corridor Express, Capitol Corridor, Amtrak, California High Speed Rail Authority, VTA and San Jose. Additional parties may be identified for this purpose.

Item #5 Caltrain Administrative Overhead

\$40,000 is budgeted for Caltrain's administrative overhead (ICAP). The administrative fee is 4%. Only Measure B funding allows for administrative overhead on consultant costs.

Item #6 10% Contingency

\$570,000 has been identified for contingency. Given the complexity of the project and organic nature of community engagement, it is especially important to have sufficient contingency for this phase of the project. This budget will be used for unexpected scopes of work focused on ensuring substantive discussions with the community and project team efforts to address community input.

Attachment B VTA FY24-25 Budget Estimate
Diridon Station Pre-Environmental Phase (*Governance, Funding, Advocacy*)

VTA is the lead agency for governance and funding strategy. VTA’s total budget estimate for FY 2024 - 2025 is \$1M.

Funding source to be provided on a reimbursement basis is Metropolitan Transportation Commission Regional Measure 3 for \$1M.

The table below details the total budget estimate. Descriptions of the work scope and deliverables are also provided below.

Item #	Scope of Work	Consultant	Budget Estimate
1	Program Management	Kim Walesh	\$31,500
2	Governance consultant	HR&A	\$495,000
3	Funding and Advocacy support	TBD	\$173,500
4	Contingency	N/A	\$300,000
TOTAL BUDGET ESTIMATE			\$1,000,000

Item #1 Program Management

Consultant: Kim Walesh

Budget Estimate: \$31,500

Kim Walesh will serve as the project manager for the work HR&A will be conducting related to Governance. Kim will work directly with executive staff at other agencies regarding the long-term governance structure.

Item #2 Governance analysis

Consultant: HR&A

Budget Estimate: \$495,000

Task A: Develop Preferred Governance Framework

HR&A will work with the Partner Agencies to narrow down to one preferred governance structure. This will include continuing to evaluate the advantages and disadvantages of the available alternative structures and understanding Partner Agency preferences and concerns. HR&A will draw from these insights to align a preferred governance framework with the interim governance approach, long-term project needs, and preferred governance characteristics.

HR&A will work with the Partner Agencies at all levels to ensure that concepts are shared, and feedback is iteratively incorporated. HR&A will facilitate several governance-specific workshops along with separate partner agency specific meetings to discuss recommendations and feedback. HR&A will also outline critical checkpoints towards implementation and highlight potential risks that could delay or derail project progress.

Task B: Term Sheet Drafting

HR&A will produce a draft term sheet for long-term project governance and will identify a set of key terms for inclusion in a subsequent Partnership Agreement. These terms will define how Partner Agencies support and engage with a new governance entity, including:

- Overall structure of partnership/governance structure, along with Board control and decision-making
- General allocation of responsibilities between partners
- Core competencies and characteristics for board members
- Responsibility to support shared success and timing (e.g., potential contribution of policy and funding tools requiring further exploration and implementation, delivery of critical path projects, relative value as compared to illustrative capital stack for project and potential board voting implications)

Task C: Organizational Budgeting and Staffing

HR&A will support the Partner Agencies in implementing the new governance structure. This will include outlining staffing and financial needs to support the new organization. HR&A will detail critical positions within the future organizational structure and develop position descriptions to recruit top talent and estimate projected expenses from salaries, benefits, and administrative overhead. Meanwhile, HR&A will identify potential funding sources that can support organizational operations throughout pre-development and project delivery.

Task D: Ongoing Support, Research, & Team coordination

HR&A will regularly participate in broader project meetings with the consultant team and Partner Agencies, as necessary. HR&A will support preparation for and presentation to project leadership on a regular basis, and undertake as-needed coordination calls, analysis, and project support.

Item #3 Funding and Advocacy support

\$173,500 has been identified for funding or advocacy related services. Consultant selection will be made, and scope of work prepared.

Item #4 Contingency

\$300,000 has been identified for contingency. Given the complexity of contemplating a new governance structure, it is important to have sufficient contingency for this phase of the project. This budget will be used for unexpected scopes of work focused on selecting and setting up a new governance organization if supported by the agency partners.

**Attachment City of San José FY24-25 Budget Estimate
Diridon Station Pre-Environmental Phase (*Community Engagement*)**

The City of San José is the lead agency for the community engagement work that is being conducted as part of the Diridon Business Case. The City’s budget for this work is \$500,000.

Funding source is City of San José, Capital Improvement Program. The 2024 capital budget has been approved by City Council.

The table below details the total budget estimate. Descriptions of the work scope and deliverables are also provided below.

Item #	Scope of Work	Consultant	Budget Estimate
1	Community Engagement	Winter Consulting	\$296,000
2	Community Engagement	Kimley-Horn and Associates	\$134,750
3	Contingency	N/A	\$ 69,250
TOTAL BUDGET ESTIMATE			\$500,000

**Items #1 and #2 Development and Implementation of Community and Stakeholder Engagement Plan
Consultants: Winter Consultants, Kimley-Horn Associates
Budget Estimate: \$430,750**

The follow are tasks to be performed by Winter Consultants and Kimley-Horn Associates.

- Summarizing past engagement work
- Identification of priority stakeholders
 - Economic development & workforce groups
 - Regional transit advocacy groups
 - Local interest groups
 - Neighborhood Groups
 - Downtown/station area landholders/leasers
- Establishment of a City-led Diridon Partner Agency Engagement Working Group
- Development of Strategy for Broader Community Engagement, particularly for regional and statewide traveler
- Develop project brand and identity that includes logo, font type, color palette, and examples of use across different collateral pieces
- Develop public-friendly content for two rounds of engagement
- Prepare content for up to five (5) website updates, one before and one after each round of engagement and at the end of the Business Case
 - Consolidate and prepare web materials for transition to new website with new domain name at the end of Business Case
 - Develop content regarding the station redevelopment

- Stakeholder meetings (30)
- Working Group meetings (8)
- Two primary touchpoints for broader engagement
 - A public workshop anticipated in September 2024 after the public presentation of two preferred alternatives to the Joint Policy Advisory Board.
 - A public meeting anticipated in late-January/February 2025
- Online open house (1)
- Pop-ups (5)
- Collaborate with up to three (3) community-based organizations
- Additional outreach to expand reach, especially for regional and statewide travelers
- Package and deliver survey data and meeting summaries developed through engagement activities at the end of each engagement round
- Summary report of feedback received through community and stakeholder engagement efforts
 - A roster of stakeholders engaged and a list of activities completed
 - Quantitative and qualitative findings from feedback
 - Lessons learned and recommendations for future engagement
- Materials production

Item #3: Contingency

\$69,250 has been identified for contingency. This will cover various expenses relating to holding public meetings and/or other unforeseen expenses.

AUGUST 14, 2024

Joint Policy Advisory Board Meeting

Interim Integrated Organization
Agenda Item 9



Background





Goals

Redevelop Diridon Station

Advance project from Concept to Delivery



Concurrent Efforts



Set Up Long-Term Governance Structure



Interim Cooperative Agreement



Restructured Project Team: Interim Organization

Diridon Project Steering Committee

Integrated Project Team: *Agency Partners / Roles & Responsibilities*



Station Planning

Environmental Planning

Design and
Engineering



Station Area Plan

Development

Stakeholder /
Community Outreach



Governance Planning /
Funding Strategy

Legislative
Advocacy Plan

Projects Coordination



Regional Legislative
Advocacy

Regional Funding
Strategy

Regional Network



CALIFORNIA
High-Speed Rail Authority

HSR Project Interface

FRA Partnership
Support

Summer 2024 - Summer 2025

Pre-Environmental Phase

- Community Outreach
- Advance design and recommend alternative
- Recommend long-term governance option
- Prepare Funding Plan and seek funding
- Prepare Advocacy Plan and advocate

2025 – 2028

Environmental Phase

- NEPA and CEQA environmental clearance
- Set up long-term governance organization
- Advocacy and funding pursuits

Interim Project Team Cooperative Agreement Update



Key terms presented at June JPAB

- Time period
- Scope of work
- Establish Steering Committee
- Establish lead roles and responsibilities for 5 partner agencies
- Structure for agency coordination/design review

Agreement review

- Key terms drafted
- Obtaining comments from partner agencies
- Preparing for partner agency approvals in August - October

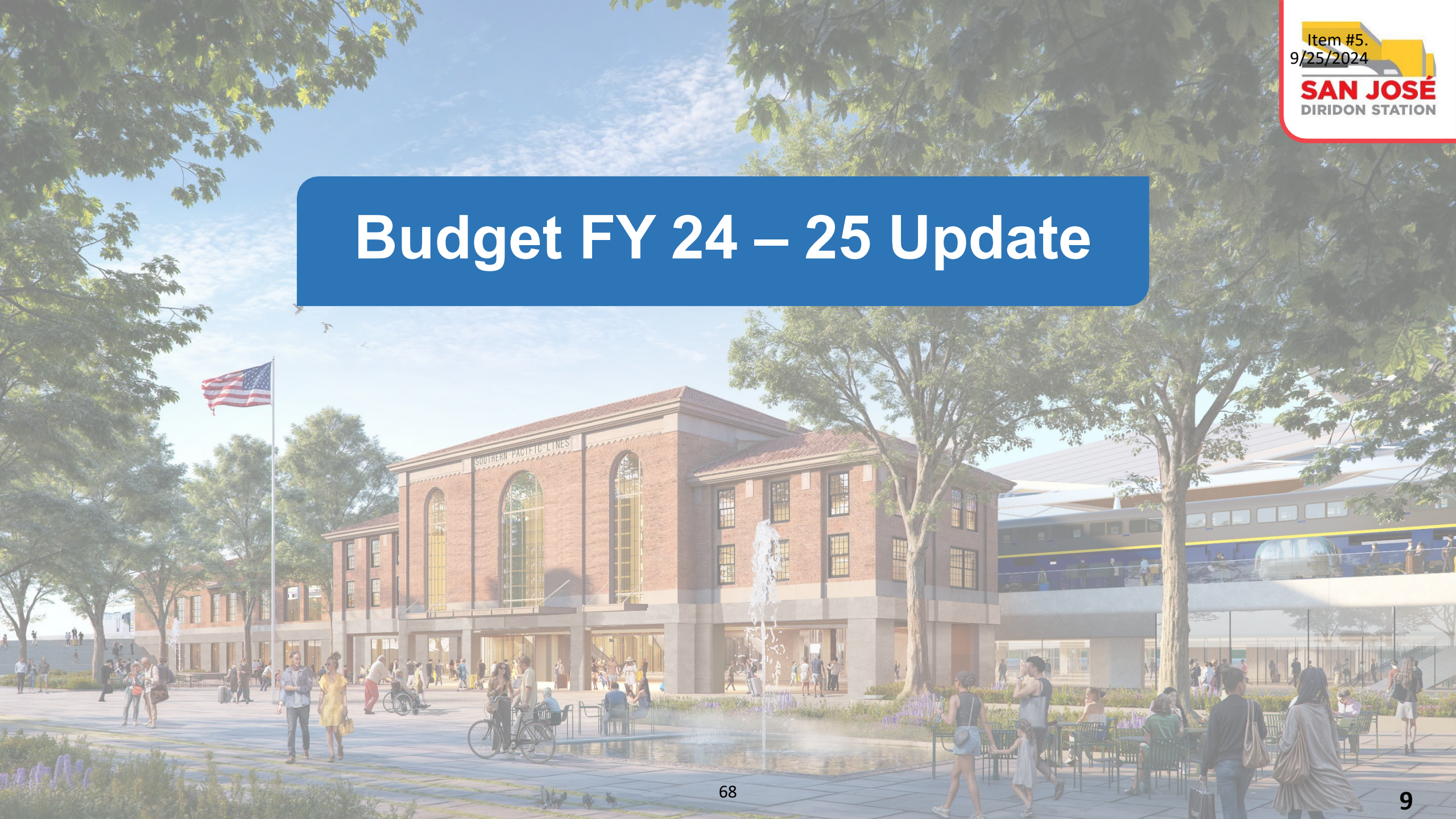
Agency approvals (Aug - Oct)

- Caltrain Advocacy & Major Projects Committee and Board
- VTA Governance & Audit Committee and Board
- MTC
- CHSRA Program Delivery Committee
- San Jose City Council

Steering Committee activation

- End of 2024 / early 2025
- Election timing and appointments

Budget FY 24 – 25 Update



Budget and Deliverables FY 24 – 25

Item #5.
9/25/2024

SAN JOSÉ
DIRIDON STATION

Agency	FY 24 – 25	Key Consultants
Caltrain	\$6.3M	<ul style="list-style-type: none"> • Lighthouse Public Affairs (Project Management) • Mott MacDonald (Design / Business Case) • Environmental consultant TBD
City of San Jose	\$500K	<ul style="list-style-type: none"> • Kimley-Horn (Community Engagement) • Winter (Community Engagement)
VTA	\$1.0M	<ul style="list-style-type: none"> • HR&A (Governance) • Funding consultant TBD • Advocacy consultant TBD
TOTAL	\$7.8M	

Deliverables:



- ✓ 10% design
- ✓ Community engagement and support
- ✓ Project selection and definition for environmental review
- ✓ Long-term governance selection & start implementation
- ✓ Environmental review strategy
- ✓ Scope/budget/funding for Environmental phase (FY 25 – 28)
- ✓ Funding and advocacy strategy

Funding Sources FY 24 – 25

Funding Source	Amount
City of San Jose	\$500K
VTA Contribution to Caltrain (Measure B)	\$1.0M
MTC RM3 for Diridon Project	\$6.3M
TOTAL	\$7.8M

- Funding Source agency approvals obtained
- Funding Agreements and related actions being processed

Next Steps





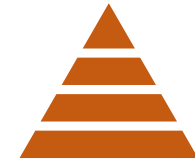
Cooperative Agreement

- Finalize
- Obtain agreement approvals and signatures



Steering Committee

- Appointments
- Activate



Restructure Project Team

- Partner agency staff operationalize agency roles and coordination protocols
- Activate project office at San Jose City Hall

Discussion / Comments



**Cooperative Agreement
Between Peninsula Corridor Joint Powers Board,
City of San José, Metropolitan Transportation Commission,
California High Speed Rail Authority, and Santa Clara Valley Transportation Authority
On the Pre-Environmental and Environmental Phases
of the Diridon Station Redevelopment Project**

This Cooperative Agreement (Agreement) is between the Peninsula Corridor Joint Powers Board, a California joint powers authority (Caltrain), the City of San José (San José), a municipal corporation of California, Metropolitan Transportation Commission (MTC), a regional transportation planning agency established pursuant to California Government Code, California High-Speed Rail Authority (CHSRA), a transportation agency established pursuant to California Public Utilities Code, and Santa Clara Valley Transportation Authority (VTA), a public agency organized as a special district under California law, each a Party and collectively the Parties.

The Agreement is effective as of the last date on the signature lines (Effective Date).

1. Purpose

a. The Agreement sets forth the general provisions governing the Parties' interaction, consultation, and cooperation in advancing the Diridon Station Redevelopment Project (Project) during the term of the Agreement.

b. The Parties commit to mutually cooperate in good faith to carry out the terms of the Agreement and accomplish the following: (1) define the Project's scope; (2) complete a project-level environmental review for the Project under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA); (3) agree on the long-term governance organization for the Project; (4) advocate and obtain necessary funding to advance the Project; (5) assign staff and consultants to the Project; and (6) agree on a schedule for meetings about the Project, as appropriate to advance relevant work.

2. Term

The term of the Agreement begins on the Effective Date and ends on August 31, 2028, unless (1) the Parties agree in writing to extend the term; (2) the Agreement is terminated in accordance with the terms herein; or (3) the parties agree to adopt a successor agreement.

3. Scope

a. The Scope of Work has two phases: (1) the Pre-Environmental Phase, which is anticipated to take place from approximately 2024-2025, and (2) the Environmental Phase, which is anticipated to take place approximately from 2025-2028.

b. During the Pre-Environmental Phase, the Parties will work on the following:

- Complete the business case analysis (benefit cost assessment) for the Project;
- Conduct community outreach on two station design alternatives;

- Advance a minimum of two station design alternatives to 10% design;
 - Complete and publicly circulate an alternatives analysis;
 - Develop an environmental strategy and prepare for a project-level environmental review of the Project;
 - Decide on a viable long-term governance structure for the Project;
 - Prepare a funding plan with a strategy of obtaining federal, state, regional, and local funding as well as the feasibility of private participation and seek funding in accordance therewith; and
 - Prepare and implement advocacy plans.
- c. During the Environmental Phase, the Parties will work on the following:
- Initiate, develop, and complete for the Project any necessary environmental review process under NEPA and CEQA;
 - Evaluate, approve, and implement a long-term governance structure/organization plan; and
 - Continue community outreach, advocacy, and funding pursuits.

For the purposes of this section, necessary environmental review shall mean any environmental reviews and approvals required to be completed before the Project may be adopted or advanced to final design/construction, under CEQA, NEPA, or any reasonably potential federal funding requirements.

4. Budget and Funding

a. The Parties shall work efficiently, minimize duplication of effort, and abide by budget constraints.

b. The budget for the Pre-Environmental Phase shall not exceed \$7.8 million. San José shall contribute Five Hundred Thousand dollars (\$500,000). VTA shall contribute One Million dollars (\$1,000,000) of Measure B funds. MTC shall contribute Six Million Three Hundred Thousand dollars (\$6,300,000) of RM3 funds.

c. The Parties shall prepare an estimated budget for the Environmental Phase before the completion of the Pre-Environmental Phase and present the proposed budget to the Steering Committee for approval and to the Parties as necessary pursuant to section 5(e). Budget modifications and revisions, if such modifications are determined to be necessary during the environmental review process, will also be subject to approval by the Steering Committee and by the Parties as necessary pursuant to section 5(e). The Parties shall consider a variety of funding sources, including state and federal sources, such as the Federal Railroad Administration's Corridor Identification and Development Program.

d. Each Party's funding of the Agreement is subject to annual appropriations. Because the Parties are precluded by the California State Constitution and other laws from entering into

obligations that financially bind future governing bodies, nothing in the Agreement shall constitute an obligation of future legislative bodies of the Parties to appropriate funds for purposes of the Agreement.

5. Steering Committee

a. The Parties agree that VTA's existing Diridon Station Joint Policy Advisory Board shall be restructured into the Diridon Station Steering Committee (Steering Committee).

b. The Steering Committee shall advance the Project and manage the Parties' collective efforts to implement the terms of the Agreement. The Steering Committee shall work on the scope and budget; prepare progress reports; select station design alternatives; decide on a recommendation for a long-term governance structure; and draft plans for community outreach, funding, and advocacy.

c. The Steering Committee shall have eight appointed members: two appointed by Caltrain; two appointed by San José; two appointed by VTA; one appointed by MTC; and one appointed by CHSRA. The Steering Committee shall have two additional members serving ex-officio: an official from BART and Rod Diridon, Sr.

d. The Steering Committee shall have a Chair and Vice Chair. These positions shall rotate every calendar year between Caltrain, San José, and VTA. The Chair and Vice Chair shall not be held by members from the same Party, unless there is unanimous agreement between Caltrain, San José, and VTA. Caltrain, San José, and VTA shall not be left out of the rotation of these offices, unless the Party chooses otherwise.

e. The Steering Committee shall not supersede the authority of each Party. As required by law or the Agreement or as requested by a Party, the Steering Committee shall secure from the appropriate Parties approval for its actions. Actions by the Steering Committee not subject to requested or required approval by the Parties shall be deemed final.

f. Steering Committee meetings shall be public and held quarterly. Members of the Steering Committee are expected to attend all meetings, with the exception of one excused absence per calendar year. The Steering Committee may call for additional meetings.

g. The Steering Committee shall be administered by VTA staff.

6. Project Director

a. The Steering Committee, with input and support from the Parties, will recruit and hire a Project Director.

b. The Project Director will report to the Steering Committee.

c. The Project Director is responsible for advancing the Project.

d. The Project Director is responsible for proposing an organizational structure for the Project, subject to approval by the Steering Committee and by the Parties as necessary pursuant to section 5(e).

7. Leads

a. Each Party shall assign a Lead for the Project, who shall be a senior-level staff member or consultant functioning as a staff member seconded to the Steering Committee. Leads shall serve as the primary contact person for all matters related to the Agreement. Leads are accountable to the leadership of their respective agencies.

b. Leads shall deliver on the following responsibilities:

- The Lead for Caltrain, as the rail station and right-of-way owner, shall lead the station planning, including design and engineering, and the environmental review of the Project.
- The Lead for San José, as the local agency, shall lead community partnership and outreach, implement the Diridon Station area plan, and make land use development decisions.
- The Lead for VTA, as the transportation authority of Santa Clara County, shall lead the long-term governance and funding strategies, the legislative advocacy plan, and project coordination in the station area.
- The Lead for MTC, as the regional metropolitan planning organization, shall lead regional legislative advocacy, funding, and network coordination.
- The Lead for CHSHRA, as a rail partner, shall lead the high-speed rail project interface and efforts to secure the Federal Railroad Administration's support.

8. Working Groups

The Steering Committee may be supported by working groups, as established at the discretion of staff for the Parties.

9. Project Office

The Project office, which may be co-located with a Party or located separately from the Parties, will house key staff for the Project. The office will serve as a meeting space for in-person convenings and Project coordination.

10. Project Advancement by the Parties

a. The Parties shall collaborate to advance two alternative station designs from 5% to 10% of the design completed. The Parties are not precluded from and may also mutually agree to advance more than one design alternative for the Project to the Environmental Phase. The Parties agree that design(s) shall be further advanced, during the Environmental Phase, to a sufficient level of detail to permit an assessment of impacts that is compliant with CEQA/NEPA requirements. Each Party shall have the opportunity to review and comment upon the designs as they progress through the design process. If disputes arise among the Parties during the design review phase, they shall be resolved pursuant to section 11.

b. The Parties shall recommend at least one design for the Project (10% of the design completed) to the Steering Committee.

c. The Steering Committee shall select and advance one of the designs to the Environmental Phase. Before Steering Committee consideration, a Party may require that its governing body review and approve those design elements of the selected alternative, including, but not limited to, specifications, responsibilities, design standards and practices, that are necessary to ensure compliance with that Party's applicable standards. VTA will review and may approve such elements with BART through its partnership in delivering BART to Silicon Valley.

d. The design approved by the Steering Committee in section 10(c) shall be provided to the Caltrain Board of Directors, as the lead agency for the Environmental Phase of the Project, to consider authorizing the initiation of the Environmental Phase.

e. Specific operating tenants of Diridon Station (Altamont Corridor Express, Capitol Corridor, Amtrak, and Union Pacific) may review and comment on the design approved by the Steering Committee, but the design shall not be subject to their approval.

11. Conflict Resolution

a. The Parties agree that, as a general principle and if feasible, the Parties shall identify and engage in measures to prevent and resolve potential sources of conflict before they escalate into disputes through a process involving partnering, collaboration, and cooperation. Such process shall follow a hierarchy starting with staff participants and then the Steering Committee. The Chair of the Steering Committee may create subcommittees, with no more than one representative per Party, to resolve the conflict. Each Party shall diligently, and in good faith, attempt to resolve any dispute before that dispute is elevated to the next level in the hierarchy.

b. The Parties that are in conflict may, at any time, refer the conflict to mediation. The Parties that are in conflict shall collectively agree on a mediator and equally bear the cost of mediation.

12. Indemnification

a. Each Party shall indemnify, defend, and hold harmless the other Parties, their governing bodies, representatives, agents, consultants, or employees from and against all claims, injury, suits, demands, liability, losses, and damages, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any negligent act or, negligent failure to act, recklessness, or willful misconduct of the Party, its officers, employees, consultants, or agents, arising out of or relating to the Party's performance or failure to perform under the Agreement, except those arising by reason of the negligence, recklessness, or willful misconduct of the other Parties, its officers, employees and agents.

b. The Parties agree that the indemnifying Party will bear all expenses and costs and will pay all settlements or final judgments arising out of any claim, action or proceeding involving the injury to or death of any person or damages to or any loss of any property arising from any indemnification obligation of the indemnifying Party, including the costs of defense. Should a

claim, action or proceeding of any nature be brought at any time against a Party entitled to indemnification for injury, death, damage or loss, the Party entitled to indemnification will promptly provide notice to the indemnifying Party of such claim, and will tender the defense of such claim to the indemnifying Party, who will thereafter provide all such defense, indemnity, and protections as are necessary under the provisions of the Agreement. The Party entitled to indemnification will provide additional information or assistance as is reasonably requested by the indemnifying Party to assist in the defense, prosecution, or settlement of any such claim. The indemnified Party may engage counsel of its choice for its defense, with the consent of the indemnifying Party, which shall not to be unreasonably withheld.

c. The foregoing provisions regarding indemnification are included pursuant to the provisions of section 895.4 of the Government Code and are intended by the Parties to modify and supersede the otherwise applicable provisions of Chapter 21, Part 2, Division 3.6, Title I of the Government Code.

d. The indemnification obligations shall survive termination or expiration of the Agreement.

13. Cooperation with Third Parties

The Parties agree to cooperate on communications and submittals to funding and regulatory agencies related to the subject matter of the Agreement. The Parties also agree to coordinate to review and approve agreements with third parties that impact the Agreement.

14. Records

a. Each Party shall hold all administrative drafts and administrative final reports, studies, materials, and documentation relied upon, produced, created, or used for the activities under the Agreement in confidence to the extent permitted by law. Where applicable, the provisions of Government Code section 7920.00 et seq. shall protect the confidentiality of such documents if they are shared between the Parties. The Parties will not distribute, release, or share such documents with anyone other than employees, agents, and consultants who require access to complete the activities under the Agreement without the written consent of the Party authorized to release them, unless required by law.

b. If a Party receives a public records request pertaining to activities under the Agreement, the Party will notify the other Parties within ten working days of receipt and make the other Parties aware of any potential obligation to disclose public documents. The Parties will consult with each other before the release of any public documents related to the activities under the Agreement. Nothing in the Agreement constitutes a waiver of any privilege or exemption otherwise available to a Party.

15. Notices

a. All notices required in the Agreement must be given in writing, addressed to the Parties as set forth below, and delivered by (a) certified mail, return receipt required, (b) courier service, or (c) hand (including messenger or recognized delivery, courier, or air express service).

b. Notices will be effective upon receipt at the following addresses:

To Caltrain: Michelle Bouchard
Executive Director, Caltrain
1250 San Carlos Ave
San Carlos, CA, 94070
Phone: (650) 508-6420
Email: bouchardm@caltrain.com

With a copy to:
James C. Harrison, General Counsel
1901 Harrison Street, Suite 1550
Oakland, CA 94612
Phone: (510) 346-6203
Email: jharrison@olsonremcho.com

To San José: Leland Wilcox
Assistant City Manager, City of San José
200 East Santa Clara Street, 17th Floor
San José, CA 95113
Phone: (408) 535-4873
Email: Leland.Wilcox@sanjoseca.gov

With a copy to:
Jessica Zenk
Deputy Director, City of San José
200 East Santa Clara Street, 8th Floor
San José, CA 95113
Phone: (408) 535-3543
Email: Jessica.Zenk@sanjoseca.gov

To MTC: Andrew B. Fremier
Executive Director, MTC
375 Beale Street
San Francisco, CA 94105
Phone: (415) 778-5240
Email: afremier@bayareametro.gov

With a copy to:
Alix Bockelman,

Chief Deputy Executive Director, MTC
375 Beale Street
San Francisco, CA 94105
Phone: (415) 778-5250
Email: abockelman@bayareametro.gov

To CHSRA: California High-Speed Rail Authority
Attention: Chief Executive Officer
770 L Street, Suite 1160
Sacramento, CA 95814

With a copy to:
California High-Speed Rail Authority
Attention: Chief Counsel
770 L Street, Suite 620 MS 1
Sacramento, CA 95814
Telephone: (916) 324-1541
Email: legal@hsr.ca.gov

With a copy to:
California High-Speed Rail Authority
Attention: Regional Director
160 W Santa Clara St, Suite 450
San Jose, CA 95113
Telephone: (408) 877-3182
Email: northern.california@hsr.ca.gov

To VTA: Carolyn Gonot
General Manager/CEO, VTA
3331 North First Street
San Jose, CA, 95134
Phone:
Email: Carolyn.Gonot@vta.org

c. A Party may specify a different or additional recipient and address during the term of the Agreement as long as the Party provides five days' written notice to all other Parties.

d. For convenience, copies of notices may be given by electronic mail, to the addresses listed above; however, a Party shall not give official notice by electronic mail.

16. Amendments

The Parties may amend the Agreement only in a writing executed by all Parties.

17. Termination

The Parties may terminate the Agreement upon mutual written consent. Additionally, a Party may terminate its participation in the Agreement after 60 days' written notice to all other parties. Upon notice of termination of the Agreement, the contracting Parties shall invoice the terminating Party of its share of all contractor costs for services rendered up to the date of termination pursuant to any existing funding agreements between the Parties. The remaining Parties may amend the Agreement to continue or may terminate the Agreement.

18. Severability

If any portion of the Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the Parties shall negotiate an equitable adjustment in the provisions the Agreement with a view toward effecting the purpose of the Agreement, and all remaining portions of the Agreement will remain in full force and effect.

19. Miscellaneous Provisions

a. Entire Agreement: The Agreement, including any of its attachments and exhibits, constitutes the entire agreement between all Parties pertaining to its subject matter and supersedes all prior or contemporaneous agreements, representations, and understandings of the Parties about the subject matter.

b. Binding on Successors: The Agreement is binding upon each Party, their legal representatives, and successors for the duration of the Agreement.

c. Interpretation: The Agreement and each of its provisions, terms, and conditions has been reached as a result of negotiations between the Parties. Each Party expressly acknowledges and agrees that (a) the Agreement will not be deemed to have been authored, prepared, or drafted by any particular Party and b) the rule of construction to the effect that ambiguities are to be resolved against the drafting Party will not be employed in the interpretation of the Agreement or in the resolution of disputes.

d. No Implied Waiver: The failure of each Party to insist upon the strict performance of any of the terms, covenant, and conditions of the Agreement will not be deemed a waiver of any right or remedy that a Party may have and will not be deemed a waiver of a Party's right to require strict performance of all the Agreement's terms, covenants, and conditions.

e. No Assignments: No Party is permitted to assign, transfer, or otherwise substitute its interests or obligations under the Agreement without the written consent of the other Parties.

f. Applicable Law: The Agreement, as well as any claims that might arise between any of the Parties, will be governed by the laws of the State of California, without regard to conflict of law provisions.

g. Forum Selection: Any lawsuit or legal action arising from the Agreement will be commenced and prosecuted in the courts of Santa Clara County, California. Caltrain agrees to

submit to the personal jurisdiction of the courts located in Santa Clara County, California for the purpose of litigating all such claims.

h. Compliance with All Applicable Laws: In the performance under the Agreement, all Parties and their agents shall comply with all applicable requirements of state, federal, and local laws and regulations.

i. Relationship Between the Parties: The Agreement does not create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship other than that of independent parties.

j. No Third-Party Rights: The Agreement is intended solely for the benefit of the Parties and is not intended to confer any benefits on, or create any rights in favor of, any person other than the Parties.

k. Counterparts: The Agreement may be executed in any number of counterparts and by each Party in separate counterparts, each of which when so executed and delivered shall be deemed to be an original, and all of which taken together shall constitute one and the same instrument. The Parties agree that an electronic copy of this signed contract or an electronically signed contract has the same force and legal effect as a contract executed with an original ink signature.

l. Warranty of Authority to Execute Agreement: Each Party represents and warrants that the person whose signature appears in the Agreement on the Party's signature line is authorized and has the full authority to execute the Agreement on the Party's behalf.

[SIGNATURES ON THE FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties have executed the Agreement as of the Effective Date by their duly authorized representatives.

**Santa Clara Valley
Transportation Authority**

Peninsula Corridor Joint Powers Board

Carolyn M. Gonot
General Manager/CEO

Michelle Bouchard
Executive Director

Date

Date

City of San José

**Metropolitan Transportation
Commission**

Leland Wilcox
Assistant City Manager

Andrew B. Fremier
Executive Director

Date

Date

California High Speed Rail Authority

Brian Kelly
Chief Executive Officer

Date

**Peninsula Corridor Joint Powers Board
Staff Report**

To: JPB Advocacy and Major Projects Committee

Through: Michelle Bouchard, Executive Director

From: Dahlia Chazan, Chief, Caltrain Planning

Subject: Receive Update on Transit 2050+

Finance Committee
Recommendation

Technology, Operations, Planning,
and Safety Committee
Recommendation

Advocacy and Major Projects
Committee Recommendation

Purpose and Recommended Action

The purpose of this update is to provide information on Transit 2050+, including a background of the project, and present the Draft Transit 2050+ Network, which outlines how to make trips faster and more frequent at all times of day and how to connect more communities by bus, train or ferry.

Staff proposes the Committee recommend the Board:

1. Receive the attached Draft Transit 2050+ Network Updates

Discussion

Transit 2050+ is a parallel long-range planning effort to Plan Bay Area 2050+ (a limited and focused update to Plan Bay Area 2050, the region’s visionary long-range plan, adopted in October 2021) that is developing a first-of-its-kind plan to re-envision the future of the public transit network in the nine-county Bay Area. Staff from MTC and the region’s transit agencies (including Caltrain) have worked closely together to identify a series of improvements and investments that could be made over the next 25 years to keep the Bay Area’s transit system operating while expanding it for the future. Transit 2050+, as part of Plan Bay Area 2050+, neither funds specific infrastructure projects nor requires transit agencies to provide the final Network. However, project inclusion in the Transit 2050+ Network (as part of Plan Bay Area) ultimately has implications for funding eligibility and project advancement as it identifies a potential path forward for future investments and will serve as the Bay Area’s Regional Transportation Plan (RTP).

Budget Impact

There is no budget impact, however, Plan Bay Area 2050+ includes policies and investments to be implemented in the Bay Area at the city, county, regional or state level over the next 30 years.

Prepared By:	Andy Metz	Principal Planner, Regional Plans AC Transit Co-PM of Transit 2050+	206.992.6330
	Kara Vuicich	Principal Planner, Regional Planning Program Metropolitan Transportation Commission Co-PM of Transit 2050+	510.684.3377
	David Pape	Policy and Programming Manager, Caltrain	650.418.6025

**Peninsula Corridor Joint Powers Board
Staff Report**

To: JPB Advocacy and Major Projects Committee
Through: Michelle Bouchard, Executive Director
From: Casey Fromson, Chief of Staff
Subject: **Receive State and Federal Legislative Update**

Finance Committee Recommendation Technology, Operations, Planning, and Safety Committee Recommendation Advocacy and Major Projects Committee Recommendation

Purpose and Recommended Action

The 2024 Legislative Program establishes the principles that will guide the legislative and regulatory advocacy efforts. Based on those principles, staff coordinates closely with our Federal and State advocates on a wide variety of issues that are considered in Congress and the State legislature. The attached reports highlight the recent issues and actions that are relevant to the Board.

Staff proposes the Committee recommend the Board:

1. Receive the attached State and Federal Legislative Updates

Discussion

The update will discuss the federal budget process and relevant state legislation. It will also give an update regarding discussions on a regional transportation revenue measure.

Budget Impact

None.

Prepared By:	Devon Ryan	Government & Community Affairs Officer	650.730.6172
	Isabella Conferti	Government & Community Affairs Specialist	650.647.3498

Caltrain Bill Matrix as of 9/16/2024

Bill ID/Topic	Location	Summary	Position
<p>AB 107 Gabriel D Budget Act of 2024.</p>	<p>This bill was signed by the Governor on June 26, 2024.</p>	<p>This bill would make appropriations for the support of state government for the 2024–25 fiscal year. This bill contains other related provisions.</p>	<p>Watch</p>
<p>AB 173 Committee on Budget Transportation budget trailer bill.</p>	<p>This bill was signed by the Governor on July 2, 2024.</p>	<p>Among other related provisions, relative to matters most salient to the Caltrain, this bill would require the Secretary of Transportation to coordinate with the Department of Transportation and the California Transportation Commission to identify available funding in state transportation programs that may be used to support grade separation projects that were previously awarded funding under specified transportation programs but had that funding reverted pursuant to the Budget Act of 2024. The bill would require the Transportation Agency to prioritize, and would authorize the agency to directly allocate, the funding identified by that process, as available and appropriate, for those grade separation projects that are at risk of losing or failing to secure federal and local funding commitments, or that are at risk of approved project schedule delays, or both. The bill would require the secretary to report to the Legislature, on or before April 30, 2025, on any funding that the Secretary identified for impacted grade separation projects.</p> <p>This bill would expand the requirements of the accountability program to the distribution of funds appropriated to the Transportation Agency in the Budget Act from the Greenhouse Gas Reduction Fund for purposes of the formula-based component of the Transit and Intercity Rail Capital Program. The bill would also require a regional transportation planning agency to submit an updated regional short-term financial plan and updated transit operator data to the Transportation Agency in order to receive moneys governed by the accountability program in the 2025–26 fiscal year, and to submit updated transit operator data to the Transportation Agency in order to receive moneys governed by the accountability program in the 2026–27 and 2027–28 fiscal years. The bill would authorize the Transportation Agency to modify the guidelines for the distribution of those funds for each of these 3 fiscal years by specified dates.</p> <p>This bill would appropriate \$100,000,000 from the General Fund to the Department of Transportation to support the Active Transportation Program with the funds to be allocated by the commission, as specified. Upon signature from the Governor, this bill would take effect immediately as a bill providing for appropriations related to the Budget Bill.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>AB 761 Friedman D</p> <p>Local finance: enhanced infrastructure financing districts.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law establishes enhanced infrastructure financing districts to finance public capital facilities or other specified projects of communitywide significance. Existing law provides for the membership of the governing body of the district, referred to as the public financing authority. Existing law authorizes the legislative body of a city or a county to designate a proposed enhanced infrastructure financing district by adopting a resolution of intention to establish the proposed district which, among other things, is required to state that an enhanced infrastructure financing district is proposed and describe the boundaries of the proposed district. Existing law requires the public financing authority to direct the preparation of and adopt an infrastructure financing plan consistent with the general plan and any relevant specific plan, and consisting of, among other things, a financing section. Existing law requires that the financing section include a plan for financing the public facilities, a limit on the total number of dollars of taxes that may be allocated to the district pursuant to the plan, and a date, either not more than 45 years from the date on which the issuance of the bonds is approved for the plan on which the district will cease to exist, by which time all tax allocation to the district will end, or, where the district is divided into project areas, a date on which the infrastructure financing plan will cease to be in effect and all tax allocations to the district will end and a date on which the district's authority to repay indebtedness with incremental tax revenues will end, as specified. This bill, for plans proposed on or after January 1, 2025, would specify that for the purpose of development and construction of passenger rail projects in the County of Los Angeles where at least 75% of the revenue from the district is used for debt service on a federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan, the date on which the district will cease to exist shall not be more than 75 years from the date of the approval of a TIFIA loan, as specified. This bill contains other related provisions.</p>	<p>Watch</p>
<p>AB 1870 Ortega D</p> <p>Notice to employees: legal services.</p>	<p>This bill was signed by the Governor on July 15, 2024.</p>	<p>Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Employers who are subject to the workers' compensation system are generally required to keep posted in a conspicuous location frequented by employees and easily read by employees during the hours of the workday a notice that includes, among other information, to whom injuries should be reported, the rights of an employee to select and change a treating physician, and certain employee protections against discrimination. Existing law requires the administrative director to make the form and content of this notice available to self-insured employers and insurers. This bill would require the notice to include information concerning an injured employee's ability to consult a licensed attorney to advise them of their rights under workers' compensations laws, as specified. The bill would also make technical, nonsubstantive changes to these provisions.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>AB 1879 Gipson D</p> <p>Property taxation: filing.</p>	<p>This bill was signed by the Governor on September 12, 2024.</p>	<p>The California Constitution provides for the taxation of property and establishes the State Board of Equalization to administer those taxes. Existing property tax law, pursuant to constitutional authorization, sets forth procedures for imposing and collecting taxes on property in the state. Existing law requires a person owning taxable personal property, as specified, to file annually a signed property statement declared to be true under the penalty of perjury with the assessor. Existing law authorizes a property statement to be filed with the assessor through the United States mail, properly addressed with postage prepaid. This bill would instead authorize the statement to be filed through the United States mail provided it is mailed in a manner that includes a postmark and is properly addressed with postage prepaid, as specified. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p>AB 1890 Patterson, Joe R</p> <p>Public works: prevailing wage.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law defines the term "public works" for the purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers' compensation for public works projects. Existing law requires an entity awarding a public works contract, as specified, to provide notice to the Department of Industrial Relations. Existing law requires civil penalties to be imposed on an entity that fails to provide that required notice and authorizes the Labor Commissioner to issue a citation for civil penalties to an entity that fails to provide the required notice. This bill would additionally require the awarding body to provide notice to the department, within 30 days, if there is a change in the identity of a contractor or subcontractor performing the project or, if the total amount of the contract change exceeds specified thresholds. The bill would exempt projects of awarding bodies operating labor compliance programs that are approved and monitored by the department and covered by a valid project labor agreement. By creating new notification requirements for public agencies, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p>AB 1904 Ward D</p> <p>Transit buses: yield right-of-way sign.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law authorizes a transit bus in the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority to be equipped with a yield right-of-way sign on the left rear of the bus if the applicable entity approves a resolution requesting that this section be made applicable to it. Existing law requires the sign to be designed to warn a person operating a motor vehicle approaching the rear of the bus that the bus is entering traffic and be illuminated by a red flashing light when the bus is signaling in preparation for entering a traffic lane after having stopped to receive or discharge passengers. This bill would expand the authorization to equip transit buses, as described above, to apply to any transit agency if the transit agency approves a resolution that this authorization be made applicable to it. The bill would also authorize the yield right-of-way sign to be a static decal, and would only impose the above-described design and illumination requirements on a sign that is a flashing light-emitting diode (LED) sign.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>AB 2192 Carrillo, Juan D</p> <p>Public agencies: cost accounting standards.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law, the Uniform Public Construction Cost Accounting Act, authorizes a public agency, whose governing board has by resolution elected, to become subject to uniform construction cost accounting procedures. Existing law provides for the development of cost accounting standards and an alternative method for the bidding of public works projects by public entities. The act defines "public project" to include, among other things, construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility. This bill would define "public project" to additionally include installations involving any publicly owned, leased, or operated facility. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p>AB 2302 Addis D</p> <p>Open meetings: local agencies: teleconferences.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in specified circumstances if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Existing law imposes prescribed restrictions on remote participation by a member under these alternative teleconferencing provisions, including establishing limits on the number of meetings a member may participate in solely by teleconference from a remote location, prohibiting such participation for a period of more than 3 consecutive months or 20% of the regular meetings for the local agency within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. This bill would revise those limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets. The bill, for the purpose of counting meetings attended by teleconference, would define a "meeting" as any number of meetings of the legislative body of a local agency that begin on the same calendar day. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>AB 2325 Lee D</p> <p>San Francisco Bay Area Rapid Transit District: officers and employees: designation and appointment.</p>	<p>This bill was signed by the Governor on July 15, 2024.</p>	<p>Existing law establishes the San Francisco Bay Area Rapid Transit District, governed by a board of directors, with specified powers and duties relative to the construction and operation of a rapid transit system. Under existing law, the officers of the district consist of the members of the board, a secretary, a general manager, a general counsel, a treasurer, a controller, and other officers, assistants, and deputies that the board may provide for by ordinance or resolution, as specified. Existing law requires the board to appoint, and authorizes the board to remove, the secretary, the general manager, the general counsel, the treasurer, and the controller. Existing law requires all other officers and employees of the district to be appointed by, and to serve at the pleasure of, the general manager. This bill would eliminate the positions of the treasurer and controller, would create the position of the chief financial officer subject to appointment and removal by the general manager, would transfer all of the duties previously assigned to the treasurer to the chief financial officer, and would make other related changes in this regard. The bill would authorize the general manager to designate other financial personnel to undertake any of the duties or responsibilities assigned to the chief financial officer.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>AB 2455 Gabriel D</p> <p>Whistleblower protection: state and local government procedures.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law authorizes a city, county, or city and county auditor or controller to maintain a whistleblower hotline to receive calls from persons who have information regarding fraud, waste, or abuse by local government employees, as specified. Existing law authorizes the auditor or controller to refer calls received on the whistleblower hotline to the appropriate government authority for review and possible investigation. During the initial review of a call, existing law requires the auditor, controller, or other appropriate governmental agency to hold in confidence information disclosed through the whistleblower hotline, as specified. Upon receiving specific information that an employee or local government has engaged in an improper government activity, existing law authorizes a city or county auditor or controller to conduct an investigative audit of the matter, as specified. Existing law requires the identity of the individual or individuals reporting the improper government activity and the subject employee or employees to be kept confidential, except as specified. Existing law defines "fraud, waste, or abuse" to mean any activity by a local agency or employee that is undertaken in the performance of the employee's official duties, as described, that is in violation of any local, state, or federal law or regulation relating to, among other things, corruption. This bill would also authorize a city, county, or city and county auditor or controller to maintain a whistleblower hotline to receive calls from persons who have information regarding improper governmental activity, and would recast information regarding fraud, waste, or abuse by local government employees as improper governmental activity. The bill would instead authorize a city or county auditor or controller, or auditor's or controller's designee, to conduct an investigative audit of the matter upon receiving specific information that an employee or local government has engaged in a fraud, waste, or abuse or improper governmental activity, as specified. The bill would also require the identity of the individual or individuals reporting the fraud, waste or abuse and the subject employee or employees to be kept confidential, except as specified. The bill would expand the above-described duties and authorizations to the auditor's or controller's designee, as specified. The bill would revise the definition of "fraud, waste, or abuse" to also define "improper governmental activity," and expand the scope of those terms to include activity by a local agency, employee, or contractor or subcontractor. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>AB 2503 Lee D</p> <p>California Environmental Quality Act: exemption: passenger rail projects.</p>	<p>This bill is on the Governor's Desk.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA, until January 1, 2030, exempts from its requirements certain transportation-related projects if specified requirements are met, including that a local agency, as defined, is carrying out the project and that the project will be completed by a skilled and trained workforce, as provided. CEQA includes within these exempt transportation-related projects a public project for the institution or increase of bus rapid transit, bus, or light rail service, which will be exclusively used by low-emission or zero-emission vehicles, on existing public rights-of-way or existing highway rights-of-way. Existing law requires the lead agency, if it determines that a transportation-related project is exempt from CEQA and determines to carry out the project, to file a notice of exemption with the Office of Planning and Research and the county clerk in which the project is located. This bill would expand that exemption from CEQA to include a public project for the institution or increase of other passenger rail service, which will be exclusively used by zero-emission trains, located entirely within existing rail rights-of-way or existing highway rights-of-way. Because the bill would increase the duties of the county clerk, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>	<p>Support May 2024</p>
<p>AB 2553 Friedman D</p> <p>Housing development: major transit stops: vehicular traffic impact fees.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law, the California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts from its requirements residential projects on infill sites and transit priority projects that meet certain requirements, including a requirement that the projects are located within 1/2 mile of a major transit stop. CEQA defines "major transit stop" to include, among other locations, the intersection of 2 or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. This bill would revise the definition of "major transit stop" to increase the frequency of service interval to 20 minutes. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>AB 2561 McKinnor D</p> <p>Local public employees: vacant positions.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law, the Meyers-Milias-Brown Act (act), authorizes local public employees, as defined, to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of labor relations. The act requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations and to consider fully presentations that are made by the employee organization on behalf of its members before arriving at a determination of policy or course of action. This bill would, as specified, require a public agency to present the status of vacancies and recruitment and retention efforts at a public hearing at least once per fiscal year, and would entitle the recognized employee organization to present at the hearing. If the number of job vacancies within a single bargaining unit meets or exceeds 20% of the total number of authorized full-time positions, the bill would require the public agency, upon request of the recognized employee organization, to include specified information during the public hearing. By imposing new duties on local public agencies, the bill would impose a state-mandated local program. The bill would also include related legislative findings. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p>AB 2661 Soria D</p> <p>Electricity: Westlands Water District.</p>	<p>This bill is on the Governor's Desk.</p>	<p>The California Water District Law provides for the establishment of water districts and authorizes a district to construct, maintain, and operate plants for the generation of hydroelectric energy and transmission lines for the conveyance of the hydroelectric energy. Existing law merged the former West Plains Water Storage District into the Westlands Water District, and provides for the operation of the Westlands Water District. This bill would authorize the Westlands Water District to provide, generate, and deliver solar photovoltaic or hydroelectric electricity and to construct, operate, and maintain works, facilities, improvements, and property necessary or convenient for generating and delivering that electricity. The bill would require the district to use the electricity for the district's own purposes, and the bill would authorize the district to sell surplus electricity to a public or private entity engaged in the distribution or sale of electricity. The bill would also authorize the district to construct, operate, and maintain energy storage systems and electric transmission lines, and to construct, operate, and maintain works, facilities, improvements, and property necessary or convenient for the operation of the energy storage system and electric transmission lines, within the boundaries of the district, as specified. The bill would require the district to report the amount of income, and the purposes for expenditure of that income, from these electricity facilities in a specified report. The bill would require the district to establish a community benefits agreement plan for a specified electrical infrastructure development plan and related transmission and other electrical projects, as provided. This bill would make legislative findings and declarations as to the necessity of a special statute for the Westlands Water District.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>AB 2669 Ting D</p> <p>Toll bridges: tolls.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law provides for the construction and operation of various toll bridges by the state, the Golden Gate Bridge, Highway and Transportation District, and private entities that have entered into a franchise agreement with the state. This bill would prohibit a toll from being imposed on the passage of a pedestrian, bicycle, or personal micromobility device over these various toll bridges, unless the bridge was under construction on or after January 1, 2025, and the tolls are used to fund the cost of constructing the bridge.</p>	<p>Watch</p>
<p>AB 2712 Friedman D</p> <p>Preferential parking privileges: transit-oriented development.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law authorizes a local authority, by ordinance or resolution, to prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways during all or certain hours of the day. Existing law authorizes the ordinance or resolution to include a designation of certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which the residents and merchants may be issued permits that exempt them from the prohibition or restriction of the ordinance or resolution. Existing law prohibits a public agency from imposing any minimum automobile parking requirement on any residential, commercial, or other development project that is located within 1/2 mile of public transit, as defined, unless the public agency makes written findings that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact on, among other things, the city's, county's, or city and county's ability to meet its share of the regional housing need for low- and very low income households. This bill would, for purposes of its provisions, define "development project" to mean a residential, commercial, or other development project exempt from minimum automobile parking requirements, or subject to parking minimum reductions based on any other applicable law, located within the boundaries of the City of Los Angeles. This bill, for a development project that is located within a preferential parking area, would require the development project to be excluded from the boundaries of the preferential parking area and would prohibit the local authority, as defined, from issuing any permit to the residents or visitors of the development project that grants preferential parking privileges. The bill would also provide that none of the above-described provisions prohibit local authorities from issuing permits to residents of developments projects that occupy deed-restricted units intended for specified households. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p>AB 2715 Boerner D</p> <p>Ralph M. Brown Act: closed sessions.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law, the Ralph M. Brown Act, generally requires that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Existing law authorizes a legislative body to hold a closed session with specified individuals on, among other things, matters posing a threat to the security of essential public services, as specified. This bill would additionally authorize a legislative body to hold a closed session with other law enforcement or security personnel and to hold a closed session on a threat to critical infrastructure controls or critical infrastructure information, as defined, relating to cybersecurity. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>AB 2813 Aguiar-Curry D</p> <p>Government Investment Act.</p>	<p>This bill was signed by the Governor on July 18, 2024.</p>	<p>(1)Existing law, known as the Proposition 218 Omnibus Implementation Act, defines various terms and prescribes procedures and parameters for local jurisdictions to comply with specified provisions of the California Constitution. This bill, for purposes of ACA 1, would define “affordable housing” to include rental housing, ownership housing, interim housing, and affordable housing programs such as downpayment assistance, first-time homebuyer programs, and owner-occupied affordable housing rehabilitation programs, that are affordable to households earning up to 150% of countywide median income. The bill would require a local government to ensure that any project that is funded with ACA 1 bonded indebtedness to have an estimated useful life of at least 15 years or 5 years if the funds are for specified public safety facilities, infrastructure, and equipment. The bill would define “public infrastructure” to exclude the construction, reconstruction, rehabilitation, or replacement of a sports stadium or arena where the majority of the use of the facility is for private ticketed activities. The bill would prohibit ACA 1 bonded indebtedness from being used for the acquisition or lease of any real property that has, at the time of acquisition or lease, been improved with one to 4 dwelling units, except as specified. The bill would also prohibit any ACA 1 bonded indebtedness, when added to existing bonded indebtedness of a local government, from exceeding the applicable statutory limit on the maximum amount of bonded indebtedness that a local government is authorized to incur. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p>AB 2854 Irwin D</p> <p>Bradley-Burns Uniform Local Sales and Use Tax Law.</p>	<p>This bill is on the Governor’s Desk.</p>	<p>The Bradley-Burns Uniform Local Sales and Use Tax Law (Bradley-Burns) authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law. Existing law, on or after January 1, 2016, prohibits a local agency from entering into any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to any person, as defined, for any purpose, if the agreement results in a reduction in the amount of Bradley-Burns local tax revenues that, in the absence of the agreement, would be received by another local agency and the retailer continues to maintain a physical presence within the territorial jurisdiction of that other local agency, with specified exceptions. This bill would require a local agency, as defined, to annually provide specified information relating to each agreement resulting in the direct or indirect payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to the California Department of Tax and Fee Administration. The bill would additionally require the local agency to publish that information on its internet website, as prescribed. The bill would impose monetary penalties on any local agency that fails to provide information to the department or fails to publish information to its internet website, as prescribed. By expanding the duties of local agencies, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>AB 2879 Lackey R</p> <p>High-Speed Rail Authority: contracting.</p>	<p>This bill is on the Governor's Desk.</p>	<p>The California High-Speed Rail Act creates the High-Speed Rail Authority, composed of 11 members, to develop and implement a high-speed rail system in the state, with specified powers and duties. The act authorizes the authority to enter into contracts with private or public entities for the design, construction, and operation of high-speed trains. The act requires the authority to appoint an executive director to administer the affairs of the authority as directed by the authority. This bill, notwithstanding the authority's ability to delegate power to the executive director, would require any contract change order with a value greater than \$100,000,000 to be approved by the authority.</p>	<p>Watch</p>
<p>AB 3177 Carrillo, Wendy D</p> <p>Mitigation Fee Act: land dedications: mitigating vehicular traffic impacts.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law, the Mitigation Fee Act, imposes various requirements with respect to the establishment, increase, or imposition of a fee by a local agency as a condition of approval of a development project. Existing law requires a local agency that imposes a fee on a housing development for the purpose of mitigating vehicular traffic impacts to set the rate for the fee to reflect a lower rate of automobile trip generation if the housing development satisfies specified characteristics, including that the housing development is located within 1/2 mile of a transit station, as specified. Existing law defines transit station for these purposes to mean a rail or light-rail station, ferry terminal, bus hub, or bus transfer station. This bill would instead require the housing development to be located within a transit priority area, as specified, for purposes of a local agency setting the rate for a mitigating vehicular traffic impacts fee to reflect a lower rate of automobile trip generation. The bill would define "transit priority area" as an area within 1/2 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan. This bill would prohibit a local agency from imposing a land dedication requirement, as defined, on a housing development to widen a roadway if the land dedication requirement is for the purpose of mitigating vehicular traffic impacts, achieving an adopted traffic level of service related to vehicular traffic, or achieving a desired roadway width. The bill, notwithstanding that prohibition, would authorize a local agency to, among other things, impose a land dedication requirement on a housing development if the housing development is not located in a transit priority area and the housing development has a linear street frontage of 500 feet or more. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>ACA 10 Aguiar-Curry D</p> <p>Local government financing: affordable housing and public infrastructure: voter approval.</p>	<p>This bill was signed by the Governor on June 27, 2024.</p>	<p>Assembly Constitutional Amendment No. 1 of the 2023–24 Regular Session (ACA 1) would, if adopted by the people, amend Section 4 of Article XIII A, Section 2 of Article XIII C, and Section 3 of Article XIII D of, and would add Section 2.5 of Article XIII C to, the California Constitution, relative to local finance. Under these provisions, ACA 1 would condition the imposition, extension, or increase of a sales and use tax or transactions and use tax imposed in accordance with specified law or a parcel tax by a local government for the purposes of funding the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, including downpayment assistance, or permanent supportive housing, or the acquisition or lease of real property for those purposes, on the proposition proposing that tax being approved by a majority vote of the membership of the governing board of the local government and by 55% of its voters voting on the proposition and the proposition includes specified accountability requirements. ACA 1 would also make conforming changes. This measure would remove the above-described provisions of ACA 1 relating to special taxes and make conforming changes in other provisions of ACA 1. The measure would direct the Secretary of State to make those amendments in ACA 1. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p>SB 532 Wiener D</p> <p>Parking payment zones.</p>	<p>This bill is on the Governor’s Desk.</p>	<p>Existing law allows a local authority to establish parking meter zones and fix the rate of fees for those zones by ordinance. Existing law prohibits a local authority from requiring payment of parking meter fees by a mobile device, as specified. This bill would instead authorize, until January 1, 2033, in the City and County of San Francisco, City of Long Beach, and City of Santa Monica, a local authority to require payment of parking fees by a mobile device, if it meets certain requirements, such as adopting an accessible and equitable parking cash payment plan that does not utilize parking meters or payment centers in parking payment zones to provide reasonably accessible alternative means for payment of parking fees using cash. The bill would also authorize the local authority in the City and County of San Francisco, City of Long Beach, and City of Santa Monica to operate the above-described parking zones for 5 years following the date of creation, in each of the respective entities, of the first mobile device parking payment zone, or until January 1, 2033, whichever is sooner. The bill would specify that a civil fine for parking in a zone that requires payment by mobile device and lacks a parking meter is 1/2 of the civil fine for failing to pay for metered parking. The bill would require a local authority to consult with specified stakeholders in the development of the plan and would require a local authority that adopts a plan and implements a mobile device parking payment zone to provide to its governing body and the Legislature a specified evaluation of the impact of all mobile device parking payment zones implemented by the local authority on equity, accessibility, and costs.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>SB 537 Becker D</p> <p>City or County of Los Angeles: memorial to forcibly deported Mexican Americans and Mexican immigrants.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law provides for various memorials and monuments on the grounds of the State Capitol. Existing law requires the Department of General Services to maintain state buildings and grounds. Existing law, the Apology Act for the 1930s Mexican Repatriation Program, makes findings and declarations regarding the unconstitutional removal and coerced emigration of United States citizens and legal residents of Mexican descent, between the years 1929 and 1944, to Mexico from the United States during the 1930s "Mexican Repatriation" Program. Existing law expresses the apology of the State of California to those individuals who were illegally deported and coerced into emigrating to Mexico and requires that a plaque to commemorate those individuals be installed and maintained by the Department of Parks and Recreation in an appropriate public place in the City or County of Los Angeles. This bill would authorize a nonprofit organization representing Mexican Americans or Mexican immigrants to enter into negotiations to plan, construct, and maintain a memorial to Mexican Americans and Mexican immigrants who were forcibly deported from the United States during the Great Depression, as provided. The bill would require the memorial to be located at an appropriate public place in the City or County of Los Angeles. The bill would require the nonprofit organization to enter into negotiations with the Department of General Services and the state agency with jurisdiction over the state property where the memorial is proposed, where applicable, if the nonprofit organization proposes to locate the memorial on state property. The bill would require the nonprofit organization to submit a plan for the memorial to the department and the applicable state agency for review and approval. The bill would require these provisions to be funded exclusively through private sources. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>SB 904 Dodd D</p> <p>Sonoma-Marín Area Rail Transit District.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law creates, within the Counties of Sonoma and Marin, the Sonoma-Marín Area Rail Transit District with specified duties and powers relative to the provision of a passenger and freight rail system within the territory of the district. Under existing law, the district is governed by a 12-member board of directors appointed by various local governmental entities. Existing law authorizes the board to submit to the voters of the district a measure proposing a retail transactions and use tax ordinance. This bill would also authorize those special taxes to be imposed by a qualified voter initiative if that initiative complies with certain requirements. The bill would require the board of supervisors of the Counties of Sonoma and Marin to call a special election on a tax measure proposed by the district's board of directors or a qualified voter initiative in their respective counties and would require the district to reimburse the counties upon request for the incremental cost of submitting the measure to the voters, as specified. To the extent that the bill would impose additional duties on a county elections official, the bill would impose a state-mandated local program. The bill would delete a provision that limits the district, in the County of Sonoma north of the City of Healdsburg, to locating commuter stations only within incorporated areas. The bill would require the district to obtain coverage for the district and its employees under the appropriate federal and state workers' compensation, unemployment compensation, and disability and unemployment insurance laws, instead of only under laws of this state. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>SB 1098 Blakespear D</p> <p>Passenger and freight rail: LOSSAN Rail Corridor.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law establishes the Department of Transportation in the Transportation Agency. Existing law authorizes the Department of Transportation, subject to approval of the Secretary of Transportation, to enter into an interagency transfer agreement under which a joint powers board assumes responsibility for administering the state-funded intercity rail service in certain rail corridors, including the LOSSAN Rail Corridor. Existing law defines the LOSSAN Rail Corridor as the intercity passenger rail corridor between San Diego, Los Angeles, and San Luis Obispo. Pursuant to this authority, the department entered into an interagency transfer agreement with the LOSSAN Rail Corridor Agency to administer intercity passenger rail service in the LOSSAN Rail Corridor. This bill would require the Secretary of Transportation to provide guidance and recommendations to, and coordination between, stakeholders as necessary to ensure the performance of the LOSSAN Rail Corridor, as specified. This bill would also require the Secretary of Transportation, with technical and subject matter assistance from the Secretary for Environmental Protection and the Secretary of the Natural Resources Agency, to submit a report to the Legislature regarding the LOSSAN Rail Corridor that includes specified information no later than 2 years after an appropriation is made by the Legislature for purposes of this report. The bill would also require the Secretary of Transportation, in coordination with stakeholders responsible for operating rail services along the LOSSAN Rail Corridor, to submit a report to the Legislature on the performance of the LOSSAN Rail Corridor no later than 3 years after an appropriation is made by the Legislature for purposes of this performance report and biennially thereafter. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p>SB 1321 Wahab D</p> <p>Employment Training Panel: employment training program: projects and proposals.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law establishes the Employment Training Panel within the Employment Development Department and sets forth its powers and duties with respect to certain employment training programs. Existing law declares the intent of the Legislature that the purpose of provisions relating to the panel is to establish an employment training program to promote a healthy labor market in a growing, competitive economy and to fund only projects that meet specified criteria, including fostering retention of high-wage, high-skilled jobs in manufacturing. Existing law requires the panel, in funding projects that meet the above-described criteria, to give funding priority to projects that meet specified goals, including promoting the retention and expansion of the state's manufacturing workforce. This bill would also include in the above-described goals, among other things, promoting the hiring, training, and advancement of disadvantaged, marginalized, and underrepresented workers. The bill would authorize projects funded under the above-described provisions to include programs to provide training through apprenticeship programs that are registered with the Division of Apprenticeship Standards. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p>SB 1509 Stern D</p> <p>Negligent Operator Treatment (NOT) in California Act.</p>	<p>This bill is on the Governor's Desk.</p>	<p>Existing law prohibits driving a vehicle upon a highway at a speed greater than is reasonable or prudent. Existing law also prohibits driving a vehicle in excess of an established speed limit. Existing law requires that specified convictions, violations, and traffic-related incidents count as points against a driver's record for purposes of suspension or revocation of the privilege to drive. This bill, the Negligent Operator Treatment (NOT) in California Act, would, commencing on January 1, 2027, prohibit excessively speeding, defined as driving a vehicle at a speed that exceeds the posted speed limit by 26 miles per hour or more on a highway with a posted speed limit for passenger vehicles of 55 miles per hour or less. The bill would provide that a conviction for excessively speeding is punishable as an infraction and one point shall be assessed against a driver's record for a first violation and 2 points for any subsequent violation that occurs within 3 years after a previous violation for which the driver was convicted. This bill contains other existing laws.</p>	<p>Watch</p>



September 16, 2024

TO: Board of Directors, Peninsula Corridor Joint Powers Board (Caltrain)

FM: Matt Robinson, Michael Pimentel, and Alchemy Graham, Shaw Yoder Antwih Schmelzer & Lange

RE: **STATE LEGISLATIVE UPDATE – October 2024**

General Update

August 31 marked the final day of the 2023-24 legislative session. After two long weeks of Floor session, the Legislature passed approximately 991 bills, which are now on their way to the Governor's desk. As a reminder, Governor Newsom normally has 12 days to act on a measure from the day it reaches his desk. However, this timeline is adjusted for measures that are presented to the Governor on or after September 1, which accounts for the flurry bills that pass out of the Legislature in the final days of session. In this case, the Governor has until September 30 to act on these measures.

The Legislature is now adjourned until December 2, when they will reconvene in Sacramento for the Organizational Session and the swearing-in of newly elected legislators. We expect 34 new legislators in the Senate and Assembly when the Legislature reconvenes for the 2025-26 Legislative Session. Following the Organizational Session, the Legislature will adjourn for the remainder of the year and reconvene to begin the real work of the first year of the session in January 2025.

For more information about key legislative and budget deadlines, see the adopted 2024 Legislative Calendar available [here](#).

CalSTA's Transit Transformation Task Force Convenes for Fifth Meeting

The California State Transportation Agency convened its fifth Transit Transformation Task Force meeting on August 29 in Los Angeles. This meeting, the second of several geared toward informing a report of recommendations required to be submitted to the Legislature by October 2025, focused discussion on reforms to the Transportation Development Act and workforce recruitment, retention, and development issues.

As previously highlighted, the California Transit Association is leading engagement in the Task Force discussions on behalf of California transit agencies. To inform the positions it takes at Task Force meetings, the Association has engaged its membership and CALACT members on the challenges / barriers they face in delivering improvements to transit service and has convened an internal Transit Transformation Advisory Committee to develop policy recommendations (for breaking past these challenges) for submittal to the Task Force.

Relative to the August 29 meeting, the Association, with the support of its Advisory Committee, delivered recommendations to the Task Force on TDA reform and workforce recruitment, retention, and development. You can read the Association's recommendations [here](#). The Task Force is subject to the

state's open meeting requirements for state bodies, known as Bagley-Keene, and as such, all agenda materials and recordings are available on [CalSTA's website](#).

Bills of Interest

SB 925 (Wiener) City and County of San Francisco Merchandising Sales – SUPPORT

This bill would have authorized the City and County of San Francisco to adopt an ordinance prohibiting the sale of specified merchandise on public property without a permit, if the ordinance included specified written findings, including, among other things, that there has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within the City and County of San Francisco. Pursuant to this bill, the ordinance would have been required to be adopted by the City and County of San Francisco to, among other things, identify a local permitting agency that is responsible for administering a permit system. The bill would have also authorized the ordinance to provide that selling merchandise without a permit is punishable as an infraction, and that subsequent violations after 2 prior convictions is an infraction or a misdemeanor punishable by imprisonment in the county jail not exceeding 6 months. ***This bill was held on the Suspense File in the Assembly Appropriations Committee.***

SB 960 (Wiener) Complete Streets Projects on the State Highway System – WATCH

This bill would require the targets and performance measures adopted by the California Transportation Commission to include within the SHOPP asset management plan targets and measures reflecting state transportation goals and objectives, including for complete streets assets that reflect the existence and conditions of bicycle, pedestrian, and transit priority facilities on the state highway system. This bill would also require Caltrans' performance report to include a description of complete streets facilities, including pedestrian, bicycle, and transit priority facilities on each project. ***This bill is on the Governor's Desk.***

SB 1031 (Wiener) Bay Area Transportation Regional Measure / Transit Consolidation – OPPOSE UNLESS AMENDED

This bill would have served as the authorizing vehicle for the Metropolitan Transportation Commission to propose a revenue measure to the voters in its jurisdiction to fund the operation, expansion, and transformation of the San Francisco Bay area's public transportation system, as well as other transportation improvements. This bill would have also charged the California State Transportation Agency with developing a plan to consolidate the 27 transit agencies in the San Francisco Bay Area. Recent amendments to the bill include an "enhanced coordination" component alongside the current consolidation component. ***This bill was not heard in the Assembly Transportation Committee.***

AB 1837 (Papan) Bay Area Transit Coordination – SUPPORT

This bill would have created the Regional Network Management Council and would have required the Metropolitan Transportation Commission to facilitate the creation of the Council. ***This bill was not heard in the Senate Transportation Committee.***

AB 2503 (Lee) CEQA Exemptions for Railroad Electrification – SUPPORT

This bill would expand existing CEQA exemptions to include public projects for the institution or increase of other passenger rail service, which will be exclusively used by zero emission trains on existing public rights-of-way or existing highway rights-of-way. This bill is targeted at providing a CEQA exemption for catenary power systems. ***This bill is on the Governor's Desk.***

AB 2824 (McCarty) Transit Employee Assaults – WATCH

This bill would have enhanced penalties for individuals who commit assault or battery against a public transit operator or employee. This bill would have also allowed transit agencies to prohibit individuals

convicted of assault or battery from entering transit facilities and vehicles using a more streamlined process. This bill is sponsored by the California Transit Association. ***This bill was not heard in the Assembly Public Safety Committee.***

Caltrain Federal Report September 2024

Congressional Update

September Congressional Overview

- Members of the House and Senate have been away from Washington, D.C. since the end of July and face a packed agenda for the month of September.
- House Speaker Mike Johnson (R-LA) originally pledged to have all 12 appropriations bills passed by the August recess. However, the House only managed to complete five of the 12 bills, and the Senate only passed 11 of 12 bills at committee level. With the federal fiscal year (FY) ending on September 30, Congress will work swiftly to pass a continuing resolution (CR) by September 30, 2024, to prevent a government shutdown.
- Congress plans to stay in session for only three weeks in September before adjourning again until after the November election. The House may cut their time in Washington from three weeks to two weeks if they can quickly pass a CR that will pass the Senate.
- Speaker Johnson unveiled a CR to fund the government through March 28, 2025. Attached to the six-month CR is the SAVE Act, which includes conservative provisions such as requiring proof of citizenship to vote in federal elections. Senate Democrats have considered this to be a poison pill rider and will not support it. Shortly after unveiling the six-month CR, Johnson pulled the bill from the House calendar, signaling that he did not have the support within his conference to pass the bill.
- Republicans are aiming to avoid the year-end rush to pass spending bills, but face internal divisions, with some preferring the traditional December deadline to push their priorities. Senate Democrats are expected to oppose the six-month package, preferring to bundle "must-pass" legislation for year-end leverage on other pieces of legislation.

Senate Majority Leader Schumer Releases “Dear Colleague” Letter Outlining Priorities for Upcoming Work Period

- On September 8, Senate Majority Leader Chuck Schumer (D-NY) sent a [“Dear Colleague” letter](#) to outline the Senate’s priorities for the upcoming September work period. Priorities include continuing confirmation of judicial nominees, passing a CR, and bipartisan cooperation on key pieces of legislation to be passed before the end of the year.
- Majority Leader Schumer expressed that Senate Democrats are supportive of passing a CR to keep the government open past September 30, expressing that critical funding for healthcare, infrastructure, border security, and more is at stake in an extension of government funding.

- Schumer also expressed confidence in Congress' ability to work in a bipartisan manner to work in a bipartisan manner to pass several key measures before the end of the year, including the National Defense Authorization Act (NDAA). Schumer also indicated that the Senate could consider rail safety legislation but has not outlined a plan to bring a bill to the floor.

Administration Update

FTA Releases New Transit Safety Rule

- The Biden-Harris administration announced an [updated rule](#) for the Federal Transit Administration's (FTA) Public Transportation Safety Certification Training Program, which outlines a uniform safety training curriculum and minimum requirements for rail transit and state safety personnel.
- The new rule will require state safety oversight agencies and rail transit agencies to establish a point of contact for communicating with FTA regarding participation in training programs. The designated points of contact must also submit semiannual reports to FTA on the status of their participants and agency-defined recertification training. Additionally, the rule sets administrative requirements for communications processes between FTA and recipients who are subject to the rule.
- The final rule takes effect November 1.

Round-Up of Open Grant Opportunities

- [Railroad Crossing Elimination Grant Program](#). \$1.1 billion available. All applications due September 23, 2024.
- [Reconnecting Communities Pilot \(RCP\) Program](#). \$607 million available. All applications due September 30, 2024.