



BOARD OF DIRECTORS 2024

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REVISED Agenda

Peninsula Corridor Joint Powers Board Advocacy and Major Projects (AMP) Committee Meeting

December 18, 2024, 3:30 pm

Bacciocco Auditorium, 2nd Floor
1250 San Carlos Avenue, San Carlos, CA 94070

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 Avenue, San Carlos, CA, 94070 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 *67 if you do not want your telephone number to appear on the live broadcast. Callers may

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

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.

December 18, 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 / Safety Briefing
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. Approval of Meeting Minutes for November 20, 2024 Motion
5. Authorize the Executive Director to Sign the Equity in Infrastructure Project Pledge Motion
6. Authorize the Executive Director to Execute The Portal Project Implementation Memorandum of Understanding* ** Motion
7. **Receive Update on the Link21 Program** **Informational**
8. Receive State and Federal Legislative Update Informational
9. Committee Member Requests
10. Date/Time of Next Regular AMP Committee Meeting: Wednesday, January 29, 2025 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.
11. Adjourn

Information for the Public

All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board. If you have questions on the agenda, please contact the JPB Secretary at 650.551.6108. Agendas are available on the Caltrain website at <https://www.caltrain.com>. Communications to the Board of Directors can be e-mailed to board@caltrain.com.

Free translation is available; Para traducción llama al 1.800.660.4287; 如需翻译 请电 1.800.660.4287

Date and Time of Board and Committee Meetings

JPB Board: First Thursday of the month, 9:00 am; JPB Finance Committee: Two Mondays before the Board Meeting, 2:30 pm; JPB Technology, Operations, Planning, and Safety (TOPS) Committee: Two Wednesdays before the Board meeting, 1:30 pm. 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.

Accessible Public Meetings/Translation

Upon request, the JPB will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in and provide comments at/related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least 72 hours in advance of the meeting or hearing. Please direct requests for disability-related modification and/or interpreter services to the Title VI Administrator at San Mateo County Transit District, 1250 San Carlos Avenue, San Carlos, CA 94070-1306; or email titlevi@samtrans.com; or request by phone at 650-622-7864 or TTY 650-508-6448.

Availability of Public Records

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that is distributed to a majority of the legislative body, will be available for public inspection at 1250 San Carlos Avenue, San Carlos, CA 94070-1306, at the same time that the public records are distributed or made available to the legislative body.

**Peninsula Corridor Joint Powers Board
Advocacy and Major Projects (AMP) Committee
1250 San Carlos Avenue, San Carlos, CA 94070
DRAFT Minutes of November 20, 2024**

Members Present: Jeff Gee, Steve Heminger (Chair)

Members Absent: Margaret Abe-Koga

Staff Present: J. Baker, M. Bouchard, S. Bullock, D. Chazan, C. Fromson, J. Harrison,
L. Lumina-Hsu, D. Ryan, M. Tseng

1. Call to Order / Pledge of Allegiance / Safety Briefing

Chair Heminger called the meeting to order at 3:30 pm, led the Pledge of Allegiance, and delivered the safety briefing.

2. Roll Call

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

Chair Heminger called Item 7 before item 3.

3. Public Comment on Items not on the Agenda

Aleta Dupree, Team Folds, spoke in support of deal with Peru and commented on the reuse of trains.

4. Approval of Meeting Minutes of October 30, 2024

Motion/Second: Gee/Heminger

Ayes: Gee, Heminger

Noes: None

Absent: Abe-Koga

5. Authorize the Executive Director to Execute an Amended and Restated Interim Agreement with the Transbay Joint Powers Authority to Support Advancement of the San Francisco Downtown Rail Extension Projects

Dahlia Chazan, Chief of Rail Planning, and Sherry Bullock, Program Director, provided the presentation that included the following:

- The Portal granted entry into engineering by Federal Transit Administration (FTA) in May 2024
- \$2.7 billion capital funding gap in non-CIG funding and the longer time to fill the gap will increase the gap and costs due to inflation

- O&M (operations and maintenance) funding gap which neither Caltrain nor Transbay Joint Powers Authority (TJPA) have sufficient revenue from existing sources to cover the Portal O&M
- TJPA and Caltrain have agreed to jointly advocate for dedicated long-term stable revenue sources for O&M
- Interim agreement amendment will expire December 13, 2024
- Amended and Restated Interim Agreement includes staff plan to implement joint workplan, scope of work at 4th and King railyard, a reimbursement mechanism prior to the Master Cooperative Agreement (MCA), and defined decision making process through integrated program delivery team framework

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

- TJPA received Crissy grant and project approved to enter engineering phase
- Elections implications on Caltrain projects and projects around the country
- Discussed federal approvals that need to be done right now
- Adam Van de Water, TJPA Executive Director, explained federal award date of July 2027; other discretionary and funding gaps need to be closed, which include competitive federal grants and the challenge with the stated of intentions of incoming administration, and the need to advance transit projects such as railyard construction work
- Change of Capital investment grant (CIG), an act of Congress, is not administrative move, and closing it is time consuming

Public Comment

Aleta Dupree, Team Folds, commented on potential Link 21 connection and funding resource.

Motion/Second: Gee/Heminger

Ayes: Gee, Heminger

Noes: None

Absent: Abe-Koga

6. State and Federal Legislative Update and Approval of the 2025 Legislative Program

Casey Fromson, Chief of Staff, Jason Baker, Director of Government and Communication Affairs, and Devon Ryan, Government Affairs Officer, provided the presentation that included the following:

- Incoming Federal administration updates
- State Senate and Assembly will have 34 new legislators when Legislature reconvenes for the 2025-2026 Legislative Session

- California Air Resources Board (CARB) adopted amendments to Low Carbon Fuel Standard (LCFS) updating reporting requirements and set targets to 30 percent by 2030 and 90 percent by 2045
- Metropolitan Transportation Commission (MTC) will have a special meeting on December 9 with Scenario 1A and Hybrid options as primary consideration
- Draft Legislative Program focusing on three major issues of funding, project and program implementation, and legislative and regulatory actions
- Caltrain-only measure authority if option of regional measure fails
- Working with legislators to ensure electric trains' regenerative braking energy receives fair credit

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

- Regenerative braking fair credit between \$1 to \$4 million per year
- Regional measure covers 80 percent of deficit and the other 20 percent will need to be addressed
- Scenario 1A sales tax cannot trade off local county efforts to renew their own sales tax
- Voter sensitivity for conflicting sales tax and sensitivity for tax rates or duration, and permanent sales tax considerations
- Advocacy with tenured representation in Washington, DC, retired representation, advocacy and relationship building with congress members to put a face to the organization

Public comment

Aleta Dupree, Team Folds, commented on potential challenges with incoming administration, MTC regional funding measure, and energy from regenerative braking.

Adina Levin, Seamless Bay Area and Voices of Public Transportation, commented on proposals funding that are less than needed by agencies, citizens' initiative option and advocacy community, and Caltrain funding amounts from MTC options.

Motion/Second: Heminger/Gee

Ayes: Gee, Heminger

Noes: None

Absent: Abe-Koga

7. Committee Member Requests

Chair Heminger requested Executive Director Michelle Bouchard to provide a brief update on trip to Lima, Peru.

Ms. Bouchard attended the signing ceremony with the Mayor of Lima and Ambassador to Peru and explained the transaction's importance to United States Secretary of State Antony J. Blinken and the City of Lima, Peru. Ms. Bouchard explained the congestion in Lima, opportunity for the commuter fleet, and how Caltrain's electrification program helps the air quality in another part of the world. Ms. Bouchard explained the next steps include a signed contract, inspection of the fleet, leverage lease payment and release, and process of transporting the fleet abroad.

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

- Caltrain will receive scrap value for equipment
- Lima will pay release of lease, transportation cost, staff costs, and any additional related costs

8. Date/Time of Next Regular AMP Committee Meeting: Wednesday, December 20, 2024 at 3:30 pm.

9. Adjourn - The meeting adjourned at 4:28 pm.

**Peninsula Corridor Joint Powers Board
Staff Report**

To: JPB Board of Directors
Through: Michelle Bouchard, Executive Director
From: Sam Sargent, Director of Strategy and Policy
Subject: **Authorize the Executive Director to Sign the Equity in Infrastructure Project Pledge**



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”) authorize the Executive Director, or designee, to sign the Equity in Infrastructure Project (“EIP”) pledge.

Discussion

EIP is a national, non-profit led initiative to increase the number, size and proportion of contracts going to Historically Underutilized Businesses (HUBs) for infrastructure projects. The EIP pledge has 74 public and private signatories, including peer commuter railroads and California transit agencies, plus the American Public Transportation Association (APTA) and CalSTA.

The [pledge](#) commits Caltrain to increasing the number, size and proportion of contracting opportunities going to HUBs, including prime contractor opportunities. Caltrain would also commit to streamlining the administration of contracting with HUBs to centralize certification, collect data on HUB utilization, and expanding the number of signatories to the pledge. The EIP pledge does not conflict with existing federal, state or local contracting program requirements.

This commitment to increase contracting opportunities for HUBs aligns with Caltrain’s goals for creating a more equitable and inclusive organization.

Budget Impact

No budget impact.

Prepared By: Sam Sargent Director, Strategy and Policy 650-730-6223

Resolution No. 2025 –

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

* * *

Authorize the Executive Director to Sign the Equity in Infrastructure Project Pledge

Whereas, the non-profit Equity in Infrastructure Project (EIP) aims to build generational wealth and reduce the racial wealth gap by committing public agencies to develop and share policies that create infrastructure contracting opportunities for Historically Underutilized Businesses (HUBs); and

Whereas, HUBs can include firms formally designated as Disadvantaged Business Enterprises, Minority and Women-Owned Business Enterprises, Small Business Enterprises, and any other business classification used locally in the United States intended to boost the participation of otherwise underutilized firms; and

Whereas, the EIP coalition consists of 58 pledge signatories, including public transportation agencies, state departments of transportation, airports, municipal utilities, and private sector infrastructure companies and associations; and

Whereas, the EIP pledge commits the Peninsula Corridor Joint Powers Board (JPB) to:

1. Increasing the number, size, and proportion of contracting opportunities going to HUBs;
2. Increasing the number, size, and proportion of contracting opportunities going to HUBs as prime contractors,
3. Streamlining the contracting process with HUBs by centralizing certification, improving payment time, and standardizing transparent data collection;

4. Increasing the amount and type of financing available to HUBs; and
5. Expanding the number of signatories to the Pledge;

Whereas, the efforts listed in the EIP pledge will allow the JPB to enhance and strengthen its existing programs;

Now, Therefore, Be It Resolved that the Board of Directors approves the resolution and authorizes the Executive Director or designee to sign the EIP pledge.

Regularly passed and adopted this 9th day of January, 2025 by the following vote:

Ayes:

Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

Acting JPB Secretary

**Peninsula Corridor Joint Powers Board
Staff Report**

To: JPB Board of Directors
Through: Michelle Bouchard, Executive Director
From: Dahlia Chazan, Chief, Caltrain Planning Sherry Bullock, Program Director
Subject: **Authorize the Executive Director to Execute The Portal Project
Implementation Memorandum of Understanding**

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:

1. Authorize the Executive Director or designee to execute the Portal Project Implementation Memorandum of Understanding (the “Implementation MOU”) between the Transbay Joint Powers Authority (TJPA); the Metropolitan Transportation Commission (MTC); the San Francisco County Transportation Authority (SFCTA); the Peninsula Corridor Joint Powers Board (Caltrain); the California High-Speed Rail Authority (CHSRA); and the City and County of San Francisco (CCSF) (collectively “the Partners”);
2. Authorize the Executive Director to take any other action needed to give effect to the Implementation MOU.

Discussion

The Portal, also known as the Downtown Rail Extension or DTX, will connect Caltrain to the Salesforce Transit Center in downtown San Francisco. The Portal Project Partners recognize that The Portal is a critical link in the Bay Area, and eventually, with the arrival of high-speed rail, the statewide transportation system. The Partners additionally recognize that The Portal Project will be most efficiently delivered through a multi-agency partnership among local, regional, and state stakeholder agencies with expertise in developing, funding, and implementing major infrastructure projects.

In April 2020, the Partners executed the San Francisco Peninsula Rail Program Memorandum of Understanding (the “2020 Peninsula Rail MOU”). The 2020 Peninsula Rail MOU described the organizational structure to support the efforts of building The Portal and set up an Executive Steering Committee (ESC) and the Integrated Program Management Team (IPMT) and defined a summary work program intended to bring the project to ready-for-procurement status. In August 2023, the TJPA Board of Directors approved the Portal Governance Blueprint

("Blueprint"), a policy document which identified the framework for the Partners' engagement in the implementation of the Portal.

This new Implementation MOU incorporates the framework described in the Blueprint and will succeed the Peninsula Rail MOU, with a term that extends through construction and commissioning of The Portal. The Implementation MOU, which will run concurrently with the Amended and Restated Interim Agreement (effective date of December 14, 2024) between Caltrain and TJPA. The Amended and Restated Interim Agreement provides a budget and reimbursement mechanism to support Caltrain's continued and enhanced engagement on The Portal. The Master Cooperative Agreement will eventually succeed the Interim Agreement. The Implementation MOU will not modify the terms or conditions of the existing bilateral agreement between Caltrain and TJPA.

Multi-Agency Coordination and Governance Structure

The Implementation MOU describes the multi-agency coordination, administrative organizational structure, and processes that will support the efforts of the TJPA in the delivery of The Portal. As the initial operator, Caltrain will have representation at every level of governance and management of the project. The Implementation MOU requires that the TJPA Board establish a Portal Committee, as described below. It also describes the administrative structures that have been implemented under the authority of the TJPA Executive Director and previously agreed to in The Portal Project Administrative Management Agreement ("Management Agreement") executed by the executive level staff of the Partners with an effective date of November 27, 2024.

Accordingly, the Management Agreement and the Implementation MOU describe the following governance and administrative structure for the Partners' engagement on the Portal:

- 1. Portal Committee of the TJPA Board:** The TJPA will establish the Portal Committee as a standing committee of the TJPA Board. The Committee will have three voting members, and one non-voting member appointed by MTC. The Committee will provide project oversight and report to the TJPA Board.
- 2. Executive Working Group (EWG):** The TJPA Executive Director has convened the EWG to provide the Executive Director with advice and recommendations about the delivery of the Project. The EWG consists of the chief executives (or their designee) of TJPA, MTC, SFCTA, Caltrain, CHSRA, and CCSF (for CCSF, the EWG member will be the Mayor's designee).
- 3. Integrated Program Management Team (IPMT):** The IPMT will regularly meet until the Integrated Management Team (IMT) and the Change Control Board (CCB) begin regularly meeting. The TJPA Project Director will continue to lead the IPMT and the IPMT will continue to consist of representatives from each of the Partners with relevant experience in large complex projects, as designated by their corresponding EWG member. Each EWG member will designate a lead IPMT member.

4. **Configuration Management Working Group (CMWG):** The CMWG will meet when required during Phase 1 of Blueprint Implementation and until such time as the Integrated Management Team and the Change Control Board are meeting regularly. The CMWG will continue to be responsible for reviewing proposed Significant Modifications to Project Configuration and for making recommendations regarding the adoption of such changes to the TJPA Executive Director for discussion at the EWG and/or The Portal Committee.
5. **Change Control Board (CCB):** The CCB will include representation from each of the Partners. Pursuant to the Implementation MOU, the CCB will: consider and recommend Policy Changes and Significant Changes; and regularly review Project Change reports documenting Project Changes approved beneath thresholds defined in the forthcoming CCB Charter for Significant Changes. The CCB will also: support risk management activities; support identification of policy matters requiring review and decision-making; and perform other duties to the extent specified in the CCB Charter. The IPMT will recommend the CCB Charter, and the Partners will approve the Charter at the executive staff level.
6. **Integrated Management Team (IMT):** Pursuant to the Implementation MOU, the TJPA executive Director will lead the IMT and will include senior management representation from those Partners with the basis and capacity for participation. The IMT will meet regularly during Phase 2 of Blueprint Implementation, concurrent with the sunset of the IPMT and the start of regular meetings of the CCB.
7. **Integrated Project Delivery Team (IPDT):** The IPDT will consist of representatives from TJPA, Caltrain, and CHSRA, their consultants and contractors, and other resources/personnel as required. The IPDT will be the primary staff-level body with the responsibility to deliver the Project so that it can be implemented within the approved scope, budget, and schedule and will include team members that provide day-to-day management and delivery of the Project. The TJPA Project Director will lead the IPDT which will be comprised of dedicated staff residing in a co-located office with the support of remote teams and specialty technical experts.

Change Decision Framework and Stage Gates

The Implementation MOU lays out the change decision framework and defines three categories of changes: (1) Minor Changes which may be delegated to the TJPA Executive Director or designee, (2) Significant Changes which will be reviewed and recommended by CCB, and (3) Policy Changes which must be approved by the TJPA Board. Each type of change will correspond to a threshold to be defined in the CCB Charter.

The Implementation MOU also defines and describes five specific stage gates; at the end of each stage gate phase, the TJPA Board will receive recommendations from the EWG and IMT, as appropriate, and will approve the project readiness to move to the next stage. The stages are: (1) Procurement and Enabling Program; (2) Pre-Construction; (3) Construction; (4) Testing and Commissioning; and (5) Entry Into Service.

Caltrain staff has had the opportunity to provide input throughout the drafting process of the Implementation MOU and recommends that the Caltrain Board approve the execution of the Implementation MOU.

Budget Impact

There is no budget impact associated with executing the Implementation MOU. The Amended and Restated Interim Agreement provides a budget and reimbursement mechanism to support Caltrain’s work on The Portal.

Prepared By:	Dahlia Chazan	Chief, Caltrain Planning	650.508.6225
	Sherry Bullock	Program Director	650.622.7866

Resolution No. 2025 –

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

* * *

**Authorize the Executive Director to Execute The Portal Project Implementation
Memorandum of Understanding**

Whereas, the San Francisco Downtown Rail Extension (“DTX” or “The Portal”) Project will connect Caltrain’s regional rail system and the future California High-Speed Rail Authority’s statewide system to the Salesforce Transit Center in downtown San Francisco; and

Whereas, the Transbay Joint Powers Authority (TJPA), the Metropolitan Transportation Commission (MTC), the San Francisco County Transportation Authority (SFCTA), the Peninsula Corridor Joint Powers Board (Caltrain), the California High-Speed Rail Authority (CHSRA), and the City and County of San Francisco (CCSF) (each a “Partner” and collectively the “Partners”) executed the San Francisco Peninsula Rail Program Memorandum of Understanding in April 2020 (the “2020 Peninsula Rail MOU”); and

Whereas, the 2020 Peninsula Rail MOU described the organizational structure to support the efforts of building The Portal and set up an Executive Steering Committee (ESC) and the Integrated Program Management Team (IPMT) and defined a summary work program intended to bring the project to ready-for-procurement status; and

Whereas, the Partners additionally recognize that The Portal Project will be most efficiently delivered through a multi-agency partnership among local, regional, and state stakeholder agencies with expertise in developing, funding, and implementing major infrastructure projects; and

Whereas, in August 2023, the TJPA Board of Directors approved the Portal Governance Blueprint (“Blueprint”), a policy document which identified the framework for the Partners’ engagement in the implementation of the Portal; and

Whereas, the new Implementation MOU negotiated by the Partners incorporates the framework described in the Blueprint and will replace the Peninsula Rail MOU, with a term that extends through construction and commissioning of The Portal. The Implementation MOU describes the multi-agency coordination, administrative organizational structure, and processes that will support the efforts of the TJPA in the delivery of The Portal; and

Whereas, as the initial operator, Caltrain will have representation at every level of governance and management of the project. The Implementation MOU requires that the TJPA Board establish a Portal Committee and describes the administrative structures that have been implemented under the authority of the TJPA Executive Director and previously agreed to in The Portal Project Administrative Management Agreement (“Management Agreement”) executed by the executive level staff of the Partners with an effective date of November 27, 2024; and

Whereas, the Implementation MOU also includes a framework for change decision making and stage gates for approval to move the project forward; and

Whereas, Caltrain staff has had the opportunity to give input throughout the drafting process of the Implementation MOU and recommends that the Caltrain Board authorize the Executive Director to execute the Implementation MOU.

Now, Therefore, Be It Resolved, that the Board of Directors of the Peninsula Corridor Joint Powers Board authorizes the Executive Director, or designee, to execute The Portal Project Implementation Memorandum of Understanding; and

Be It Further Resolved that the Board of Directors of the Peninsula Corridor Joint Powers Board authorizes the Executive Director, or designee, to take any other actions necessary to give effect to this resolution.

Regularly passed and adopted this 9th day of January, 2025, by the following vote:

Ayes:

Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

Acting JPB Secretary

**Peninsula Corridor Joint Powers Board
Staff Report**

To: JPB Advocacy and Major Projects Committee
Through: Michelle Bouchard, Executive Director
From: Dahlia Chazan, Chief, Planning
Subject: **Receive Update on the Link21 Program**

Finance Committee
Recommendation

Technology, Operations, Planning,
and Safety Committee
Recommendation

Advocacy and Major Projects
Committee Recommendation

Purpose and Recommended Action

This report includes an informational update that requires no action by the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB or Caltrain). The Link21 Program, also known as the new Transbay rail crossing, is jointly managed and staffed by San Francisco Bay Area Rapid Transit District (BART) and Capitol Corridor Joint Powers Authority (CCJPA).

Discussion

The JPB was last briefed on Link21 by Caltrain, BART, and CCJPA staff in May 2024. That briefing included an overview of the Link21 program, megaregional benefits, and Link21’s relationship to the Caltrain corridor and service considerations. A key element of the Link21 program is a proposed new transbay rail crossing between Oakland and San Francisco. Link21 staff shared that a technology choice between a standard gauge crossing or BART gauge crossing would be made by the BART and CCJPA Boards of Directors in the later in 2024. Staff also discussed the significance for the Caltrain corridor of the standard gauge crossing option, in that trains from the East Bay could continue onto the Caltrain corridor via the proposed new transbay rail crossing and The Portal. Staff planned to return to the JPB with recommendations about adding Caltrain to Link21’s governance oversight structure when a technology is selected for the new crossing.

In November 2024, Link21 staff presented an informational item recommending a standard gauge regional rail technology for the proposed new transbay rail crossing to the BART and CCJPA Boards of Directors. The informational item included a recommendation to transition leadership of the program to the California State Transportation Agency (CalSTA) and advance the program as a candidate for funding under the Federal Railroad Administration’s Corridor Identification and Development Program, which focuses on intercity passenger rail. At the request of the BART Board of Directors during the informational item presentation, Link21 staff will return to both boards in the coming months to present the recommendation as an action item for vote.

Caltrain staff have provided feedback to CalSTA and Link21 leadership expressing support for standard gauge rail technology in the proposed crossing and the need for the program’s

REVISED 12/13/2024 AT 4:10PM

oversight structure to include Caltrain and other stakeholder rail operators going forward. Staff have also conveyed the need to identify funding and resources to support Caltrain's full engagement in that effort.

Caltrain staff anticipate an additional presentation to AMP to consider a staff recommendation of principles for Caltrain's incorporation into the Link21 program's governance oversight structure following the BART and CCJPA formal votes on the standard gauge technology decision.

Budget Impact

There is no direct budget impact associated with this informational update.

Prepared By: Kansai Uchida Director, Systemwide Planning 650-722-8241

**Peninsula Corridor Joint Powers Board
Staff Report**

To: JPB Board of Directors
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 2025 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 receive the attached State and Federal Legislative Update.

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 Federal Report December 2024

Congressional Update

Congress Returns to Washington to Resume Lame Duck Session

- Congress returned to Washington on December 2 to resume the lame duck session with a busy slate of must-pass legislation to finalize before the year's end, including passage of FY 2025 appropriations legislation and the annual National Defense Authorization Act (NDAA).
- Given the results of the November elections, it is increasingly unlikely that Republicans will move to pass appropriations legislation before the end of the year. If they decide to push consideration of the FY 2025 appropriations bills into the new year by passing a continuing resolution (CR), the bills could be considered and passed in the early spring.
- On November 13, Senate Republicans held leadership elections to replace Sen. Mitch McConnell (R-KY) as Republican Leader. Sen. John Thune (R-SD) defeated Sens. John Cornyn (R-TX) and Rick Scott (R-FL) in a secret ballot to become the next Senate Majority Leader. House Republicans chose Speaker Mike Johnson (R-LA) as their Speaker candidate for the 119th Congress and elected Rep. Steve Scalise (R-LA) as the next Majority Leader and Rep. Tom Emmer (R-MN) as the Majority Whip.

Congressional Republicans Plan for Budget Reconciliation Effort in 119th Congress

- Congressional Republicans are planning to use budget reconciliation to address many of their goals and President-elect Trump's campaign promises. Budget reconciliation is a legislative process that allows Congress to pass certain spending bills with a simple majority in the Senate and House – especially useful for addressing contentious appropriations items. The process has been used at least 23 times by both Democrats and Republicans, including most recently to enact the Inflation Reduction Act (IRA).
- Republican leadership intends to use budget reconciliation to reauthorize the Tax Cuts and Jobs Act of 2017 (TCJA), expand the Opportunity Zone program, deal with some immigration issues, and potentially change other aspects of existing law.
- President Trump and Congressional Republicans have vowed to repeal unobligated funding and some of the tax credits provided by the IRA, including solar and battery tax credits and Environmental Justice/climate grant programs.

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Reps. Graves, Crawford Compete for T&I Chairmanship

- Reps. Sam Graves (R-MO) and Rick Crawford (R-AR) will meet with the Republican Steering Committee this week to make their respective pitches to lead the House Transportation & Infrastructure Committee. Graves, the current chair, received a waiver from leadership to serve an additional term. Graves was considered a contender for President-elect Trump's nominee for Transportation Secretary but was ultimately not chosen.
- Crawford, the current Ranking Member of the Subcommittee on Highways and Transit, has expressed skepticism to transit. Earlier this year, Crawford led a hearing where he questioned American Public Transportation Association (APTA) Chair MJ Maynard on the importance of transit investment.
- The Transportation & Infrastructure Committee is expected to increase its activity as it prepares for Surface Transportation Reauthorization in 2026. The Chair of the committee will lead the hearings, and initial drafting of the bill.

Administration Update

President-Elect Trump Taps Sean Duffy to Lead DOT

- President-elect Trump announced that he selected Sean Duffy to lead the U.S. Department of Transportation (DOT). Duffy previously served as a member of the U.S. House of Representatives for Wisconsin's 7th district from 2011 to 2019.
- While in the House, he served on the House Committee on Financial Services and was appointed Chairman of the Subcommittee on Oversight and Investigations in 2014. He was also a member of the Subcommittee on Capital Markets and Government-Sponsored Enterprises, the Subcommittee on Financial Institutions and Consumer Credit, and the Subcommittee on Insurance, Housing and Community Opportunity.
- Duffy never served on the Transportation & Infrastructure Committee, during his time in Congress, where he primarily focused on financial services matters. Prior to his time in Congress, he was the District Attorney of Ashland County, Wisconsin from 2002 to 2010.
- The President-elect has yet to name his appointments to lead the Federal Transit and Federal Highway Administrations.

President-Elect Trump Proposes 25 Percent Tariff on Canadian and Mexican Goods

- President-elect Donald Trump announced that he intends to place a 25 percent tariff on all Canadian and Mexican imports into the United States. In a statement, the President-elect cited illegal immigration and fentanyl trafficking over the northern and southern borders behind his decision.

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- The President-elect has also promised an additional 10 percent tariff on Chinese goods. During his campaign, Trump repeatedly called for higher tariffs to boost American manufacturing and punish countries he felt were taking advantage of the United States.
- In response to the announcement, Canadian Prime Minister Justin Trudeau visited with the President-elect and his team in Palm Beach, FL. Despite what both sides reported was a productive meeting, Trump has not withdrawn his tariff proposal. Canadian and Mexican officials have also prepared retaliatory tariffs on U.S. goods should the President-elect follow through with his plan. Experts have warned that these tariffs will significantly impact many sectors, including automotive manufacturers, farmers, and food packaging.

DOT Releases New Playbook on Climate Action Strategies for Communities

- On November 25, DOT released a playbook on research-based climate action strategies for state, local, and Tribal communities. The playbook, entitled “Climate Strategies That Work”, includes 28 climate solutions to help communities reduce greenhouse gas (GHG) emissions and create a more resilient, sustainable transportation system.
- The playbook includes strategies across multiple areas of transportation, including but not limited to: active transportation, transit-oriented development, coordinated transportation planning, and commuter benefits. The full strategy can be found [here](#).

Round-Up of Open Grant Opportunities

- [FY24 Federal-State Partnership for Intercity Passenger Rail Grant Program](#). \$1.057 billion available. All applications due December 16, 2024.
- [RAISE Grant Program](#). \$1.5 billion available. All applications due January 30, 2025.
- [Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation \(PROTECT\) Program](#). \$876 million available. All applications due February 24, 2024.



December 9, 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 – January 2025**

General Update

On December 2, the Legislature returned to Sacramento for the first organizational session in the 2025-26 Regular Legislative Session and start of the new Special Session.

During the organizational session, new and returning legislators who stood for election this November were sworn-in, and both the Senate and Assembly selected their legislative leaders, adopted joint rules, and introduced the first round of legislation. The Senate once again chose Mike McGuire to serve as Senate President pro Tempore and the Assembly once again chose Robert Rivas to serve as the Assembly Speaker.

While it is just getting underway, the Special Session will focus on bolstering the state’s legal funding used to support future lawsuits against the Trump administration to protect California’s civil rights, reproductive freedom, climate action, and immigrant families. This is the first of many actions that the Newsom Administration plans to take in partnership with the Legislature to “build up California’s defenses” against an incoming federal administration. No later than January 20, 2025, the Governor anticipates signing legislation that would provide additional resources to the California Department of Justice and other state entities, allowing them to immediately begin shoring up legal funds.

The Legislature will reconvene for the first day of the 2025-26 Legislative Session on Monday, January 6. For more information about key legislative and budget deadlines for the upcoming year, see the 2025 Legislative Calendar available [here](#).

California Election Results

California’s general election was held on November 5, where all 80 Assembly seats were on the ballot along with 20 of the 40 Senate seats. According to final ballot counts reported, Democrats maintain a supermajority (75%) in both houses. That said, Republicans did gain some ground in the State Capitol with incumbent Senator Josh Newman (D) losing his race to candidate Steven Choi (R).

Additionally, final results on a number of the statewide ballot propositions suggest some voter shifts on issues including public safety (Prop 36) and the economy (Prop 32). Recently, addressing retail theft has been a top priority among voters, and ballot counts for Prop 36 reflect an interest in seeing tougher penalties imposed on criminals as a result. Concerns about inflated costs of living in California have also been a priority for voters, and final ballot counts for Prop 32 reflect that. Voters are majorly in opposition of raising minimum wages, citing concerns about consequential increases in prices likely to be imposed on consumers.

Below, you will find the final report of the election results of Assembly and Senate races that are pertinent to Caltrain, and statewide measures that were on the ballot this year.

Key Assembly Races

District	Candidate	Notes
19	Catherine Stefani (D) - 60.5%	Previously held by Phil Ting, who termed out.
	David E. Lee (D) - 39.5%	
21	Diane Papan (D) - 73.8%	
	Mark Gilham (R) - 26.2%	
23	Marc Berman (D) - 59.8%	
	Lydia Kou (R) - 40.2%	
24	Alex Lee (D) - 66.1%	
	Bob Brunton (R) - 33.9%	
25	Ash Kalra (D) - 68.4%	
	Ted Stroll (R) - 31.6%	
26	Patrick Ahrens (D) - 56%	Previously held by Evan Low, who ran for Congress.
	Tara Sreekrishnan (D) - 44%	
28	Gail Pellerin (D) - 66.9%	
	Liz Lawler (R) - 33.1%	
29	Robert Rivas (D) - 66%	
	J.W. Paine (R) - 34%	

Key Senate Races

District	Candidate	Notes
11	Scott Wiener (D) - 77.8%	
	Yvette Corkrean (R) - 22.2%	
13	Josh Becker (D) - 72.5%	
	Alexander Glew (R) - 27.5%	
15	Dave Cortese (D) - 68.6%	
	Robert Paul Howell (R) - 31.4%	
17	John Laird (D) - 65%	
	Tony Virrueta (R) - 35%	

Ballot Measure Results

Recall that Californians already voted on Prop. 1, which was the vehicle for the mental health bond, during the primary election in March. Below is the final vote breakdown for each of the propositions on the November ballot:

- **Prop. 2**, which will institute a \$10 billion education bond, was approved with 58.7% of voters supporting the proposition.
- **Prop. 3**, which will reaffirm the right of same-sex couples to marry, was approved with 62.61% of voters supporting the proposition.
- **Prop. 4**, which will institute a \$10 billion climate bond, was approved with 59.8% of voters supporting the proposition.
- **Prop. 5**, also known as ACA 1 / ACA 10, would have lowered the voting threshold for local bonds and failed with 55% of voters rejecting the proposition.
- **Prop. 6**, which would have ended indentured servitude in state prisons, failed with 53.3% of voters rejecting the proposition.
- **Prop. 32**, which would have raised the state minimum wage to \$18 an hour, failed with 50.7% of voters rejecting the proposition.
- **Prop. 33**, which would have allowed local governments to impose rent controls, failed with 60% of voters rejecting the proposition.

- **Prop. 34**, which will require certain health care providers to use nearly all revenue from Medi-Cal Rx on patient care, was approved with 50.9% of voters supporting the proposition.
- **Prop. 35**, which will make existing tax on managed health care insurance plans permanent, passed with 67.9% of voters supporting the proposition.
- **Prop. 36**, which will increase penalties for theft and drug trafficking, was approved with 68.4% of voters supporting the proposition.

Local Transportation Measures

Related to the Bay Area's efforts to secure authorization for a regional tax, there were several local ballot measures on the November ballot this year to fund transit and transportation. These measures showed mixed results. We note the likely outcomes below:

- **Madera County Measure T** (Sales Tax - Citizens Initiative – Majority Vote Required) to fund broad transportation improvements with main focus on streets, roads, and highways. Approved with 52.5% voter support.
- **San Diego County Measure G** (Sales Tax - Citizens Initiative – Majority Vote Required) to prioritize rail and transit for traffic congestion relief. Approved with 50.46% voter support.
- **Napa County Measure U** (Sales Tax Extension – 2/3 Vote Required) for various uses, including NVRTA transit service. Approved with 72.7% voter support.
- **Placer County Measure B** (New Sales Tax – 2/3 Vote Required) to primarily fund streets, roads, and highways. Rejected with 63.83% voter support.
- **City of San Francisco Measure L** (Increased Tax on TNC/AV Rides – Citizens Initiative – Majority Vote Required) to fund transit operations. Received 56.9% voter support, but ultimately failed due to another measure receiving more votes (Measure M).

CalSTA's Transit Transformation Task Force to Convene Seventh Meeting

The California State Transportation Agency is scheduled to convene the next meeting of the Transit Transformation Task Force on December 10 in the City of Clovis.

During this meeting, Task Force members will continue ongoing efforts to develop a report of recommendations as mandated by SB 125; this report will be submitted to the California State Legislature no later than October 31, 2025. Task Force members will be discussing the topics of fleet and asset management, including Innovative Clean Transit (ICT); new options for revenue sources for the next 10 years; and state departments and agencies for oversight and reporting.

During this meeting, Task Force members will also review a draft report of recommendations and findings related to workforce opportunities, land use and housing policies, and transit-oriented development and value capture. As an appointed entity on the Task Force, the California Transit Association continues to be the liaison for transit agencies throughout the state of California. The Association coordinates regularly with its 14-member Transit Transformation Advisory Committee to discuss Task Force topics and establish unified talking points from varying agency perspectives, and will be presenting at the December 10 Task Force meeting on the aforementioned topics.

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 are available on [CalSTA's website](#).

Bills of Interest

AB 12 (Wallis) Low Carbon Fuel Standard – WATCH

This bill would void the amendments to the Low Carbon Fuel Standard regulation, which were adopted by the California Air Resources Board on November 8, 2024. ***This bill was introduced on December 2, 2024.***

AB 21 (DeMaio) Taxpayer Protection Act of 2025 – WATCH

This bill does not currently contain any substantive language, and instead states the intent of the Legislature to enact a constitutional amendment that limits the ability of state and local governments to raise taxes, restore a 2/3 vote requirement on local special tax increases, impose voter approval requirements on specific categories of new taxes, and regulate the titles on state and local ballot measures relating to tax increases. *This bill was introduced on December 2, 2024.*

SB 30 (Cortese) Diesel Trains and Rolling Stock Resale Restrictions – WATCH

This bill does not currently contain any substantive language, and instead states the intent of the Legislature to enact legislation to restrict the resale of decommissioned diesel trains and rolling stock for continued use. *This bill was introduced on December 2, 2024.*

Caltrain Bill Matrix as of 12/9/2024

Bill ID/Topic	Location	Summary	Position
<p>AB 12 Wallis R</p> <p>Low-carbon fuel standard: regulations.</p>	<p>This bill may be heard in committee on January 2, 2025.</p>	<p>The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. Pursuant to the act, the state board has adopted the Low-Carbon Fuel Standard regulations. This bill would void specified amendments to the Low-Carbon Fuel Standard regulations adopted by the state board on November 8, 2024.</p>	<p>Watch</p>
<p>AB 21 DeMaio R</p> <p>Taxpayer Protection Act of 2025.</p>	<p>This bill may be heard in committee on January 2, 2025.</p>	<p>The California Constitution requires a state statute that would result in any taxpayer paying a higher tax to be imposed by an act passed by 2/3 vote of each house of the Legislature. The California Constitution also provides that all taxes imposed by a local government are either general taxes or special taxes, as defined, and requires that taxes imposed, extended, or increased by a local government be submitted to the electorate and approved by a majority vote, in the case of general taxes, or a 2/3 vote, in the case of special taxes. Existing law imposes specified requirements on state and local ballots, including, among other things, on the contents of the ballot label, ballot title, and summary. This bill would declare the intent of the Legislature to enact a constitutional amendment to limit the ability of state and local governments to raise taxes, restore a 2/3 vote requirement on local special tax increases, impose voter approval requirements on specific categories of new taxes, and regulate the titles on state and local ballot measures relating to tax increases.</p>	<p>Watch</p>
<p>AB 23 DeMaio R</p> <p>The Cost-of-Living Reduction Act of 2025.</p>	<p>This bill may be heard in committee on January 2, 2025.</p>	<p>Existing law vests the Public Utilities Commission (PUC) with regulatory authority over public utilities, including electrical corporations and gas corporations, and requires the PUC to develop a definition of energy affordability. Existing law also establishes the Milton Marks “Little Hoover” Commission on California State Government Organization and Economy (Little Hoover Commission) to promote economy, efficiency, and improved service in the transaction of the public business in the various departments, agencies, and instrumentalities of the executive branch of state government. This bill, the Cost of Living Reduction Act of 2025, would declare the intent of the Legislature to enact subsequent legislation to reduce the cost of living in California by undertaking specified activities, including, among other things, by suspending all state taxes and fees on gasoline and electric and gas utilities and by requiring the Little Hoover</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
		Commission to provide a report on methods to reduce the cost of living in other areas, as provided.	
<p>AB 61 Pacheco D</p> <p>Electricity and natural gas: legislation imposing mandated program and requirements: third-party review.</p>	<p>This bill may be heard in committee on January 2, 2025.</p>	<p>Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations and gas corporations. The Public Advocate’s Office of the Public Utilities Commission is established as an independent office within the commission to represent and advocate on behalf of the interests of public utility customers and subscribers within the jurisdiction of the commission. This bill would request the office to establish, by January 1, 2027, a program to, upon request of the Legislature, analyze legislation that would establish a mandated requirement or program or otherwise affect electrical or gas ratepayers, as specified. The bill would request the office to develop and implement conflict-of-interest provisions that would prohibit a person from participating in an analysis for which the person knows or has reasons to know that the person has a financial interest. The bill would establish the Energy Programs Benefit Fund in the State Treasury and continuously appropriate the moneys in the fund to the office to support the work of the office in providing analyses under the bill. The bill would repeal these provisions on January 1, 2031.</p>	<p>Watch</p>
<p>SB 30 Cortese D</p> <p>Transportation: diesel trains and rolling stock: resale restrictions.</p>	<p>This bill may be heard in committee on January 2, 2025.</p>	<p>Existing law provides various provisions applicable to all public transit and transit districts. This bill would state the intent of the Legislature to enact subsequent legislation to restrict the resale of decommissioned diesel trains and rolling stock for continued use.</p>	<p>Watch</p>