



BOARD OF DIRECTORS 2021

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MICHELLE BOUCHARD  
ACTING EXECUTIVE DIRECTOR

# AGENDA

## PENINSULA CORRIDOR JOINT POWERS BOARD

### Work Program – Legislative – Planning (WPLP) Committee Meeting

Committee Members: Charles Stone (Chair), Cindy Chavez, Steve Heminger

**Due to COVID-19, this meeting will be conducted via teleconference only (no physical location) pursuant to the [Governor's Executive Orders N-25-20 and N-29-20](#).**

Directors, staff and the public may participate remotely via Zoom at

<https://zoom.us/j/99768901849?pwd=VmVSSEJFZHZHhYbzZIR212RURzODNndz09> or by entering Webinar ID: **997 6890 1849**, Passcode: **609602**, in the Zoom app for audio/visual capability or by calling 1-669-900-6833 (enter webinar ID and press # when prompted for participant ID) for audio only. The video live stream will be available after the meeting at <http://www.caltrain.com/about/bod/video.html>

**Public Comments: Members of the public are encouraged to participate remotely.** Public comments may be submitted to [publiccomment@caltrain.com](mailto: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 [http://www.caltrain.com/about/bod/Board\\_of\\_Directors\\_Meeting\\_Calendar.html](http://www.caltrain.com/about/bod/Board_of_Directors_Meeting_Calendar.html).

Oral public comments will also be accepted during the meeting through \*Zoom or via the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM. Use the Raise Hand feature to request to speak. For public participants calling in, dial \*67 if you do not want your telephone number to appear on the live broadcast. Callers may dial \*9 to use the Raise the Hand feature for public comment and press \*6 to accept being unmuted when recognized to speak for two minutes or less. 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.

**August 25, 2021 – Wednesday**

**3:00 pm**

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 three (3) minutes. Items raised that require a response will be deferred for staff reply.

- |  |               |
|--|---------------|
| 4. Approve Meeting Minutes of July 28, 2021  | MOTION        |
| 5. Approve 2022 WPLP Committee Calendar  | MOTION        |
| 6. Authorize Execution of an Exclusive Negotiation Agreement to Explore a Property Exchange with KM-ECR LLC  | MOTION        |
| 7. Proclamation Declaring September Railroad Safety and Suicide Prevention Month   | MOTION        |
| 8. Policy Regarding Waiver of Fees Associated with Requests for Conveyance of Property Interests   | INFORMATIONAL |
| 9. State and Federal Legislative Update  | INFORMATIONAL |
| 10. Peninsula Corridor Electrification Project (PCEP) Project Update (oral)  | INFORMATIONAL |
| 11. Diridon Real Estate Update   | INFORMATIONAL |
| 12. Committee Member Requests  |               |
| 13. Date/Time of Next Regular WPLP Committee Meeting:<br>Wednesday, September 22, 2021 at 3:00 pm via Zoom (additional location, if any, to be determined) |               |
| 14. 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 650.508.6242. Agendas are available on the Caltrain website at [www.caltrain.com](http://www.caltrain.com). Communications to the Board of Directors can be e-mailed to [board@caltrain.com](mailto: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 WPLP Committee: Fourth Wednesday of the month, 3:00 pm. 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**

**Due to COVID-19, the meeting will only be via teleconference as per the information provided at the top of the agenda. The Public may not attend this meeting in person.**

\*Should Zoom not be operational, please check online at [http://www.caltrain.com/about/bod/Board\\_of\\_Directors\\_Meeting\\_Calendar.html](http://www.caltrain.com/about/bod/Board_of_Directors_Meeting_Calendar.html) for any updates or further instruction.

### **Public Comment\***

Members of the public are encouraged to participate remotely. Public comments may be submitted to [publiccomment@caltrain.com](mailto: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 [http://www.caltrain.com/about/bod/Board\\_of\\_Directors\\_Meeting\\_Calendar.html](http://www.caltrain.com/about/bod/Board_of_Directors_Meeting_Calendar.html). Oral public comments will also be accepted during the meeting through Zoom or the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM and 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 for 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 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](mailto: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 are 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  
Work Program – Legislative – Planning Committee (WPLP)  
1250 San Carlos Avenue, San Carlos CA**

**DRAFT MINUTES OF JULY 28, 2021**

**MEMBERS PRESENT:** C. Stone (Chair), C. Chavez, S. Heminger

**MEMBERS ABSENT:** None

**STAFF PRESENT:** M. Bouchard, D. Hansel, J. Harrison, S. Petty, B. Tietjen, L. Low, A. Simmons, M. Hansen, T. Burgwyn, D. Seamans, S. Wong

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Chair Charles Stone called the meeting to order at 3:03 p.m. and Acting Executive Director Michelle Bouchard led the Pledge of Allegiance.

**2. ROLL CALL**

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

**3. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

Roland Lebrun, San Jose, commented on the Project Management Oversight Consulting (PMOC) report, Communications Based Overlay Signal System (CBOSS) grade crossing warning times, Balfour Beatty Inc., and Parsons Inc.

**4. APPROVE MEETING MINUTES OF JUNE 23, 2021**

Motion/Second: Chavez/Stone

Ayes: Chavez, Heminger, Stone

Noes: None

Absent: None

**5. REDWOOD CITY PLANNING AND REAL ESTATE UPDATE**

Anthony Simmons, Director of System Wide Planning and Policy, provided the presentation, which included the following:

- Redwood City context including ridership and grade separation coordination and the Whipple Avenue grade separation study
- 2040 Long Range Service Vision and the Dumbarton Rail Corridor
- Sequoia Station Redevelopment details including assigned residential, office, retail, childcare, and parking units

Brian Fitzpatrick, Director of Real Estate & Property Development, provided the presentation, which included the following:

- A widened right of way to accommodate 4 tracks by moving CVS and Safeway closer to El Camino Real
- SamTrans owns 315 spot parking garage under Sequoia Station
- Minkoff Group Development and a potential land swap and benefits to the JPB with minimal impact to JPB property

#### Public comment

Roland Lebrun, San Jose, commented on the Dumbarton rail location, having a station between Menlo Park and Redwood City, and Redwood junction.

Jeff Carter, Millbrae, commented on expansion of Caltrain to four tracks to Redwood City, connecting to Altamont Corridor Express (ACE) through Dumbarton rail, level boarding, and grade separation.

Adrian Brandt, San Mateo County, commented on east west connectivity for Redwood City, housing, and accommodating high speed/regional rail.

The Board members had a discussion and in response to the Board comments and questions, staff provided clarifications on the following:

- Number of onsite affordable residential units and balancing residential units with office units, and what does affordable housing mean in each city
- Land use and local plans up and down the corridor
- Checking in on goals and whether we could do more
- Provide more city context when including city projects
- Understanding the maximum and minimum of what is available for development relative to parking availability
- Consider Dumbarton rail and high speed rail

Motion/Second: Chavez/Stone

Ayes: Chavez, Heminger, Stone

Noes: None

Absent: None

#### **6. STATE AND FEDERAL LEGISLATIVE UPDATE**

Casey Fromson, Acting Chief Communications Officer, provided an update on the following:

- The Governor signed a budget bill but it did not include the proposed high speed rail investment funds
- Identifying appropriate funds for electrification
- 2040 service vision and staying consistent with partners
- Bi-partisan infrastructure package (\$66 billion for rail, \$12 billion inner city rail, \$3 billion for grade crossing safety improvements)

## **7. UPDATE ON SERVICE RESTORATION**

Ted Burgwyn, Director of Rail Network and Operations Planning, provided the presentation and spoke about the following:

- August 30<sup>th</sup> new train schedule and August 2021 weekday plan
- Service planning strategy to recapture the commuter market, address inequities, and build new ridership
- Ongoing constraints
- Millbrae BART connections
- Gilroy Service
- Financial implications, overall benefits, and future considerations

### Public comment

Jeff Carter, Millbrae, commented on restoring bullets on the weekend, restoring service to Broadway station, Gilroy service, and real time data collection.

Roland Lebrun, San Jose, commented on masks, vaccinations, state employee testing, the Sunnyvale stop, baby bullets originating in Gilroy, and Caltrain recovery efforts.

Adina Levin, Friends of Caltrain, commented on service, the Millbrae connection on weekends and evenings, transfers, and clear signage.

Adrian Brandt, San Mateo County, commented on vaccine requirements, moving away from zone fare system and toward a distance based fare system.

Chair Stone left at 4:08 pm and appointed Director Heminger to proceed as acting chair

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

- Whether this would be a staged process and staff providing future updates
- Upgrading service for a southbound Sunnyvale baby bullet and meeting with Sunnyvale staff
- BART Caltrain connection at Millbrae and being mindful of the situation with other transit agencies' schedule changes
- Reaching off peak riders
- Increasing service to increase ridership
- JPB authority for masks and vaccinations for workers and the public and what the three counties currently mandate

Director Chavez left at 4:30 pm

## **8. UPCOMING MARKETING EFFORTS RELATED TO INCREASING RIDERSHIP**

Casey Fromson, provided a presentation on the following topics:

- Pre-pandemic and post pandemic Caltrain service and ongoing analysis

- Regional marketing campaign strategy from 8/9 to 9/30 with led by MTC (Metropolitan Transportation Commission) and with participation from 27 transit agencies
- Caltrain Approach from 8/16 to 10/31 with a local focus and outreach
- Physical marketing to include train wrap, mailers, and print ads
- Reminders for safety protocols
- Monitor, adjust, and improve

Public comment

Jeff Carter, Millbrae, commented on revamping zones to distance based fares to increase ridership. He asked if the monthly pass also be 50% during September and when the comprehensive fare package was going to be revealed

Adrian Brandt, San Mateo County, commented on businesses advertising employee vaccinations.

In response to Director Heminger's comments, staff provided further clarification on the mandatory San Francisco Municipal Transportation Agency (SFMTA) employee vaccinations and Caltrain vaccination requirements.

**9. COMMITTEE MEMBER REQUESTS**

Director Chavez requested staff sit down with Sunnyvale Mayor and staff to elaborate on service restoration updates.

Director Heminger requested a potential recommendation regarding a mask and vaccination mandate.

**10. DATE/TIME OF NEXT REGULAR WPLP COMMITTEE MEETING: WEDNESDAY, AUGUST 25, 2021 AT 3:00 PM VIA ZOOM**

**11. ADJOURN**

The meeting adjourned at 4:51 p.m.



## JPB Work Program-Legislative-Planning (WPLP) Meeting Calendar – 2022

### Fourth Wednesdays – 3:00 PM

Wednesday, January 26

Wednesday, February 23

Wednesday, March 23

Wednesday, April 27

Wednesday, May 25

Wednesday, June 22

Wednesday, July 27

Wednesday, August 24

Wednesday, September 28

Wednesday, October 26

*Wednesday, November 23*

*(Note – Thanksgiving is Thursday, Nov. 24)*

Wednesday, December 28

Board Committee Members: Charles Stone (Chair), Cindy Chavez, Monique Zmuda.  
Primary Staff Liaison: Michelle Bouchard, Sebastian Petty

Regular meetings scheduled monthly on the 4<sup>th</sup> Wednesday at 3:00 p.m., unless otherwise noted.

All meetings are held via [Zoom](#) (additional location, if any, to be determined), unless scheduled and stated otherwise at

[https://www.caltrain.com/about/bod/Board\\_of\\_Directors\\_Meeting\\_Calendar.html](https://www.caltrain.com/about/bod/Board_of_Directors_Meeting_Calendar.html)



**PENINSULA CORRIDOR JOINT POWERS BOARD  
STAFF REPORT**

TO: JPB Work - Program - Legislative - Planning Committee

THROUGH: Michelle Bouchard  
Acting Executive Director

FROM: April Chan  
Chief Officer, Planning, Grants and TA

SUBJECT: **AUTHORIZE EXECUTION OF AN EXCLUSIVE NEGOTIATION AGREEMENT TO  
EXPLORE A PROPERTY EXCHANGE WITH KM-ECR LLC**



Finance Committee  
Recommendation



Work Program-  
Legislative-Planning



Staff Coordinating  
Council Reviewed



Staff Coordinating Council  
Recommendation

**ACTION**

Staff Coordinating Council recommends that the Board authorize the Acting Executive Director, or designee, to execute an Exclusive Negotiation Agreement (ENA) between the Peninsula Corridor Joint Powers Board (JPB) and KM-ECR LLC to explore a property exchange which would include the vacation of property owned by the City of Redwood City.

**SIGNIFICANCE**

Execution of a 120-days ENA, that may be extended another 90 days by the Executive Director at her sole discretion, would allow KM-ECR LLC and JPB the opportunity to negotiate terms of a potential property exchange that would have the following benefits to JPB, among others:

- Create a more conventionally-shaped JPB parcel; and
- Allow JPB to acquire a property that would likely be impacted by a four-track station expansion/grade separation project; and
- The KM-ECR LLC would assume responsibility for providing open space to replace the Little River Park and for building on top of the creek; and
- The KM-ECR LLC would cover Caltrain negotiating costs.

The ENA will allow JPB to exclusively negotiate the details of a potential property exchange, but does not obligate JPB to enter into or approve the exchange.

## **BUDGET IMPACT**

Upon execution of the ENA, JPB will receive a refundable deposit of \$30,000 from KM-ECR LLC, which will be used to pay for JPB's actual costs incurred during negotiations. Any unused portion of the deposit will be refunded to JPB while KM-ECR LLC will increase the deposit if JPB's costs exceed the deposit amount.

## **BACKGROUND**

KM-ECR LLC owns two parcels that are directly contiguous to the Redwood City Caltrain Station: The AutoZone building on El Camino Real and the A1 Party Rental site on Broadway.

They have submitted an application to develop the El Camino property with a seven-story office building and intend to provide a series of public benefits as part of the development program, including: a teen center, a public plaza and 60 affordable housing units at an off-site location.

After reviewing KM-ECR LLC's proposed development, the City approached Caltrain and KM-ECR LLC about exploring a 3-way land swap in which the City would vacate parts of two public streets and replace them with a new street designed to make a more regularly-shaped and efficient street grid to implement the City's long range plans for the station area.

KM-ECR LLC and JPB would swap land to convert two unconventionally-shaped sites into more efficient sites for both entities. KM-ECR LLC would also be responsible to "move" Little River Park (a creek and open space area on JPB property) by creating open space on its property. The swap would enable KM-ECR LLC to increase the size of its off-site affordable housing development by 40 units, at its sole cost and expense.

Staff's initial assessment is that there would be minimal or no impact to transit operations on JPB property.

As part of the negotiations, JPB would need to address the federal interest in the station property that was created when the site was purchased using federal funds in the late 1980's.

Prepared By: Brian W. Fitzpatrick, Director,  
Real Estate and Property Development

650.508.7781

**RESOLUTION NO. 2021-**

**PENINSULA CORRIDOR JOINT POWERS BOARD  
STATE OF CALIFORNIA**

\* \* \*

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN EXCLUSIVE NEGOTIATION  
AGREEMENT FOR PROPERTY EXCHANGE WITH KM-ECR LLC IN THE CITY OF REDWOOD CITY**

**WHEREAS**, the Peninsula Corridor Joint Powers Board (JPB) desires to engage in a property exchange involving property owned by the JPB in the City of Redwood City with KM-ECR LLC; and

**WHEREAS** the JPB wishes to acquire a property that is likely to be impacted by a four-track station expansion and grade separation project and the property exchange proposed by the City of Redwood City would create a more conventionally shaped parcel for the JPB; and

**WHEREAS** KM-ECR LLC owns two parcels that are directly contiguous to the Redwood City Caltrain Station: the AutoZone building on El Camino Real and the A1 Party Rental site on Broadway; and

**WHEREAS** after reviewing KM-ECR LLC's proposed development, the City of Redwood City approached JPB and KM-ECR LLC about exploring a three-way land swap in which the City would vacate parts of two public streets and replace them with a new street deigned to make a more regularly-shaped and efficient street grid to implement the City's long range plans for the station area; and

**WHEREAS** KM-ECR LLC and JPB would swap land to convert two unconventionally shaped sites into more efficient sites for both entities. KM-ECR LLC would also be responsible for relocating Little River Park (a creek and open space area on JPB property) by creating open space on its property. The swap would enable KM-

ECR LLC to increase the size of its off-site affordable housing development by 40 units, at its sole cost and expense; and

**WHEREAS**, an Exclusive Negotiation Agreement (ENA) will allow JPB to exclusively negotiate the details of a potential property exchange that would allow JPB to acquire a more conventionally-shaped parcel of land that would likely be impacted by a four track station expansion but does not obligate JPB to enter into or approve the exchange, and KM-ECR LLC will cover the negotiating costs of the agreement.

**WHEREAS**, upon execution of the 120-day ENA, KM-ECR LLC will be required to make a \$30,000 deposit to the JPB to offset costs incurred during the negotiation of the property exchange.

**NOW, THEREFORE, BE IT RESOLVED** that the Peninsula Corridor Joint Powers Board hereby authorizes the Acting Executive Director or her designee to (1) execute a 120-day Exclusive Negotiation Agreement between the JPB and KM-ECR LLC; (2) extend the ENA by up to 90 days if the Acting Executive Director determines that such an extension is warranted; and (3) take any other actions necessary to give effect to this resolution.

Regularly passed and adopted this 2<sup>nd</sup> day of September 2021 by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Peninsula Corridor Joint Powers Board

ATTEST:

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JPB Secretary

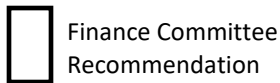
**PENINSULA CORRIDOR JOINT POWERS BOARD  
STAFF REPORT**

TO: JPB Work - Program - Legislative - Planning Committee

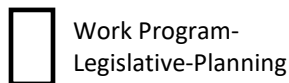
THROUGH: Michelle Bouchard  
Acting Executive Director

FROM: Casey Fromson  
Acting Chief Officer, Communications

SUBJECT: **PROCLAMATION DECLARING SEPTEMBER RAILROAD SAFETY AND SUICIDE PREVENTION MONTH**



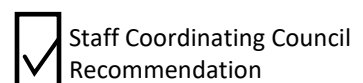
Finance Committee  
Recommendation



Work Program-  
Legislative-Planning



Staff Coordinating  
Council Reviewed



Staff Coordinating Council  
Recommendation

**ACTION**

Staff Coordinating Council (SCC) recommends the Board adopt the proclamation designating September as “Railroad Safety & Suicide Prevention Month.”

**SIGNIFICANCE**

The proclamation for “Railroad Safety & Suicide Prevention Month” reaffirms the JPB’s commitment to provide safe and efficient train service between San Francisco and Gilroy. It is an opportunity to highlight the promotion and advancement of safety and prevention on the right of way through enhanced safety measures and increased public awareness. While safety is a clear priority for the rail agency, it has been determined that approximately 70 percent of the deaths occurring on the Caltrain corridor are ruled suicides. Caltrain also coordinates with regional mental health, and suicide prevention and awareness organizations to help eliminate the stigma associated with seeking help for depression or mental illness.

During September, Caltrain will be pushing out rail safety messaging through the website, social media and traditional media to ensure our riders, residents and other stakeholders are aware of how to stay safe while walking or driving near the train tracks or visiting one of our many stations. Caltrain will also be promoting agency-created rail safety videos, in addition to promoting rail safety and suicide prevention messaging on our various social media platforms throughout the month, using #CaltrainSafe and #railsafety.

On September 17, Caltrain will host a ribbon-cutting event to celebrate the completion of the 25<sup>th</sup> Avenue Grade Separation Project in San Mateo. The project separated the train tracks from the road at East 25<sup>th</sup> Avenue, between El Camino Real and South Delaware Street, while creating new east-west connections at 28<sup>th</sup> and 31<sup>st</sup> avenues. This eliminates the risk of pedestrians and vehicles accessing the tracks, and prevents traffic

bottlenecks at grade crossings. Studies have shown that separating train tracks from roads is the most effective way to prevent people from getting struck and killed by locomotives.

This year to date, Caltrain has experienced approximately 10 incidents along the rail corridor, including both pedestrian fatalities and fatal vehicle strikes. The proclamation reiterates the three E's (Education, Engineering and Enforcement) of our ongoing "Don't Shortcut Life" rail safety campaign, in partnership with National Operation Lifesaver and California Operation Lifesaver (CAOL).

Also during the month of September, Caltrain will be recognizing National Suicide Prevention Month as part of this effort by participating in social media campaigns with local suicide prevention committees in San Francisco, San Mateo and Santa Clara counties, with which Caltrain is a community partner.

### **BUDGET IMPACT**

There is no impact on the budget.

### **BACKGROUND**

Since September 2009, Caltrain has been participating in CAOL's annual Rail Safety Month. CAOL is a nonprofit public safety organization committed to reducing the number of tragic incidents at highway-rail grade crossing intersections and trespassing at railroad rights-of-way.

As a member and community partner of CAOL, Caltrain staff makes year-round, free rail safety presentations to all age groups by educating the community on the three E's of rail safety – Education, Engineering and Enforcement.

Prepared by: Tasha Bartholomew, Manager, Communications

650.508.7927

# Proclamation

## **IN HONOR OF RAILROAD SAFETY & SUICIDE PREVENTION MONTH**

**WHEREAS**, Caltrain operates 104 weekday trains between San Francisco and Gilroy, serving the Peninsula Rail Corridor, and the communities of San Francisco, San Mateo and Santa Clara counties; and

**WHEREAS**, safety on the Caltrain right of way has been and remains a continuing priority along a rail system that traverses several communities and includes more than 50 at-grade public vehicular and pedestrian crossings; and

**WHEREAS**, the Peninsula Corridor Joint Powers Board works continuously with essential partners, including the Federal Railroad Administration, California Department of Transportation, California Public Utilities Commission and California Operation Lifesaver to improve railroad safety, to prevent accidents and to educate the public about safety around railroad tracks; and

**WHEREAS**, trains have become a routine part of daily life for many in this region, but it only takes a split second for someone to drop their guard and tragedy can strike. Typical Caltrain trains can take almost a mile to stop, even when emergency brakes are applied; and

**WHEREAS**, while safety is a clear priority for the rail agency, approximately 70 percent of the deaths occurring on railroad tracks are ruled suicides; and

**WHEREAS**, suicide is a public health issue with which Caltrain is all too familiar. Every death by suicide on the rails impacts hundreds of people, including Caltrain riders and staff onboard the train, as well as passengers at station platforms; and

**WHEREAS**, Caltrain partners with local public health agencies to publicize resources available for individuals in crisis in an effort to reduce deaths by suicide on the rails; and

**THEREFORE, BE IT RESOLVED**, that the Peninsula Corridor Joint Powers Board, in support of safety efforts locally, regionally and statewide, joins in proclaiming September as "Railroad Safety & Suicide Prevention Month" and commends local, State, and Federal officials, industry, and citizen efforts to improve railroad safety; and

**BE IT FURTHER RESOLVED**, that the Peninsula Corridor Joint Powers Board reaffirms its efforts as a community partner in the prevention of deaths by suicide as a critical component of "Railroad Safety & Suicide Prevention Month" and urges continued and expanded collaboration to extend to all who need it effective mental health resources.



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Chair, Peninsula Corridor Joint Powers Board



**PENINSULA CORRIDOR JOINT POWERS BOARD  
STAFF REPORT**

TO: JPB Work – Program – Legislative – Planning Committee

THROUGH: Michelle Bouchard  
Acting Executive Director

FROM: April Chan  
Chief Officer, Planning/Grants/TA

SUBJECT: **POLICY REGARDING WAIVER OF FEES ASSOCIATED WITH REQUESTS FOR  
CONVEYANCE OF PROPERTY INTERESTS**

<input type="checkbox"/>	Finance Committee Recommendation	<input type="checkbox"/>	Work Program-Legislative- Planning Committee Recommendation	<input checked="" type="checkbox"/>	Staff Coordinating Council Reviewed	<input checked="" type="checkbox"/>	Staff Coordinating Council Recommendation
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**ACTION**

This report is for information only. No Board action is required at this time.

**SIGNIFICANCE**

At its April, 1, 2021 meeting, the Board of Directors adopted Resolution No. 2021-18 which updated the JPB's "Policy Regarding the Processing of Requests for Conveyance of Property Interests" and approved an accompanying Fee Schedule.

As part of the approval, the Board directed staff to prepare for review by the WPLP Committee at a subsequent meeting "guiding principles" with regards the waiver of encroachment and other fees for certain qualified non-profit organizations or governmental entities. These principles would be applied at the Executive Director's discretion.

The Guiding Principles listed below outline when it may be appropriate for the Executive Director (or his/her designee) to waive such fees, which would be at the Executive Director's sole and complete discretion:

- When the permittee provides JPB with goods and services of generally equivalent (or greater) value than the permit fees; or
- When the permit covers an event for which JPB is a co-sponsor, in which case a permit is not required; or

- The event is sponsored by a governmental agency and will bring ridership or exposure to Caltrain, such as Bike to Work Day; or
- Where the permittee is a community-service-oriented, non-profit entity.

After considering any comments from the Committee, staff and the Executive Director will follow these guiding principles when considering the possible waiver of fees for a property conveyance. The ultimate decision of waiver request will be at the Executive Director's sole and complete discretion.

Final Note: All users of JPB property must provide evidence of insurance, even if a permit is not issued

### **BUDGET IMPACT**

While the Guiding Principles allow the Executive Director to waive fees for certain permits, historically the number of such permits made up a small percentage of the total number of property access agreements issued by JPB. Staff anticipates the budget impact to be minor, likely in the range of no more than several thousand dollars a year

Prepared by: Brian W. Fitzpatrick, Director, Real Estate and Property Development  
650.508.7781

**PENINSULA CORRIDOR JOINT POWERS BOARD  
STAFF REPORT**

TO: JPB Work Program-Legislative - Planning Committee

THROUGH: Michelle Bouchard  
Acting Executive Director

FROM: Casey Fromson  
Chief Communications Officer, Acting

SUBJECT: **STATE AND FEDERAL LEGISLATIVE UPDATE**

Finance Committee Recommendation     Work Program-Legislative-Planning Committee Recommendation     Staff Coordinating Council Reviewed     Staff Coordinating Council Recommendation

**ACTION**

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) receive the attached memos. Staff will provide regular updates to the Board in accordance with the Legislative Program.

**SIGNIFICANCE**

The 2021 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.

Prepared By: Lori Low, Government and Community Relations Officer

650-508-6391



August 13, 2021

TO: Caltrain Board of Directors

FM: Joshua W. Shaw, Matt Robinson & Michael Pimentel, Shaw Yoder Antwih Schmelzer & Lange  
Mike Robson & Bridget McGowan, Edelstein Gilbert Robson & Smith LLC

RE: **STATE LEGISLATIVE UPDATE – September 2021**

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### **General Update**

The Legislature reconvened from Summer Recess on August 16 and entered the final month of the first year of the 2021-22 Legislative Session. Fiscal committees have until August 27 to report bills to the floor of each house. The Legislature will adjourn on September 10. The Governor has until October 10 to act on bills sent to him in the final weeks of the session.

The date for the election to decide if Governor Newsom should be recalled has been set for September 14, though mail ballots have been going out since mid-August. County elections offices will have 30 days to certify the results and the Secretary of State will announce the official result approximately 8 days later. As such, we won't know the official outcome until late-October.

### **2021-22 State Budget**

On July 12, the Governor signed [SB 129 \(Skinner\)](#), a "Budget Bill Jr." that amends the main budget bill, [AB 128 \(Ting\)](#), signed by Governor Newsom on June 28. As we reported last month, SB 129 includes significant investments in transportation, including \$2.7 billion in funding for zero-emission vehicles and infrastructure and \$2.5 billion for statewide Transit and Intercity Rail Capital Program (TIRCP) funding, funding for the 2028 LA Olympics, and funding for grade separations statewide. Notably, SB 129 did not include the Governor's proposed \$4.2 billion investment in the California high-speed rail project, which is still the subject of ongoing negotiations between Legislative Leaders and Governor Newsom. Also, SB 129 dictates that a significant portion of the transportation funding (\$2.6 billion) only takes effect if subsequent legislation is approved by October 10. This ensures that if an agreement is not reached on high-speed rail, these funds will revert to the General Fund. The Caltrain leadership and advocacy team busy educating the legislative delegation on the need to include \$100 million in additional state funding to complete the electrification project. It is expected that discussions for this funding will be wrapped up in the last three weeks of session after the Legislature reconvenes.

Additionally, on July 16, the Governor signed [AB 149 \(Committee on Budget\)](#), the transportation trailer bill, which includes additional statutory relief measures for transit pursued this year, and which expand on the relief secured last year in the budget.

### **CalSTA Releases Draft TIRCP Guidelines**

On August 9, the California State Transportation Agency (CalSTA) released the Transit and Intercity Rail Capital Program's (TIRCP) Cycle 5 discussion draft guidelines. CalSTA kicked off the TIRCP guideline development process for the 2022 cycle with a workshop on August 12, 2021. The current focus is on updating the program to reflect the resources currently available through the budget, which includes approximately \$500-600 million of new funding for projects statewide through Fiscal Year 2026-27. The initial guidelines do not address the proposed additional \$2.6 billion for the program included in AB 129 (as discussed above). If additional funding is approved, CalSTA will update the guidelines to address the additional funding.

### **Grants**

In late-2020, the California Transportation Commission [awarded grants](#) for three SB 1 programs – the [Solutions for Congested Corridors Program](#) (SCCP), [Local Partnership Program](#) (LPP), and the [Trade Corridor Enhancement Program](#) (TCEP). In total, approximately \$2 billion was awarded for 56 new projects throughout the state to reduce traffic, improve goods movement, increase transit service, expand California's managed lanes network, and invest in bicycle and pedestrian improvements. According to the CTC, the funded projects would create more than 100,000 jobs over the next several years. The CTC will solicit applications for the next round of funding in the fall of 2021. Additionally, we expect the [Transit and Intercity Rail Capital Program](#) (TIRCP) to follow a similar schedule. We will provide more information as it becomes available.

***Grade Separation Funding*** - Below is a list of the funding sources that we are aware of and/or that have been used to fund grade separations in the recent years. The funding sources below are managed across various state agencies and departments, including the Public Utilities Commission (PUC), the California State Transportation Agency (CalSTA), the California Transportation Commission (CTC), and Caltrans.

PUC Section 190 Grade Separation Program – The Program is a [state funding program](#) to grade separate crossings between roadways and railroad tracks and provides approximately \$15 million annually, transferred from Caltrans. Agencies apply to the PUC for project funding.

State Transportation Improvement Program – The STIP, managed by Caltrans and programmed by the CTC, is primarily used to fund highway expansion projects throughout the state, but also supports grade separations. The STIP is programmed every two years (currently the 2018 STIP added \$2.2 billion in new funding). Local agencies receive a share of STIP funding, as does the State. The STIP is funded with gasoline excise tax revenues.

Transit and Intercity Rail Capital Program – The TIRCP is managed by CalSTA and is available to fund rail and transit projects that reduce greenhouse gas emissions. The program receives funding from Cap and Trade and the recently created Transportation Improvement Fee to the tune of approximately \$500 million per year. The TIRCP is programmed over 5 years, with the most recent cycle beginning in May 2018. Caltrain received \$160 million for the CalMod project.

Proposition 1A – This \$9.9 billion Bond Act is the primary funding source for the high-speed rail project and has been used to fund a very limited number of grade separation projects in the past, including in the City of San Mateo.

# Caltrain

## State Legislative Matrix 8/11/2021

Active Bills			
Bill Number (Author)	Summary	Location	Position
<a href="#">AB 339</a> ( <a href="#">Lee D</a> )  Local government: open and public meetings.	Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified. This bill contains other related provisions and other existing laws.  Amended: 7/5/2021	Senate Appropriations	Watch
<a href="#">AB 361</a> ( <a href="#">Rivas, Robert D</a> )  Open meetings: local agencies: teleconferences.	Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void. This bill, until January 1, 2024, would authorize a local agency to use	Senate Third Reading	Watch

	<p>teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided. This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified. This bill contains other related provisions and other existing laws.</p> <p>Amended: 7/6/2021</p>		
<p><a href="#">AB 1157</a> (<a href="#">Lee D</a>)</p> <p>Controller: transportation funds: distribution and reporting requirements.</p>	<p>Existing law, for purposes of the State Transit Assistance Program, requires local transportation agencies to report to the Controller by June 15 of each year the public transportation operators within its jurisdiction that are eligible to claim specified local transportation funds. This bill would instead require local transportation agencies to report this information within 7 months after the end of each fiscal year. This bill contains other related provisions and other existing laws.</p> <p>Amended: 3/15/2021</p>	<p>Senate Consent Calendar</p>	<p>Watch</p>
<p><a href="#">AB 1260</a> (<a href="#">Chen R</a>)</p> <p>California Environmental Quality Act: exemptions: transportation-related projects.</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</p>	<p>Senate Appropriations</p>	<p>Watch</p>

	<p>project, as revised, would have a significant effect on the environment. This bill would further exempt from the requirements of CEQA projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission trains, provided certain requirements are met, including giving prior notice to the public and holding a noticed public meeting, as provided. This bill contains other existing laws.</p> <p>Amended: 7/6/2021</p>		
<p><a href="#"><u>ACA 1 (Aguiar-Curry D)</u></a></p> <p>Local government financing: affordable housing and public infrastructure: voter approval.</p>	<p>(1)The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 12/7/2020</p>	<p>Assembly Local Government</p>	<p>Support February 2021</p>
<p><a href="#"><u>SB 44 (Allen D)</u></a></p> <p>California Environmental Quality Act: streamlined judicial review: environmental leadership transit projects.</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 (EIR) 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 establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would, until January 1, 2025, establish specified procedures for the administrative and judicial review of the environmental review and approvals granted for an environmental leadership transit project, as defined, proposed by a public or private entity or its affiliates that is located wholly within the County of Los Angeles or connects to an existing project wholly located in that county and that is approved by the lead agency on or before January 1, 2024. The bill would require the project applicant of the environmental leadership transit project to take certain actions in order for those specified procedures to apply to the</p>	<p>Assembly Appropriations</p>	<p>Support February 2021</p>



	<p>project. The bill would require the Judicial Council, on or before January 1, 2023, to adopt rules of court establishing procedures requiring actions or proceedings seeking judicial review pursuant to CEQA or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible and to the extent prioritizing those actions or proceedings will not exacerbate any civil case backlogs, within 365 calendar days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to an environmental leadership transit project. The bill would require the environmental leadership transit project to meet certain labor requirements. The bill would require the lead agency to prepare the EIR for an environmental leadership transit project in a specified manner and would require the concurrent preparation of the record of proceedings. The bill would specify that the provisions of the bill would only apply to the first 7 environmental leadership transit projects obtaining a certified environmental impact report. Because the bill would impose additional duties on the lead agency, this bill would impose a state-mandated local program.</p> <p>Amended: 7/14/2021</p>		
<p><a href="#">SB 339</a> (<a href="#">Wiener D</a>)</p> <p>Vehicles: road usage charge pilot program.</p>	<p>Existing law requires the Chair of the California Transportation Commission to create a Road Usage Charge (RUC) Technical Advisory Committee in consultation with the Secretary of Transportation. Under existing law, the purpose of the technical advisory committee is to guide the development and evaluation of a pilot program to assess the potential for mileage-based revenue collection as an alternative to the gas tax system. Existing law requires the technical advisory committee to study RUC alternatives to the gas tax, gather public comment on issues and concerns related to the pilot program, and make recommendations to the Secretary of Transportation on the design of a pilot program, as specified. Existing law repeals these provisions on January 1, 2023. This bill would extend the operation of these provisions until January 1, 2027. The bill would require the Transportation Agency, in consultation with the California Transportation Commission, to implement a pilot program to identify and evaluate issues related to the collection of revenue for a road charge program, as specified. The bill would require the RUC Technical Advisory Committee to make recommendations to the Transportation Agency on the design of the pilot program, including the group of vehicles to participate. The bill would require that if a group of vehicles other than state-owned vehicles is selected, that participation in the program be voluntary. The bill would require the Transportation Agency to convene a state agency work group, as specified, to implement the pilot program and to design a process for collecting road charge revenue from vehicles. The bill would require that participants in the program be charged a mileage-based fee, as specified, and receive a credit or a refund for fuel taxes or electric vehicle fees, as specified. The bill would require that the pilot program not affect funding levels for a program or purpose supported by state fuel tax and electric vehicle fee</p>	<p>Assembly Appropriations Suspense File</p>	<p>Support April 2021</p>

	<p>revenues. The bill would require the Transportation Agency to submit reports to the Legislature, as specified.</p> <p>Amended: 6/14/2021</p>		
<p><a href="#">SB 674</a> (<a href="#">Durazo D</a>)</p> <p>Public Contracts: workforce development: covered public contracts.</p>	<p>Existing law establishes the Labor and Workforce Development Agency, under the supervision of the Secretary of Labor and Workforce Development. Existing law establishes within the Labor and Workforce Development Agency, the Department of Industrial Relations, to foster, promote, and develop the welfare of the wage earners of California and to advance their opportunities for profitable employment, among other duties. This bill would require the Labor and Workforce Development Agency to create 2 programs, to be known as the California Jobs Plan Program and the United States Jobs Plan Program. The bill would require the programs to meet specified objectives, including supporting the creation and retention of quality, nontemporary full-time jobs, as specified, and the hiring of displaced workers and individuals facing barriers to employment. The bill would require, as a component of applications for covered public contracts, as defined, the creation of forms for each program that state the minimum numbers of proposed jobs that are projected to be retained and created if the applicant wins the covered public contract. These components of the application would be known as the California Jobs Plan and the United States Jobs Plan, which the bill would define. Pursuant to these definitions, applicants for covered public contracts would state the minimum number of jobs, proposed wages, benefits, investment in training, specific protections for worker health and safety, and targeted hiring plans for displaced workers and individuals facing barriers to jobs, as specified, in exchange for covered public contracts. The bill would require an applicant for a covered public contract that uses entirely state and local funds to complete a California Jobs Plan form, while applicants for covered public contracts that use any amount of federal funds would complete the United States Jobs Plan. This bill contains other related provisions and other existing laws.</p> <p>Amended: 7/7/2021</p>	<p>Assembly Appropriations</p>	<p>Watch</p>
<p><a href="#">SB 771</a> (<a href="#">Becker D</a>)</p> <p>Sales and Use Tax Law: zero emissions vehicle exemption.</p>	<p>Existing state sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The Sales and Use Tax Law provides various exemptions from those taxes. This bill, on or after January 1, 2022, would provide an exemption from those taxes with respect to the sale in this state of, and the storage, use, or other consumption in this state of, a qualified motor vehicle, as defined, sold to a qualified buyer, as defined. The bill would provide that this exemption does not apply to specified state sales and use taxes from which the proceeds are deposited into the Local Revenue Fund, the Local Revenue Fund 2011, or the Local Public Safety Fund. This bill contains other</p>	<p>Assembly Desk</p>	<p>Watch</p>

	related provisions and other existing laws.  Amended: 5/11/2021		
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**Two Year Bills**

<p><b><a href="#">AB 5</a> (Fong R)</b></p> <p>Greenhouse Gas Reduction Fund: High-Speed Rail Authority: K-12 education: transfer.</p>	<p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include in its regulation of those emissions the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund. Existing law continuously appropriates 25% of the annual proceeds of the fund to the High-Speed Rail Authority for certain purposes. This bill would suspend the appropriation to the High-Speed Rail Authority for the 2023-24 and 2024-25 fiscal years and would require the transfer of those amounts from moneys collected by the state board to the General Fund. The bill would specify that the transferred amounts shall be available, upon appropriation, to augment funding for K-12 education and to support full-time in-person instruction for all students.</p> <p>Amended: 3/17/2021</p>	<p>Assembly 2 year</p>	<p>Watch</p>
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<p><b><a href="#">AB 476</a> (Mullin D)</b></p> <p>Department of Transportation: state highways: transit bus pilot program.</p>	<p>Existing law vests the Department of Transportation with full possession and control of the state highway system and associated real property. Existing law generally requires vehicles to be driven upon the right 1/2 of a roadway, defined to include only that portion of a highway improved, designed, or ordinarily used for vehicular travel. Existing law generally prohibits the driver of a vehicle from overtaking and passing another vehicle by driving off the paved or main-traveled portion of the roadway. Existing law authorizes the Monterey-Salinas Transit District and the Santa Cruz Metropolitan Transit District to conduct a transit bus-only program using the shoulders of certain state highways as transit bus-only traffic corridors, subject to approval by the Department of Transportation and the Department of the California Highway Patrol. Existing law requires that the highway segments to be used for the program are to be jointly determined by the districts, the department, and the Department of the California Highway Patrol, as provided. This bill would authorize the Department of Transportation to establish a pilot program to authorize a transit operator or operators to operate transit buses on the shoulders of state highways, under a project selected under the program. The bill would authorize an operator or operators, in partnership with a regional transportation agency that meets specified requirements, to submit an application to the department to establish and operate a project under the program. The bill would authorize the department to select no more than 8 total projects under the program using guidelines developed with input from the Department of the California Highway Patrol and the public. The bill would require the department, the</p>	<p>Assembly 2 year</p>	<p>Watch</p>
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	<p>Department of the California Highway Patrol, and the operator or operators and regional transportation agency that submitted the application to jointly determine the state highways, or segment of state highways, that will be used in a project. The bill would require the applicable regional transportation agency to be responsible for all costs attributable to the project. Two years after commencing a project, the bill would require an operator or operators, in conjunction with the applicable regional transportation agency, to submit a report to the Legislature that includes certain information about the project.</p> <p>Amended: 3/16/2021</p>		
<p><a href="#">AB 629</a> (<a href="#">Chiu D</a>) San Francisco Bay area: public transportation.</p>	<p>(1)Existing law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Existing law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relative to providing public transit services. This bill would require the commission on or before February 1, 2022, to submit a copy of a specified transit fare study undertaken by the commission to certain committees of the Legislature. The bill would require the commission to submit a report on or before January 1, 2023, to those entities on the progress of implementing the recommendations of that study.This bill contains other related provisions and other existing laws.</p> <p>Amended: 3/22/2021</p>	Assembly 2 year	Watch
<p><a href="#">AB 703</a> (<a href="#">Rubio, Blanca D</a>) Open meetings: local agencies: teleconferences.</p>	<p>Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction. The bill would require that, in each instance in which notice of the</p>	Assembly 2 year	Watch

	<p>time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided. This bill contains other related provisions and other existing laws.</p> <p>Amended: 4/29/2021</p>		
<p><a href="#">AB 823</a> (<a href="#">Gray D</a>)</p> <p>High-Speed Rail Authority: trains powered by fossil fuel combustion engines.</p>	<p>The California High-Speed Rail Act creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law requires the high-speed rail system to be designed to use electric trains. Existing law authorizes the authority, upon receiving legislative or voter approval, to enter into contracts with private or public entities for the design, construction, and operation of high-speed trains. This bill would prohibit the authority from directly or indirectly using local, state, federal, or any other public or private funding to purchase, lease, operate, or maintain a passenger or freight train powered by a diesel engine or other type of fossil fuel combustion engine, and from enabling such a train to operate on authority-owned rail infrastructure designed for speeds in excess of 125 miles per hour, except as specified.</p> <p>Introduced: 2/16/2021</p>	Assembly 2 year	Watch
<p><a href="#">AB 1116</a> (<a href="#">Friedman D</a>)</p> <p>High-Speed Rail Authority: oversight: Legislative Analyst's Office.</p>	<p>Existing law creates the High-Speed Rail Authority with specified powers and duties related to the development and implementation of a high-speed train system. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, statewide general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related rail purposes. This bill would require the Legislative Analyst's Office, for the purpose of reviewing the planning, financing, expenditures, and other elements of the statewide high-speed rail system, to review any materials submitted to the authority and documents the authority requests from contractors, consultants, or external parties, as specified, and to provide recommendations to the policy and budget committees of the Legislature regarding the statewide high-speed rail system and the development of shared mobility systems statewide. The bill would require the authority, and any entity contracting with the authority, to provide to the Legislative Analyst's Office any information that it requests and to permit representatives of the Legislative Analyst's Office to attend the authority's internal meetings. The bill would repeal these requirements on January 1, 2031.</p> <p>Introduced: 2/18/2021</p>	Assembly 2 year	Watch
<p><a href="#">AB 1235</a> (<a href="#">Patterson R</a>)</p>	<p>The California High-Speed Rail Act creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified</p>	Assembly 2 year	Watch

High-speed rail: legislative oversight.	<p>powers and duties. Existing law requires the authority, on or before March 1, 2017, and every 2 years thereafter, to provide a project update report, approved by the Secretary of Transportation as consistent with specified criteria, to the budget committees and the appropriate policy committees of both houses of the Legislature, on the development and implementation of intercity high-speed train service, as provided. This bill would create the Joint Legislative High-Speed Rail Oversight Committee consisting of 3 Members of the Senate and 3 Members of the Assembly to provide ongoing and independent oversight of the high-speed rail project by performing specified duties, and would require the committee to make recommendations to the appropriate standing policy and budget committees of both houses of the Legislature to guide decisions concerning the state's programs, policies, and investments related to high-speed rail. The bill would require the authority to provide the committee with certain documents and information within prescribed timelines, and would require the authority to permit the chairperson of the committee, or the chairperson's designee, to attend meetings of any internal governance committees related to project oversight, as provided.</p> <p>Introduced: 2/19/2021</p>		
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## Caltrain As of August 16, 2021 - Transportation Report

### **Senate Passes Infrastructure Investment and Jobs Act**

- On August 10, the U.S. Senate voted [69-30](#) to pass the Infrastructure Investment and Jobs Act ([H.R. 3684](#)), bipartisan legislation to invest in the nation's infrastructure, including funding for roads and bridges, rail, transit, ports, airports, electric grid, water systems, broadband, among other priorities. The legislation provides \$550 billion in new spending.
- Senate passage of the bipartisan infrastructure package follows months of negotiations between the White House and a bipartisan cohort of senators on the infrastructure component of President Joe Biden's original [American Jobs Plan](#).
- The legislation includes several authorizing bills, including the Surface Transportation Reauthorization Act of 2021 ([S. 1931](#)), Surface Transportation Investment Act ([S. 2016](#)), Drinking Water and Wastewater Infrastructure Act ([S. 914](#)) and the Energy Infrastructure Act ([S. 2377](#)), among others. In addition, the bill provides supplemental appropriations for many of these authorized programs, both existing and new.
- The House of Representatives is scheduled to return from recess early on August 23 to consider the bipartisan infrastructure package as well as the Senate-passed budget resolution.
  - In a [Dear Colleague](#) circulated on August 15, House Speaker Nancy Pelosi (D-Calif.) said she has requested that the Rules Committee explore the possibility of a rule that advances both the budget resolution and the bipartisan infrastructure package to put the House on a path to advance the infrastructure bill and the reconciliation bill simultaneously.

*Transportation provisions in the bipartisan infrastructure bill include:*

### **Public Transit**

The Senate Committee on Banking, Housing, and Urban Affairs, that oversees the Federal Transit Administration (FTA), was the only transportation authorization committee in the Senate that had not drafted its portion of the surface transportation authorization bill. The transit section was drafted during the bipartisan infrastructure negotiations; and therefore, there are not many policy changes for transit versus previous transportation authorization bills.

**Capital Investment Grants:** \$15 billion over five years (\$3 billion each year) to support new and expanded high-capacity rail and bus service.

- Increases the threshold for capital costs from \$300 million to \$400 million, and federal share from \$100 million to \$150 million for Small Starts. Funds for Small Starts is \$1.2 billion (\$240 million each year).
- Amends Core Capacity eligibility to use a 10-year timeframe versus 5 years to demonstrate capacity needs. Funds for Core Capacity is \$1.6 billion (\$320 million each year) which supports upgrades for existing corridors to handle increased demand.
- Includes \$800 million (\$160 million each year) for a pilot program for Expedited Project Delivery.
- Establishes a process to allow multiple projects in a community to move forward simultaneously for immediate and future bundling of projects allowing sponsors to seek savings during the contracting process. This replaces the "Program of Interrelated Projects" eligibility.

**State of Good Repair Formula Grants:** \$18.39 billion (\$3.68 billion each year) to support maintenance, replacement, and rehabilitation projects that help transit agencies maintain assets in a state of good repair.

- The section establishes a new competitive grant program to replace rail rolling stock that is past its useful life.

**Bus Formula Grants:** \$3.161 billion (\$632 million each year)

**Bus Competitive:** \$2.34 billion (\$468 million each year)

**Low-No Buses:** Provides an additional \$5.25 billion (\$1.05 billion each year) for the Low-No Bus Programs, which provides funding to state and local governments for the purchase or lease of zero-emission and low-emission transit buses, including acquisition, construction, and leasing of required supporting facilities.

- The Low-No Program will also support workforce training, to ensure that diesel mechanics and other transit workers are not left behind in the transition to new technology.

**Urbanized Area Formula Grants:** \$33.54 billion (\$6.71 billion each year)

#### **Assault On A Transit Worker**

- Includes a new definition for 'assault on a transit worker,' which is defined as "a circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates a transit worker while the transit worker is performing the duties of the transit worker." The new definition facilitates better safety data collection.
- Establishes a Critical Incident Stress Plan in which, among other clauses, requires that assaults of commuter railroads and intercity passenger railroads employees who directly interact with passengers are included in the definition of critical incident under the regulations.



- The National Transit Database section requires data relating to assaults on a transit worker and fatalities resulting from impact with a bus to be reported into the NTD.

## **Highways**

The legislation includes the Surface Transportation Reauthorization Act of 2021 (S. 1931) that the Senate Committee on Environment and Public Works voted unanimously to approve on May 26, 2021. This legislation authorizes the Federal-Aid Highway Program for five years (FY 2022-2026). Below summarizes changes to existing Federal Highway Administration (FHWA) programs and the new programs created.

### **Surface Transportation Block Grant Program:** \$72 billion (\$14.4 billion each year)

- The Surface Transportation Block Grant Program is a federal-aid transportation program, administered by the Federal Highway Administration (FHWA), which provides funding used by states and localities for transportation improvement projects. The funding may be used by States and localities for projects to preserve and improve the conditions and performance on any Federal-aid highway and certain local roads, pedestrian and bicycle infrastructure, transit capital, planning projects, and intercity passenger projects.
- Adds new eligibilities to the Surface Transportation Block Grant (STBG) Program, including electric vehicle charging infrastructure and vehicle-to-grid infrastructure, installation and deployment of intelligent transportation technologies, projects that facilitate intermodal connections between emerging transportation technologies, resilience features, cybersecurity protections, waterfront infrastructure projects and projects to enhance travel and tourism.
- Adds new eligibilities to the Surface Transportation Block Grant (STBG) Program, including electric vehicle charging infrastructure and vehicle-to-grid infrastructure, installation and deployment of intelligent transportation technologies, projects that facilitate intermodal connections between emerging transportation technologies, resilience features, cybersecurity protections, waterfront infrastructure projects and projects to enhance travel and tourism.

### **Transportation Alternatives Program:** \$7.2 billion (\$1.44 billion each year)

- The FAST Act eliminates the MAP-21 Transportation Alternatives Program (TAP) and replaces it with a set-aside of Surface Transportation Block Grant (STBG) program funding for transportation alternatives (TA). These set-aside funds include all projects and activities that were previously eligible under TAP, encompassing a variety of smaller-scale transportation projects such as pedestrian and bicycle facilities, recreational trails, safe routes to school projects, community improvements such as historic preservation and vegetation management, and environmental mitigation related to stormwater and habitat connectivity.
- Increases the amount of funding set aside within the STBG Program for the Transportation Alternatives Program (TAP); increases the minimum percentage of TAP funding that is sub-allocated on the basis of population from current 50 percent to 59 percent.

**Congestion Mitigation and Air Quality Improvement Program:** \$13.2 billion (\$2.64 billion each year)

- The CMAQ program provides funds to State DOTs, MPOs, and transit agencies to invest in projects that reduce emissions from transportation-related sources. Funds may be used for a transportation project or program that is likely to contribute to the attainment or maintenance of a national ambient air quality standard, with a high level of effectiveness in reducing air pollution, and that is included in a metropolitan planning organization's (MPO's) current transportation plan and transportation improvement program (TIP) or current state transportation improvement program (STIP) in areas without an MPO.
- Adds eligibility for Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds to be used on shared micromobility, including bike share and shared scooter systems, as well as for the purchase of medium- or heavy-duty zero emission vehicles and related charging equipment.

**Railway-Highway Grade Crossings:** \$1.225 billion (\$245 million each year)

- Continues to set aside \$245 million of the Highway Safety Improvement Program (HSIP) funding for the Railway-Highway Crossings (Section 130) Program each year. Increases the federal share for projects funded under the Section 130 program from 90 percent to 100 percent, as well as clarifies that the replacement of functionally obsolete warning devices is an eligible expense.

**National Highway Freight Program:** \$7.15 billion (\$1.43 million each year)

- Increases the maximum number of highway miles a state may designate as critical rural freight corridors from 150 to 300 miles, and critical urban freight corridors from 75 to 150 miles.

**Formula Carbon Reduction Program:** \$6.42 billion (\$1.284 million each year)

- **Formula program; Allocated to urbanized areas**
  - Establishes a new carbon reduction program to reduce transportation emissions.
  - 65 percent of funding under this program would be sub-allocated by population.
  - Eligible projects include:
    - Traffic monitoring, management and control facility or program
    - Public transportation
    - On-road and off-road trail facilities for pedestrians and bicyclists
    - Advanced transportation and congestion management technologies
    - Deployment of infrastructure-based intelligent transportation systems (ITS) capital improvements and the installation of vehicle to infrastructure communications equipment
    - Replacing street lighting and traffic control devices with energy-efficient alternatives
    - Development of a carbon reduction strategy

**Promoting Resilient Operations for Transformative, Efficient and Cost-saving Transportation (PROTECT) Grant Program:** \$7.3 billion in formula (\$1.46 million each year) and \$1.4 billion in competitive grants (\$280 million each year)

- Establishes the PROTECT Grant Program, which would provide \$7.3 billion in formula funding and \$1.4 billion in competitive set-aside grants (over five years) for resilience improvements at the state and municipal levels.
- The PROTECT grants are intended to incentivize state and local communities as they seek to improve the resiliency of natural infrastructure such as wetlands, floodplains and aquatic ecosystems. Specifically, the grants would provide planning and resilience improvement funding to communities to help to assess vulnerabilities to current and future weather events or other natural disasters, and to enhance transportation assets such as ports and port infrastructure. In addition to evaluating vulnerabilities, resilience improvement grants can be utilized to relocate infrastructure out of the floodplain and restore aquatic ecosystems connected to a transportation improvement.

**Nationally Significant Freight and Highway Projects (INFRA):** \$4.8 billion (\$960 million each year)

- Renames the Nationally Significant Freight and Highway Projects program (also known as the Infrastructure for Rebuilding America or INFRA grant program) to be the Nationally Significant Multimodal Freight and Highway Program.
- Raises the cap on multimodal (rail/port) projects from 10 percent to 30 percent of the grants for each year.

**Congestion Relief Program:** \$250 million (\$50 million each year)

- Establishes a congestion relief program to provide competitive grants to states, local governments and metropolitan planning organizations (MPO) for projects in large urbanized areas (more than 1 million people) to advance innovative, integrated and multimodal solutions to congestion relief in the most congested metropolitan areas of the United States.
- Grant awards shall be not less than \$10 million. When selecting grants, the DOT Secretary shall give priority to eligible projects located in urbanized areas that are experiencing high degrees of recurrent congestion.
- The federal cost-share shall not exceed 80 percent of the total cost of a project.

**Healthy Streets Program:** \$500 million (\$100 million each year)

- Establishes the Healthy Streets program to provide grants to eligible entities to deploy cool pavements and porous pavements and to expand tree cover.
- The goals of the program are to mitigate urban heat islands, improve air quality and reduce the extent of impervious surfaces, storm water runoff and flood risks and heat impacts to infrastructure and road users.

**Reconnecting Communities Pilot Program:** \$500 million (\$100 million each year)

- Establishes the Community Connectivity Pilot program through which eligible entities may apply for: 1) planning funds to study the feasibility and impacts of removing, retrofitting or mitigating existing transportation facilities that create barriers to mobility, access or economic development and 2) construction funds to carry out a project to remove, retrofit or mitigate an eligible facility and, if appropriate, to replace it with a new facility.

- An eligible facility includes a limited access highway, viaduct or any other principal arterial facility that creates a barrier to community connectivity, including barriers to mobility, access or economic development, due to high speeds, grade separations or other design factors.
- Planning grant awards may not exceed \$2 million, and the federal cost share for a project may not exceed 80 percent. Capital construction grants must be at least \$5 million, and the federal cost share for a project may not exceed 50 percent.

**Highway Safety Improvement Program: \$15.575 billion (\$3.115 million each year)**

- Allows flexibility for Highway Safety Improvement Program (HSIP) to be used for non-infrastructure activities and behavioral safety projects, such as educational campaigns about traffic safety and enforcement activities; and allows a state to spend up to 10 percent of its HSIP funding on such projects and Safe Routes to School non-infrastructure-related activities.
- Adds projects eligible for HSIP funding:
  - Grade separation projects.
  - Construction or installation of features, measures and road designs to calm traffic and reduce vehicle speeds.
  - Installation or upgrades of traffic control devices for pedestrians and bicyclists, including pedestrian hybrid beacons and the addition of bicycle movement phases to traffic signals.
  - Roadway improvements that provide separation between pedestrians and motor vehicles or between bicyclists and motor vehicles, including medians, pedestrian crossing islands, protected bike lanes and protected intersection features.

**Stopping Threats on Pedestrians: \$25 million (\$5 million each year)**

- Establishes a grant program to provide assistance to state departments of transportation and local government entities for bollard installation projects designed to prevent pedestrian injuries and acts of terrorism in areas used by large numbers of pedestrians.

**Bridge Grant Program: \$3.265 billion (\$653 million each year)**

- Establishes a new competitive grant program to assist state, local, federal and tribal entities in rehabilitating or replacing bridges, including culverts.
- The minimum grant amount for a large project is not less than \$50 million; the minimum grant amount for any other eligible project is \$2.5 million.
- Grant amounts, in combination with other anticipated funds, should be of a size sufficient to enable the project to proceed through completion.
- The bridge program would include an application and evaluation process for large projects, after which the Transportation Secretary would submit an annual report to Congress on funding recommendations, based on project evaluations. Large projects will be funded with multi-year funding agreements similar to the Federal Transit Administration (FTA) Full Funding Grant Agreement (FFGA) program. At least 50 percent of program funds over five years must be used for large projects.

**Rail/Safety/Freight**

The bill includes the Surface Transportation Investment Act (S. 2016) that the Senate Committee on Commerce, Science, and Transportation passed on June 16, 2021. S. 2016 authorizes \$78 billion over five years for rail, freight and safety programs.

#### **National Motor Vehicle Per-Mile User Fee Pilot**

- Directs the Transportation Secretary to establish a pilot program to demonstrate a national motor vehicle per-mile user fee. In carrying out the pilot program, the Secretary shall provide different methods that volunteer participants can choose from to track motor vehicle miles traveled and solicit volunteer participants from all 50 states, the District of Columbia and the Commonwealth of Puerto Rico.

#### **Strategic Innovation for Revenue Collection**

- Reauthorizes and renames the Surface Transportation System Funding Alternatives Program, to continue to test the feasibility of a road usage fee and other user-based alternative revenue mechanisms to help maintain the long-term solvency of the Highway Trust Fund, through pilot projects at the state, local and regional level. Expands eligible applicants from state DOTs, to include local governments and MPOs.

#### **National Infrastructure Project Assistance: \$10 billion**

- Establishes the National Infrastructure Project Assistance Program to provide single- or multiyear grants to projects generating national or regional economic, mobility or safety.
- Eligible projects include highway or bridge projects, freight intermodal or freight rail projects, railway-highway grade separation or elimination projects, intercity passenger rail projects and certain public transportation projects.

#### **Local and Regional Project Assistance: \$7.5 billion (\$1.5 billion each year)**

- Authorizes and renames the RAISE/BUILD program.
- Limits the size of each grant to \$25 million and provides an equal split between rural and urban areas.

#### **Federal-State Partnership Intercity Passenger Rail: \$7.5 billion (\$1.5 billion each year)**

#### **Federal Railroad Administration (FRA) Consolidated Rail Infrastructure and Safety Improvement (CRISI): \$5 billion (\$1 billion each year)**

#### **FRA Railroad Crossing Elimination Program: \$3 billion (\$600 million each year)**

- Authorizes a new competitive grant program for the elimination of hazards at railway-highway crossings.

#### **Safe Streets and Roads for All Grant Program: \$1 billion (\$200 million each year)**

- Establishes a grant program for MPOs, local governments and tribal governments to develop and carry out comprehensive safety plans to prevent death and injury on roads and streets, commonly known as "Vision Zero" or "Toward Zero Deaths" initiatives.

## **Electric Vehicles (EVs)**

President Joe Biden has committed to deploying a national network of 500,000 charging stations, in support of his broader commitment to reduce economy-wide emissions by 50 percent by 2030. The legislation invests \$7.5 billion to initiate the build out of this network of chargers. The bill provides funding for deployment of EV chargers along [highway corridors](#) to facilitate long-distance travel and within communities.

Numerous House Democrats, as well as industry leaders, are calling for an even larger sum of funding for electric vehicles in the infrastructure package.

### **Charging and Refueling Grant Program:** \$2.5 billion (\$500 million each year)

- Authorizes \$2.5 billion over five years to establish a grant program at DOT for [Alternative Fuel Corridors](#) as proposed in the Senate Committee on Environment and Public Works surface transportation reauthorization bill (S. 1931).
- The grant program would include a set-aside for Community Grants, under the surface transportation reauthorization. The program is designed to strategically deploy publicly accessible alternative fuel vehicle charging infrastructure along designated alternative fuel corridors or in certain other locations that will be accessible to all drivers of alternative fuel vehicles.
- Eligible entities are state and local governments, MPOs and other public-sector entities.
- Grants are to be used to contract with a private entity for acquisition and installation of publicly accessible alternative fuel vehicle charging and fueling infrastructure that is directly related to the charging or fueling of a vehicle. Eligible entities may use a portion of grant funds to provide a private entity operating assistance for the first five years of operations after infrastructure installation.
- 50 percent of the total program funds will be made available each fiscal year for Community Grants, to install charging infrastructure in locations on public roads, schools, parks, and in publicly accessible parking facilities. These grants will be prioritized for rural areas, low- and moderate income neighborhoods and communities with low ratios of private parking or high ratios of multiunit dwellings.
- The federal cost share for a project may not exceed 80 percent. Further, as a condition of contracting with an eligible entity, a private entity must agree to pay the non-federal share of project costs.

### **EV Charging Formula Program:** \$5 billion (\$1 billion each year)

- To complement the \$2.5 billion for the Charging and Refueling Grant program at DOT, the legislation appropriates \$1 billion per year for five years (\$5 billion total) to establish a National Electric Vehicle Formula Program at DOT to provide additional funding to states to deploy EV charging infrastructure.
- Eligible Use of Funds: 1) Acquisition and installation of EV infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access and reliability; 2) operation and maintenance; and 3) data sharing about EV infrastructure.
- Charging stations must be located along a designated Alternative Fuel Corridor.

- The federal cost-share for a project may not exceed 80 percent. Private entity may pay the non-federal share of the cost of the project.
- Directs DOT to establish a deadline for states to provide a plan describing how the state plans to use the funding. Requires DOT and the U.S. Department of Energy (DOE) to develop, in concert, guidance for states and localities to strategically deploy EV charging infrastructure.
- Grants may be used to contract with a private entity for acquisition and installation of publicly accessible alternative fuel vehicle charging and fueling infrastructure that is directly related to the charging or fueling of a vehicle.
- Establishes a Joint Office of Energy and Transportation at DOT and DOE to coordinate work on EV infrastructure, which would include new installation and interoperability standards.

### **Appropriators Begin FY 2022 Process**

- Last week, the Senate Appropriations Committee advanced its first three spending bills for fiscal year (FY) 2022: Agriculture-FDA, Energy and Water, and Military Construction-VA). The House passed nine of 12 spending bills ahead of August recess.
- The White House, House and Senate have not reached an agreement on top-line spending levels for all 12 bills. Lawmakers are unlikely to complete their work on appropriations before the September 30, 2021, end of the current fiscal year, and talks will turn to a continuing resolution when lawmakers return from recess.
- The House returns from recess on August 23, while the Senate is out until September 13.
- Transportation funding in the appropriations bills include:

<b>Transportation Funding</b>	<b>FY 2021 Enacted</b>	<b>FY 2022 President's Request</b>	<b>FY 2022 House</b>
<b>Department of Transportation (DOT)</b>	\$86.7 B	\$87 B	\$105.7 B
<b>RAISE</b>	\$1 B	\$1 B	\$1.2 B
• Planning Grants	\$30 M	---	\$40 M
<b>Federal Aviation Administration (FAA)</b>	\$18 B	\$18.5 B	\$18.9 B
• Airport Improvement Program (AIP)	\$400 M	\$10 B	\$400 M
<b>Federal-Aid Highways (FAST Act levels)</b>	\$46.37 B	\$46.37 B	\$61.14 B
• <b>Highway Infrastructure</b> (funded from General Fund vs. HTF)	\$2 B	---	\$592 M
Federal Motor Carrier Safety Grants	\$419.8 M	\$387.8 M	\$506.2 M
<b>National Highway Traffic Safety Administration (NHTSA)</b>	\$989 M	\$1.02 B	\$1.3 B
• Highway Traffic Safety Grants	\$623 M	\$623 M	\$855.5 M
<b>Federal Railroad Administration (FRA)</b>	\$2.8 B	\$4 B	
• Amtrak – Northeast Corridor	\$700 M	\$1.3 B	\$1.2 B
• Amtrak – National Network	\$1.3 B	\$1.4 B	\$1.5 B
• Magnetic Levitation Technology Deployment (MAGLEV) Program	\$2 M	---	\$5 M
• Federal-State Partnership for State of Good Repair	\$200 M	---	---
• Consolidated Rail Infrastructure Safety (CRISI) Grants	\$375 M	\$375 M	\$500 M
• Passenger Rail Improvement, Modernization, and Expansion (PRIME) Grants	---	\$625 M	\$625 M
<b>Federal Transit Administration (FTA)</b>	\$13 B	\$13.5 B	\$15.5 B
• Transit Formula Grants (FAST Act levels)	\$10.2 B	\$10.2 B	\$12.2 B
• Transit Infrastructure (funded from Treasury vs. HTF)	\$516 M	\$550 M	\$580 M
• Capital Investment Grants	\$2 B	\$2.47 B	\$2.47 B
○ New Starts	\$1.17 B	\$1.28 B	\$1.28 B
○ Core Capacity	\$525 M	\$442 M	\$442 M
○ Small Starts	\$200 M	\$303 M	\$303 M
○ Expedited Project Delivery Pilot Program	\$100 M	---	\$100 M
MARAD Port Infrastructure Grants	\$230 M	\$230 M	\$300 M



## **Grant Opportunities & Award Announcements**

- **Advanced Transportation and Congestion Management Technologies Deployment Initiative:** \$60 million available. Applications are due by August 23, 2021.
- **FY 2021 Competitive Funding Opportunity: Areas of Persistent Poverty Program:** \$1 million available. Applications are due by August 30, 2021.
- **Accelerated Innovation Deployment (AID) Demonstration Program:** \$10 million available. Applications are due by September 28, 2021.
- **FY 2021 Competitive Funding Opportunity: Passenger Ferry Grant Program:** \$38 million available. Applications due by October 5, 2021.

**Caltrain Earmarks Submitted for Consideration:**

*As of August 18, 2021*

Please note, negotiations on the inclusion of earmarks in a variety of key federal legislative packages continues to evolve. It was recently announced that earmarks will not be included in the Senate’s version of the surface transportation reauthorization package, which has been folded into the Senate-led bipartisan infrastructure package, known as the Infrastructure Investment and Jobs Act (IIJA). On the Appropriations side, negotiations regarding the inclusion of earmarks for the Transportation, Housing and Urban Development and Related Agencies Subcommittee Appropriations Bill (THUD) continue. If both Legislative Chambers do not pass all Appropriations bills by the September 30<sup>th</sup> deadline, they will need to pass a continuing resolution (CR) in the interim, which would not include earmarks.

**THUD Appropriations**

House:

<b>Project</b>	<b>Submitted By</b>	<b>Amount</b>
Additional Mini-highs (Speier)	Caltrain	\$460,000

**Surface Transportation Reauthorization (House T&I):**

<b>Project</b>	<b>Submitted By</b>	<b>Amount</b>
Additional Mini-highs (Eshoo)	Caltrain	\$306,000
Additional Mini-highs (Lofgren)	Caltrain	\$550,000
Caltrain Optimization Project (Lofgren)	Caltrain	\$315,000

Other Caltrain relevant projects:

<b>Project</b>	<b>Submitted By</b>	<b>Amount</b>
Middle Avenue Pedestrian/Bicycle Rail Crossing (Eshoo)	City of Menlo Park	\$6.5M
At-grade Caltrain Crossing Safety Project—E. Bellevue Avenue and Villa Terrace (Speier)	City of San Mateo	\$3M

**PENINSULA CORRIDOR JOINT POWERS BOARD  
STAFF REPORT**

TO: JPB Work - Program - Legislative - Planning Committee

THROUGH: Michelle Bouchard  
Acting Executive Director

FROM: Sebastian Petty  
Deputy Chief of Planning

SUBJECT: **DIRIDON REAL ESTATE UPDATE**

<input type="checkbox"/>	Finance Committee Recommendation	<input type="checkbox"/>	Work Program-Legislative- Planning Committee Recommendation	<input checked="" type="checkbox"/>	Staff Coordinating Council Reviewed	<input checked="" type="checkbox"/>	Staff Coordinating Council Recommendation
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**ACTION**

This report is for information only. No Board action is required.

**SIGNIFICANCE**

After years of extensive community engagement, the City of San Jose recently amended its Diridon Station Area Plan (DSAP), a land use plan that covers approximately 200 acres in and around the Diridon Station. The amended plan increased development capacity in the DSAP area and includes market-rate housing, affordable housing, hotel rooms, and commercial space in designated locations inside the plan area. The Joint Powers Board (JPB) owns approximately 6-acres of land within the DSAP area, of which 3-acres are potentially developable (the "Development Parcels"). The City's General Plan and amended DSAP designate the Development Parcels for commercial uses as an integral part of the mixed-use plan for the DSAP area.

Developing the Development Parcels per the City's General Plan and DSAP vision could result in a substantial, long-term revenue stream to the JPB. While the City's DSAP increases development capacity, overall limits on the total development allowed in the area remain. Moving ahead with the planning entitlements for the Development Parcels will enable appropriate development capacity to be allocated to the Development Parcels before DSAP development limits are reached. This report, and accompanying presentation, outline the preliminary work that staff has undertaken to advance the entitlement process.

**BUDGET IMPACT**

There is no budget impact associated with receiving this informational update. If Development Parcels are developed as anticipated, they could yield a long-term revenue stream through the negotiation of a ground lease.

## **BACKGROUND**

### **Site Description**

The Development Parcels are located immediately east of the Diridon Station and are bordered by S. Montgomery, Cahill, Crandall, and W. San Fernando Street. They are currently used for Caltrain parking. In addition to the Development Parcels, Caltrain owns property on which additional parking lots, a station drop-off and turnaround area, landscaping and a bus staging area are located. A location map is attached to this report as Exhibit A.

### **Caltrain Rail Corridor Use Policy (RCUP)**

In February 2020, the JPB adopted the RCUP to guide the use of its property and support delivery of Caltrain's Long-Term Service Vision. This document categorized all JPB-owned property into "property use zones," which serve as the base land use districts for property along the Caltrain corridor. The four categories are Property Use Zone 1 (Operating Right-of-Way), Property Use Zone 2 (Station-Right-of-Way), Property Use Zone 3 (Non-Operating Right of Way), and Property Use Zone 4 (Special Study Area).

All Caltrain property at Diridon Station falls within Property Use Zone 4 (Special Study Area). Property Use Zone 4 includes JPB properties involved (at the time of RCUP adoption) in a defined planning process that formally includes multiple stakeholders. The RCUP further states that the planning process in each area will determine the future use of the property. When the Board adopted the RCUP, two ongoing planning initiatives impacted this property, the Amended DSAP process, and the Diridon Station Integrated Concept Plan (DISC), both described below. The City of San Jose has completed the Amended DSAP process, and the DISC partners have made substantial progress on plan concepts.

### **Amended Diridon Station Area Plan (DSAP)**

The City of San José initially adopted the DSAP in 2014. The plan, which covers approximately 200 acres of property surrounding the Diridon Station, designated specific locations for housing, commercial space (office), hotels, retail uses, and a new baseball stadium. In 2019, the City initiated a process to amend the DSAP to align it with current market conditions, tie it to other planning efforts and to reflect that a stadium was no longer planned for the area. Furthermore, the amended DSAP includes Google's Downtown West Mixed-Use Plan, incorporates the Diridon Affordable Housing Implementation Plan, and integrates equity considerations. After an extensive community input and engagement process, the amended DSAP, and Google's Downtown West Mixed-Use Plan, were approved by the San Jose City Council in May 2021.

The DSAP implements the City's General Plan (2011), which designates all JPB-owned parcels as "Commercial-Downtown." According to the General Plan, "this designation includes office, hotel, retail, service, and entertainment uses in the City's Downtown, consistent with those supported by the Downtown designation, but denotes areas in which residential uses are not appropriate and therefore are excluded." Consistent with the General Plan, the Amended DSAP designates the sites for "Employment/Commercial" uses. The allowed land uses of the Caltrain parcels did not change because of the recent amendment. However, the amended plan allows increased building heights and floor area.

In addition to the site-specific standards, the Amended DSAP (and associated environmental impact report (EIR)) also include area-wide "caps" on specific categories of development. Overall, the Amended DSAP allows up to 13.7 million square feet of office space and 12,900 new homes. Google's Downtown West development accounts for approximately 7.3 million square feet, leaving about 6.4 million square feet of office space allocation. Given the proximity to

transit, downtown amenities, nearby housing and Google's development, it is expected that additional commercial development in the DSAP area will be in high demand in the coming years. It is therefore imperative that Caltrain act swiftly to ensure that an appropriate amount of the development cap is allocated to the Development Parcels. Staff anticipates that the entitlement and environmental review process will become substantially more challenging when the development caps are reached.

### **Diridon Station Integrated Concept Plan (DISC)**

The California High-Speed Rail Authority (CHSRA), Caltrain, Santa Clara Valley Transportation Authority (VTA), Metropolitan Transportation Commission (MTC), and the City of San José (Partner Agencies) are working together on a plan to expand and redesign Diridon Station. Generally, DISC planning involves the station itself, the approaches to the station, and station access (plazas, etc.). While the DISC process is ongoing, the Partner Agencies have made substantial progress. Caltrain will work closely with the Partner Agencies to ensure that the architectural team designs the Development Parcel's incorporating DISC principles, with active ground floor uses and public plazas. Additionally, Caltrain property outside of the Development Parcels will be reserved from development to accommodate DISC needs

### **Proposed Development Concept**

The first step in the City review process is a "preliminary application" for the Planning Department review (as described below). Utilizing the JPBs "on-call" planning contracts, Caltrain engaged ARUP and Perkins and Will to design a commercial development. The concept designs include two office buildings with ground floor retail (and other active uses) and a large plaza area between the two buildings that connects to the front of Diridon Station. Overall, JPB's proposal calls for approximately 1.1M square feet of commercial space, which currently fits within the DSAP commercial square footage cap. The conceptual plans are attached to this report as Exhibit B. As noted below, Caltrain plans to submit these plans to the City of San Jose for preliminary review. In addition, it is expected that the architectural team will make changes to the conceptual plans based on feedback received during the preliminary review, formal review, and community outreach process.

### **Affordable Housing**

As noted above, the City of San Jose General Plan and DSAP do not allow housing on the JPB-owned sites. However, a substantial amount of housing is permitted and encouraged in designated areas within the DSAP area. The Amended DSAP plan also included an ambitious [affordable housing implementation plan](#). As noted above, the DSAP allows up to 13,519 new homes in the area. The City aims to have 25% of those units to be deed-restricted, affordable units (extremely low to moderate-income levels).

The City's implementation plan includes several strategies to produce and fund affordable units. For example, "Production Strategy #3" states that the City should "Prioritize the use of Commercial Linkage Fee revenues generated in the Diridon Station Area for affordable housing projects within the Plan area." In November 2020, the City adopted a "[Commercial Linkage Fee](#)" that applies to development on the subject site (\$12/sf). Based on the initial proposal, it is expected that commercial development of the Development Parcels would generate more than \$12 towards the creation of affordable housing in the Diridon area.

### **City of San Jose Planning Review**

Staff plan to submit a preliminary application to the City of San Jose in September 2021. The preliminary process allows applicants to submit a more complete formal application that best reflects current City policy and, therefore, shortens the overall review time to about 6-8 weeks.

Following the preliminary review process, the team will incorporate feedback and submit a formal application. The preliminary and formal application include “schematic” design drawings that allow square footage to be allocated to the site, but do not include detailed working drawings. The formal review takes about a year and includes community outreach and an environmental assessment to ensure it complies with the DSAP EIR. The project would ultimately be reviewed and approved by the San Jose Planning Commission.

### **Future Real Estate Process**

After the Development Parcels are entitled, staff anticipates JPB will follow its typical practice, and all legal and procedural requirements, to engage a private sector development partner through a competitive process. It is anticipated that Caltrain would enter into a long-term ground lease with such partner under which the developer would take on all “development risk” by financing, building and owning all improvements while Caltrain would continue to own the Development Parcels and would collect rent based on the success of the development

### **Timeline, Next Steps, and Future Board Review**

As noted above, Caltrain staff will submit a preliminary application to the City of San Jose for review in September 2021. The City will provide feedback within 6 to 8 weeks. The Architectural team will incorporate feedback and submit the formal application in Q1 of 2022. It is expected the formal application process will take about a year. Therefore, the real estate process, will be subject to Caltrain Board approval, will begin in 2023. The Caltrain Board will review this item again after the City of San Jose provides preliminary review comments and before the submittal of the formal application. Additional opportunities for review will occur during the entitlement process and real estate process.

Project Manager:

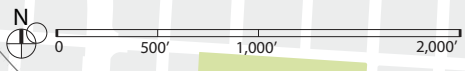
Brian W. Fitzpatrick, Director of Real Estate & Property Development  
650-508-7781

Attachment 1: (Site Location, Parcel Map, Site Plan, and Elevation) for Diridon  
Real Estate Update



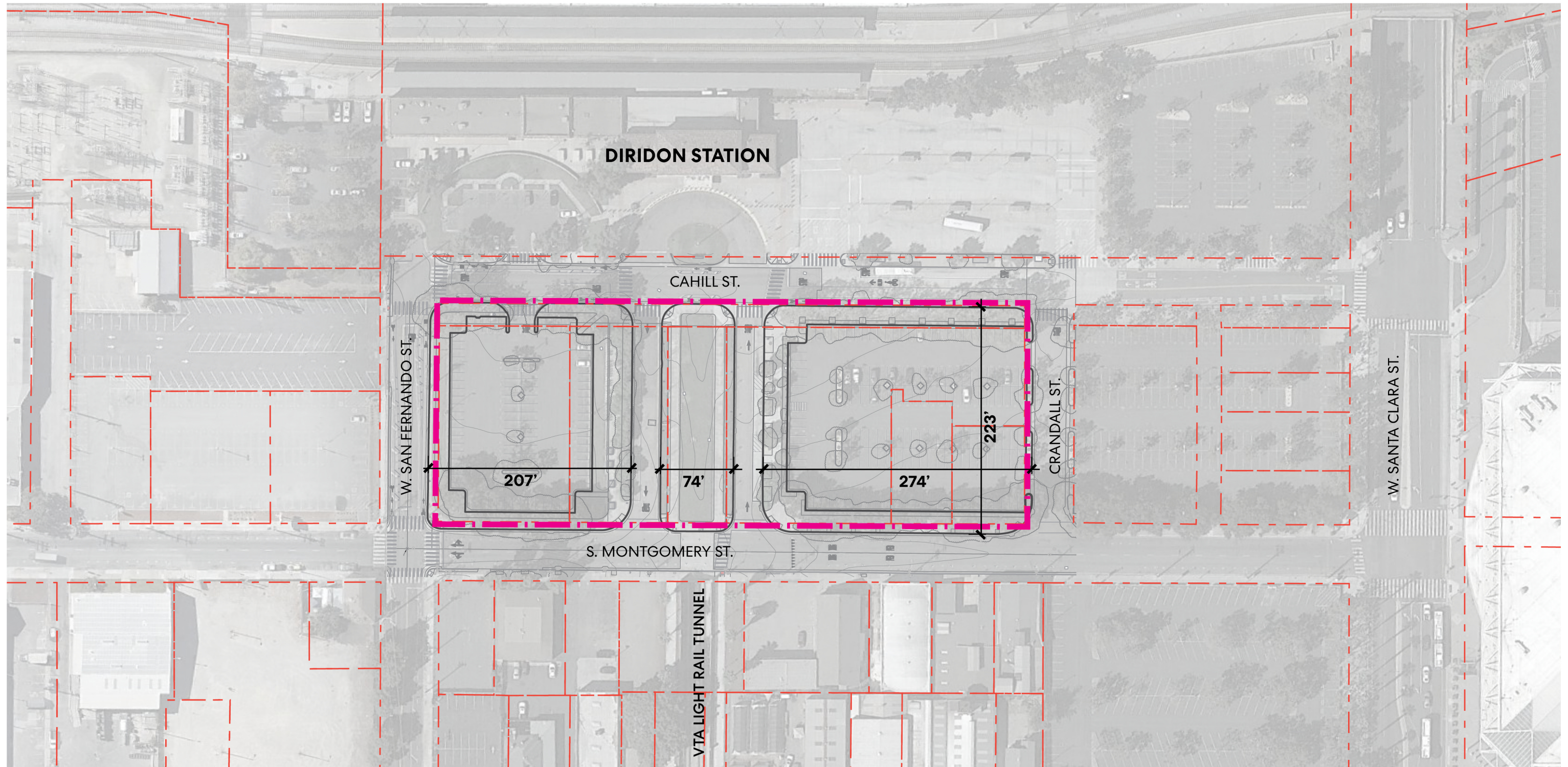
**JPB-owned Development  
Parcels (approximately 3 acres)**

- Land Use**
- DSAP Boundary
  - Downtown West Boundary
  - DISC Footprint (conceptual)
  - Outer Safety Zone Overlay
  - Employment/Commercial
  - Open Space
  - Residential
  - Hotel
  - Residential/Hotel
  - Active Use / Retail
  - Our Site





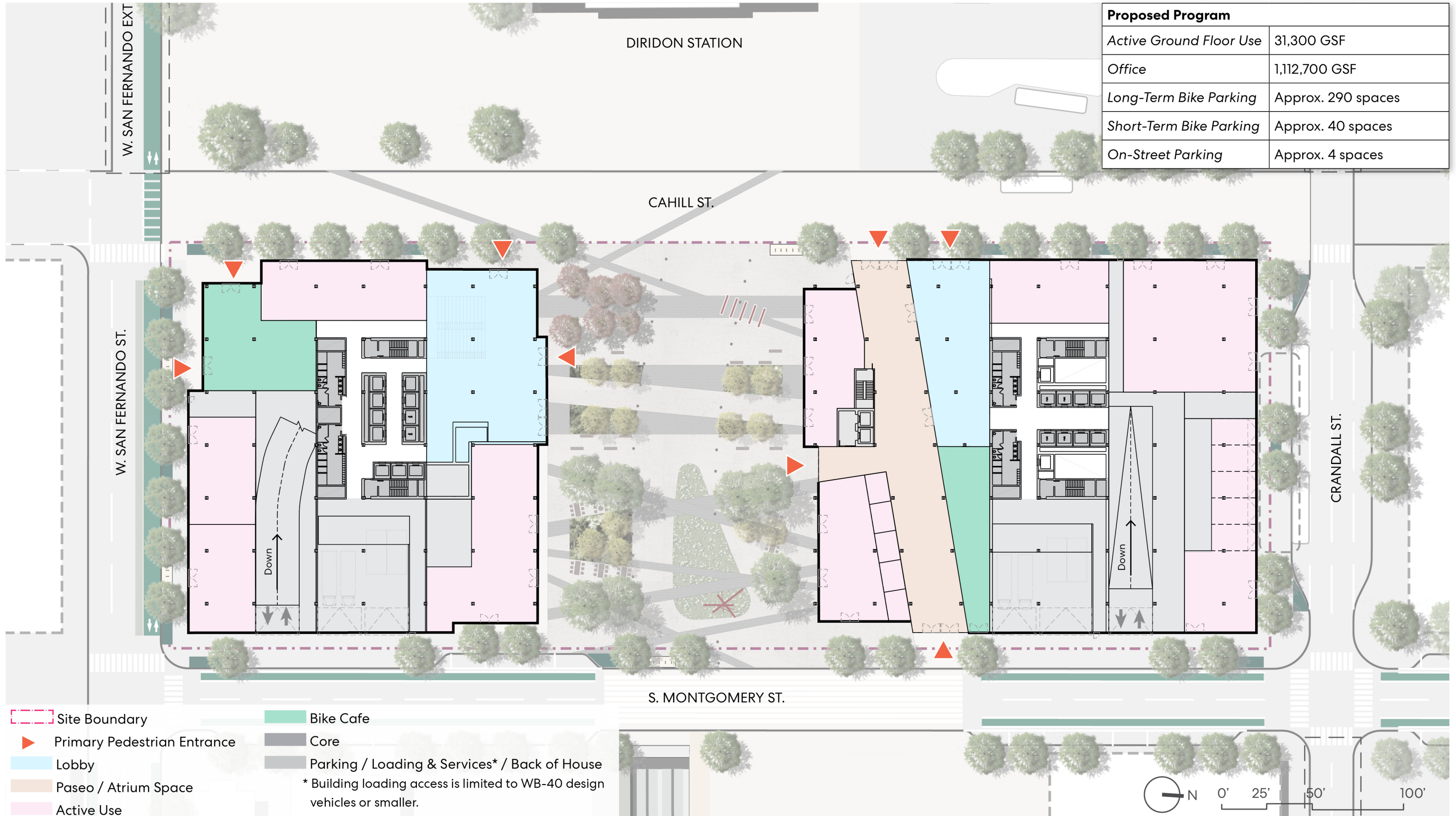
# Parcel Map



Site Boundary  
Property Line



# Ground Level Plan

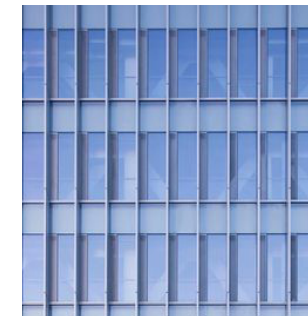


# Conceptual Building Elevation

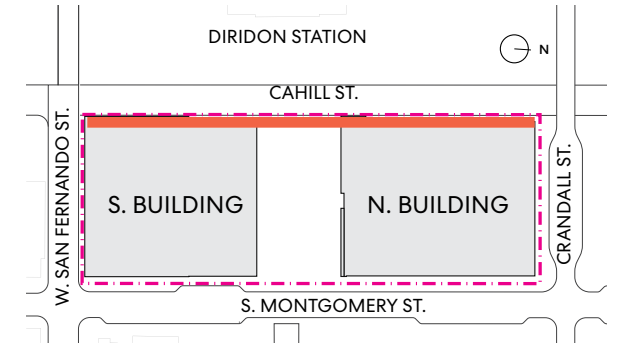
## West Elevation (along Cahill Street)



Vertical Aluminum Louvers on West Facades



Aluminum & Glass Curtain Wall



See Crandall St. section on page 28.

**North Building**

**South Building**

See W. San Fernando St. section on page 27.