JPB CAC

CORRESPONDENCE
AS OF

August 17, 2021

Givens, Patrice

From: Roland Lebrun <ccss@msn.com>
Sent: Monday, July 26, 2021 4:24 AM
To: SFCTA Board Secretary
Cc: MTC Info; Board (@caltrain.com); Baltao, Elaine [board.secretary@vta.org]; SFCTA CAC; cacsecretary [@caltrain.com]
Subject: Item 4 July 13 2021 Minutes Caltrain electrification oversight

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Dear Chair Mandelman and Commissioners.

Please allow me to start by once again thanking and congratulating your staff for the quality and the accuracy of SFCTA Board meeting minutes:
https://www.sfcta.org/sites/default/files/2021-07/Minutes%2007%20July%2013.pdf

The intent of this email is to substantiate the comment I made at the July 13th meeting that "*I hoped that the SFCTA* ***implement Director Heminger's recommendation*** *with the condition that any further Prop K allocations, they establish a structure that mimics the DTX governance structure including a monthly Executive Steering Committee meeting open to the public*"

July 1st Caltrain Board meeting transcript:

12:43:53 Does anyone have questions or comments, Director Heminger.
12:43:58 Thank you Madam Chair.
12:44:01 You know I'm willing to support the staff recommendation here reluctantly I must say, but **I also want to try to draw a broader lesson from this project, which I believe has doubled in costs since the original budget.**
12:44:17 From the electrification program, which is we disclosed, a month or so ago, is looking at a significant schedule delay and cost overrun anyone observing our closed session agenda today would see that we're still dealing with the aftermath of the positive
12:44:38 train control program, even though it's been in operation for some time now.
12:44:44 And I know that Michelle is aware of these issues but I think it's worth stating out loud that I think **we've got a pattern here, a systemic problem of delivering large capital projects.**
12:44:58 We are not alone in the United States or the world in public agencies wrestling with these issues.
12:45:05 But I think we have to move ourselves toward the forefront of trying to identify some solutions.
12:45:12 I'm certainly glad that Rob is here and can bring his experience to bear.
12:45:17 But I think **one of our challenges, frankly, as a board has been that too often, we are dealing with these capital projects either in closed session, or in so-called ad hoc committees, neither of which meetings are public.**
12:45:35 And I think that does some damage to our reputation and to our ability to be transparent to our constituents.
12:45:46 So, **I would like to request madam chair that you refer an item to one of the appropriate committees that can deal with in public**. I sort of the lessons we have learned the challenges that we faced with the, with the capital projects that are either

12:46:05 finished are underway. And what potential solutions
12:46:09 we can fashion to reform our project delivery system, and that includes **involving the public eye and our stakeholders in a much more effective way than just hearing from us when we've got a problem and need more money.**
12:46:28 So I make that request to you and hope that we could get that work started in the foreseeable future.
12:46:37 Certainly, and what's up committee I was what Michelle and I had in mind so we will do that at The Next Web committee meeting.
12:46:48 Thank you.

Sincerely,

Roland Lebrun

CC

MTC Commissioners
Caltrain Board
VTA Board of Directors
SFCTA CAC
Caltrain CAC
VTA PAC
VTA CAC

Givens, Patrice

From:	Roland Lebrun <ccss@msn.com>
Sent:	Wednesday, July 28, 2021 3:39 AM
To:	Donald Pollitt
Cc:	SFCTA Board Secretary; MTC Info; Board (@caltrain.com); CHSRA Board; SFCTA CAC; cacsecretary [@caltrain.com]; Caltrain, Bac (@caltrain.com); TJPA CAC
Subject:	Private sector role in Financing, Delivering, Operating and Maintaining PAX, DTX and LINK21

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Dear Chair Gee and Board members,

The intent of this email is to substantiate and elaborate on the comments I made at the July 22 TJPA Special Board meeting that the DTX is likely to attract significantly higher private sector interest if the PAX, the DTX and the LINK21 projects were combined into a single project.

Background

The TJPA issued the following RFI on June 30 2021:
Industry Sounding No. 02
Project Delivery Approach for the Transbay Program
Phase 2 – Downtown Rail Extension
"The purpose of the Industry Sounding is to inform strategy and future decision-making relative to the feasibility of the procurement and delivery of the DTX project under a design-build-finance (DBF) or design-build-finance-maintain (DBFM) model, or both, as alternatively financed options relative to other options for procurement and delivery."
https://tjpa.org/uploads/2021/06/RFI-02-Industry-Sounding.pdf

Discussion

While encouraging, there are significant issues with this RFI as currently drafted:

1) ***"The TJPA will determine whether an Interested Party meets the minimum qualifications <u>at its sole discretion.</u>"***
The above paragraph conflicts with the statement that *"The DTX project is being developed in collaboration with the following major stakeholders: the Metropolitan Transportation Commission, the San Francisco County Transportation Authority, the Peninsula Corridor Joint Powers Board (Caltrain), the CHSRA, and the City and County of San Francisco."*

Recommendation: Defer determination of qualification <u>to the entire IPMT</u> and report results to the DTX ESC for review/concurrence.

2) *"The DTX project configuration will be in accordance with the Transbay Program Final Supplemental Environmental Impact Statement/Environmental Impact Report (Final SEIS/EIR) dated November 2018"*

a. ***"Three-track**, 1.95-mile rail alignment"*
b. ***"Ventilation and emergency egress structures** along the alignment"*
c. *"At-grade maintenance-of-way and **turnback tracks"***
d. *"Railroad operations would be <u>exclusively</u> provided by Caltrain and the CHRSA"*
e. ***"The assumption is that $500 million to $1 billion worth of financing would be sought from the Project Company"***

Recommendation: Private sector rail investment (other than a construction loan) typically requires revenues from an operating concession (30 years or more). ROI in a concession is typically achieved through a combination of reduced costs (value engineering) and increased revenues often including value capture:

a. DTX Costs can be reduced substantially by eliminating the 3rd track, the ventilation and exit structures (https://www.sfcta.org/sites/default/files/2021-03/Public%20Comment%20-%20Item%2010%20-%204%20comments%20REVISED_1.pdf page 18), the "tunnel stub" and the turnback track.
b. Rail concessions often derive their revenues from train track miles and/or passenger counts. In this case, track miles would be doubled if the concession was extended to Cesar Chavez and passenger counts would increase 5X if the LINK21 tunnel was included in the concession.
c. There are multiple opportunities for significant value capture between Brisbane and Emeryville, including the existing railyard block between 6th & 7th Streets (elimination of 7th to Townsend curve), Treasure Island land reclamation/remediation (LINK21 tunnel spoils) and the Brisbane integrated station (joint development).
d.

I hope that you find this information useful and that you will consider directing staff to include some of the above in the forthcoming Industry Forum discussions.

Sincerely,

Roland Lebrun

CC

SFCTA Commissioners
MTC Commissioners
Caltrain Board of Directors
CHSRA Board of Directors
SFCTA CAC
Caltrain CAC

Caltrain BAC
TJPA CAC

Givens, Patrice

From:	Roland Lebrun <ccss@msn.com>
Sent:	Wednesday, August 4, 2021 2:58 AM
To:	Board (@caltrain.com)
Cc:	Baltao, Elaine [board.secretary@vta.org]; SFCTA CAC; cacsecretary [@caltrain.com]
Subject:	SMCTA & VTA response to SamTrans letter re Caltrain ROW acquisition
Attachments:	SMCTA & VTA response to SamTrans letter.pdf

Dear Caltrain Board,

Please find attached a July 26, 2021, SMCTA/VTA joint response to a SamTrans letter dated June 22, 2021, related to the reimbursement of the Additional Compensation under the 2008 Amendment to the Real Property Ownership Agreement.

Sincerely,

Roland Lebrun

CC

VTA Board
VTA PAC
SFCTA CAC
VTA CAC

From: Simpliciano, Sophia M
To: Mau, Carter
Cc: Board (@samtrans.com); Hendricks, Glenn [HendricksCouncil@sunnyvale.ca.gov]; Baltao, Elaine [board.secretary@vta.org]; MTABoard; district6@sanjoseca.gov; alfredo.pedroza@countyofnapa.org; Elsbernd, Sean (MYR); Calvillo, Angela (BOS); wagstaffe@wvbrlaw.com; tilly.chang@sfcta.org; Evelynn.Tran@vta.org; CLEVELAND-KNOWLES, SUSAN (CAT); REITZES, ROBIN (CAT); RUSSI, BRAD (CAT); Walton, Shamann [shamann.walton@sfgov.org]; Gonot, Carolyn; Gee, Natalie [natalie.gee@sfgov.org]; Burch, Percy (BOS); Ledezma, Paola; michelle.garza@vta.org
Subject: CCSF VTA response_reimbursement of additional contributions
Date: Friday, July 30, 2021 3:10:48 PM
Attachments: image001.png
image005.png
CCSF VTA 21.0726 SMCTD Reimbursement of Additional Contributions.pdf
Olsen Remch ppt.pdf
2020-42 JPB Resolution on Governance.pdf

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Good afternoon.
Please note the attached letter and attachments from the City and County of San Francisco and Santa Clara VTA

Sophia Simpliciano
Executive Assistant to the Director of Transportation

jeffrey.tumlin@sfmta.com 415-646-2522
sophia.simpliciano@sfmta.com 415-646-2546
SFMTA reception 415-701-5600

SFMTA

San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th floor
San Francisco, CA 94103

SFMTA.com

SFMTA

Valley Transportation Authority

July 26, 2021

Carter Mau
Acting General Manager/CEO
San Mateo County Transit District
1250 San Carlos Ave. – P.O. Box 3006
San Carlos, CA 94070-1306

Re: Reimbursement of Additional Contribution

Dear Mr. Mau:

We are in receipt of your letters to the City and County of San Francisco ("San Francisco") and the Santa Clara Valley Transportation Authority ("VTA"), both dated June 22, 2021, related to the reimbursement of the Additional Compensation under the 2008 Amendment to the Real Property Ownership Agreement. We provide the following response.

As you and the San Mateo County Transit District ("SamTrans") members of the Peninsula Corridor Joint Powers Board ("JPB") are likely aware, following its November 2019 governance workshop, the JPB directed staff to hire special counsel to do a forensic review of the various historical documents related to Caltrain governance, including the agreements related to the Right-of-Way ("ROW") transaction – the 1991 Real Property Ownership Agreement and the 2008 Amendment to the Real Property Ownership Agreement ("2008 RPOA"). The JPB retained the Olson Remcho firm to perform this work. Olson Remcho presented its report to the JPB in July 2020 and again in April 2021.

In April 2021, Olson Remcho reported to the JPB on the very issues you raise in your letter. For your convenience, please find attached the PowerPoint summary of the report on the Caltrain historical documents related to governance and the ROW transaction. The report summarized the 2008 RPOA under which the three Caltrain member agencies agreed to resolve the issue of reimbursing SamTrans for its initial advance of funds (the "Additional Contribution") on behalf of San Francisco and VTA for purchasing the ROW – with the Metropolitan Transportation Commission ("MTC") facilitating the reimbursement.

The report confirmed that under the 2008 RPOA, the total amount of the Additional Contribution owed to SamTrans was $53.3 million, to be paid partly by San Francisco ($2 million) and VTA ($8 million) and partly by MTC ($43.3 million) on behalf of San Francisco and VTA, using primarily funds from state fuel taxes. The parties also stated in the 2008 RPOA that SamTrans could serve as managing agency as long as it chose to do so (presumably in exchange for forgiving $38.2 million in debt from the ROW transaction).

The report further found that VTA has paid SamTrans in full, San Francisco has paid all but $200,000 of its obligation, and MTC has paid $23.7 million, leaving a remaining balance of $19.8 million as yet unpaid.

As a result, there should be no question as to the amount owed SamTrans for its advance of funds to purchase the ROW. Yet in the last several weeks, SamTrans officials and advocates have been reported in the press asserting that $82 million is still owed and even questioning whether the true amount exceeds $100 million.

There also should be no question as to the commitment of San Francisco and VTA to reimburse the rightful amount owed to SamTrans. This commitment has been most recently memorialized by JPB Resolution No. 2020-42, which was adopted in August 2020 by a vote of 8-1 with Director Stone dissenting. That resolution states, in pertinent part, that "the JPB will initiate efforts to reimburse the SMCTD for its investment in Caltrain, including by engaging with MTC and other funding partners and, if the Caltrain sales tax measure is approved, by prioritizing the payment of the SMCTD investment by the JPB." Please find the Resolution attached.

To avoid any doubt, San Francisco re-affirms its commitment to comply with the terms of the 2008 RPOA, complete its outstanding payment of $200,000 (or provide documentation that it has been paid directly or through a funds transfer or similar mechanism, which we are currently researching), and work with MTC to identify a source of funds for the $19.8 million balance owed SamTrans as soon as possible.

We also want to remind you that in 2016, San Francisco, through the SFMTA Board and the Board of Supervisors, demonstrated its commitment to the future of the Caltrain ROW by approving an agreement authorizing a disbursement of up to $39 million from the sale of current and future General Obligation bonds to fund the Communications-Based Overlay Signal System Positive Train Control Project and the Peninsula Corridor Electrification Project.

The voters of Santa Clara County and VTA substantially increased their commitment to Caltrain by devoting over $1 billion in 2016 Measure B sales tax funding to system improvements. Since the funding became available in 2018, the VTA Board has allocated almost $41 million.

San Francisco and VTA remain fully committed to the Caltrain governance review that is outlined in the same JPB resolution. Recent actions and statements by SamTrans call into question whether you share our view.

We hope this resolves your concern and look forward to further productive discussions regarding the future of Caltrain.

Sincerely,

Mayor London N. Breed
City and County of San Francisco

Supervisor Shamann Walton
President, San Francisco Board of Supervisors

Carolyn M. Gonot
General Manager/CEO
Santa Clara Valley Transportation Authority

Jeffrey P. Tumlin
Director of Transportation
San Francisco Municipal Transportation Agency

Enclosures: Olson Remcho powerpoint
JPB Resolution No. 2020-42

cc: SamTrans Board of Directors
Peninsula Corridor Joint Powers Board
SFMTA Board of Directors
Alfredo Pedroza, Board Chair, Metropolitan Transportation Commission
Sean Elsbernd, Chief of Staff, Office of the Mayor, City and County of San Francisco
Angela Calvillo, Clerk of the Board, San Francisco Board of Supervisors
Jim Wagstaffe, Partner, Wagstaffe, von Loewenfeldt, Bush & Radwick LLP
Tilly Chang, Executive Director, San Francisco County Transportation Authority
Evelynn Tran, Santa Clara VTA General Counsel
Susan Cleveland-Knowles, SFMTA General Counsel
Robin Reitzes, Deputy City Attorney, City and County of San Francisco
Brad Russi, Deputy City Attorney, City and County of San Francisco

Report on Member Agencies' Rights and Obligations Under JPB Governing Documents

Peninsula Corridor Joint Powers Board

Presentation by Olson | Remcho

April 1, 2021

Olson | Remcho

Presentation Overview

1. History
2. Key Agreements
3. Detail on Key Agreements
4. Issues Covered in Report
5. Questions

Section 1: Corridor History

- 1863 – San Francisco and San Jose Railroad Company begins passenger service on the Peninsula
- 1870 – Southern Pacific Railway purchases railway
- 1970s – rail commuter business unprofitable and Southern Pacific wants out
- 1980 – State decides to subsidize Southern Pacific to keep operating passenger rail service
- 1988 – State ends subsidies and the three counties join together to save the railroad
- 1991 – the 3 counties form the Peninsula Corridor Joint Powers Authority and purchase the right-of-way, using Prop. 116 funds and funds advanced by SamTrans

Section 2: Overview of Key Agreements

- Joint Powers Agreement
  - Establishes the Joint Powers Authority and names the Joint Powers Board as the governing body.
- Purchase and Sale Agreement with SP
  - Describes the property purchased by the JPA as well as options that could be exercised either by the JPA or a member agency.
- Real Property Ownership Agreement
  - Governs use and distribution of property owned by the JPA and partner agencies.
  - Establishes two alternate methods for reimbursing SamTrans for advancing funds to purchase the right of way ("ROW").

Olson | Remcho

Section 3 – The Joint Powers Agreement (JPA)

- The basic governing document that establishes the JPA that:
  - Describes its purpose, membership, powers and authority;
  - Manner of allocating operating and capital costs among the member agencies;
  - Designates SamTrans as managing agency; and
  - Created in 1991 and amended in 1994 and 1996.

1991 JPA

- First JPA established the Joint Powers Board.
- Had a 10-year term after which JPA would be in force on year to year basis until 2 or more member agencies withdraw.
- Designated SamTrans as managing agency subject to Board's authority to change designation of managing agency after SamTrans is reimbursed for funds it advanced for purchase of the right of way.

1994 JPA

- Amended allocation of capital and administrative costs among the member agencies.
- Provided for mediation by Metropolitan Transportation Commission if a party wished to withdraw.
- Addressed late payments from member agencies.

1996 JPA (Current Agreement)

- Made changes that VTA requested regarding appointment of its representatives to the JPB;
- Provides for appointment of members of the JPB, powers and duties of the JPB, allocation of operating and capital costs;
- Designated SamTrans as managing agency subject to the Board's authority to change designation of managing agency after SamTrans is reimbursed for funds it advanced for the purchase of the right of way.

Purchase Sale and Option Agreement – 1991

- Purchase of ROW Main Line
  - $212M – $120M from Prop. 116; $82M from SamTrans; $10M credit for construction of maintenance facility.
  - SamTrans as Tenant in Common to ROW in San Mateo County until reimbursed.
  - SP maintained right to operate freight service on Main Line.
- Purchase of Trackage Rights from Lick to Gilroy
  - $8M ($4M from Prop. 116; $4M from VTA).
- Options to Purchase:
  - One half of the Lick-Gilroy Line – $20M, with credit for $8M paid for purchase.
  - Parking Lots and Grade Separations.
  - Dumbarton Branch, Vasona Branch I and II, San Bruno Branch, and Moffett Drill Track.

Real Property Ownership Agreement (RPOA) – 1991

- Describes ownership rights of the JPB and member agencies over Caltrain property
- Provides two methods to repay SamTrans' additional contribution to purchase of the ROW:
  - **Full reimbursement**: members use best efforts to find non-local funds to reimburse SamTrans for full amount of additional contribution ($82 million), plus compound interest;
  - **Full participation**: VTA and SF may elect to use their own assets to pay their share of additional contribution, plus compound interest, based on mileage formula (VTA = $34.7; SF = $8.3 million; does not include interest).
- Gives SamTrans ownership rights over certain property until full reimbursement or full participation occurs

The RPOA Describes Four Kinds of Caltrain Property

- **ROW**: the Main Line from San Francisco to Lick, trackage rights for the Gilroy service, and other assets acquired pursuant to Purchase Agreement, except local option properties.
- **Local Option Property**: properties identified in the purchase and sale agreement with SP. Not directly tied to operation of the corridor service but were of interest to particular member agencies.
- **System Option Property**: properties to be acquired pursuant to the options established in the Purchase Agreement other than local option properties.
- **State Transferred Properties**: real property and other assets transferred from Caltrans to the JPB, including stations, facilities, equipment and inventory.

Real Property Ownership Agreement – Amended 2008

- By 2007, no payments had been made under the 1991 agreement to repay SamTrans.
- MTC conditioned release of certain State revenues on the member agencies coming to agreement that would provide for repayment.
- Because of compound interest, the amount needed for VTA and SF to repay SamTrans under the 1991 agreement had grown to $91.5M.

Real Property Ownership Agreement – Amended 2008, Continued

- The parties agreed to reset the amount of the additional contribution attributable to VTA and San Francisco at $53.3 million, to be paid partly by San Francisco ($2 million)and VTA ($8 million) and partly by MTC ($43.3 million), using primarily funds from State gas taxes.
- The parties agreed that if repayment did not occur within 10 years, MTC would be authorized to identify other non-local funds to use as source of repayment.
- The parties also agreed that SamTrans could serve as managing agency for as long as it chose to do so in exchange for forgiving $38.2M in debt.

Section 4 – Specific Issues Covered by the Report

A. Property ownership

B. ROW and reimbursement of SamTrans

C. Caltrain management

D. Gilroy service

E. Allocation of operating and capital costs for Mainline

F. Parties' rights to revise or terminate the JPA

A. Property Ownership

- JPB has title to:
  - ROW
  - Trackage rights between Lick and Gilroy
  - State Transferred Properties
  - Certain Parking Lots and Grade Separations
- VTA owns:
  - The Moffett Drill Track
  - The Vasona I and II branches

A. Property Ownership – Continued

- SamTrans shares title:
  - As tenant in common with JPB to ROW in San Mateo County until Full Reimbursement or Full Participation occur.
- SamTrans owns:
  - The Dumbarton and San Bruno branches.
  - Some parking lots and grade separations acquired pursuant to Purchase Agreement.

A. Property Ownership, Continued – SamTrans Equity Conversion Right

- SamTrans has right to convert Additional Contribution into ownership interest in all or part of ROW.
- If conversion occurs, VTA and SF have participation rights in management and development decisions based on their payment towards Additional Contribution.
- If conversion occurs, SamTrans required to license ROW to JPB at no cost.
- SamTrans has right to lease or encumber property as necessary or desirable to develop nonoperational assets without the approval of the JPB (with respect to property outside SM, right is limited to specified nonoperational assets in Mountain View, Sunnyvale, and Santa Clara).

A. Property Ownership, Continued – Other SamTrans Property Rights

- SamTrans has right to net revenue from nonoperational assets and State transferred properties until Full Reimbursement or Full Participation occur.
- SamTrans has right to veto sale of ROW, system option properties, and State transferred properties.

B. Repayments

- VTA has paid SamTrans $8 million, as required by the 2008 RPOA.
- San Francisco has paid all but $200,000 of the $2 million to SamTrans as required by the 2008 RPOA.
- MTC has paid $23.7 million of the $43.3 million it was to pay SamTrans through population-based "spillover" funds.
- As a result, a total of $19,788,913 has not been paid under the 2008 RPOA, $19,588,913 of which was to come from MTC and $200,000 of which was to come from San Francisco.
  - Full Reimbursement of the Additional Contribution has not occurred
- Under section 3.4, VTA and San Francisco have no legal obligation to participate in the Additional Contribution, but they may, "at their election," undertake good faith efforts to pay an amount to SamTrans sufficient to achieve full participation.
  - To date, this has not occurred.
- Because SamTrans has not received all funds within 10 years, MTC is authorized to identify alternate sources of non-local funds to effect full reimbursement, but no funds have been identified.

C. Managing Agency

- SamTrans has right to serve as managing agency as long as it wishes, regardless of whether it is repaid for advancing funds for ROW purchase.
- Under 1996 JPA, the managing agency's General Manager shall be the Executive Director of the JPB, and its Finance Director shall serve as treasurer and controller of the JPB.
- Under 1996 JPA, JPB shall designate legal counsel and independent auditors.
- SamTrans is responsible for managing the operational and nonoperational assets; the JPB may delegate responsibility for the management of certain operational and nonoperational assets to another member agency.

D. Gilroy Service

- Operating costs: The 1996 JPA states that VTA shall be responsible for the net operating costs of the Gilroy Service. However, since 2001 the member agencies have shared those costs in the same manner as they share operating costs for the service between San Francisco and San Jose (no revised codification has been made in the JPA).
- Capital costs: Under the 1996 JPA, VTA is responsible for obtaining funding for all Gilroy Service capital projects.

E. Allocation of Operating Costs for the Mainline

- Under the 1996 JPA: member agencies must subsidize operating costs in an amount equal to the a.m. boarding formula.
- The members' current practice: member agencies subsidize operating costs based on the all-day, mid-week boarding formula (no revised codification has been made in the JPA).
- JPB administrative costs are included in operating costs and shared in same manner.

E. Allocation of Capital Costs for the Mainline

- Current practice is consistent with 1996 JPA.
- To the extent other funds cannot be secured, member agencies share equally the costs of capital projects that replace or enhance existing service while costs for expansion projects are determined on a case-by-case basis.
- Capital contingency fund: member agencies shall contribute in equal amounts.

F. Amending or Terminating the JPA

- 1996 JPA can be amended any time by agreement of all parties.
- The JPA terminates if 2 or more parties withdraw.
- Disposition of property upon termination of the JPA will depend on whether SamTrans has been repaid for the funds it contributed to purchase of the right of way in 1991.

Questions

RESOLUTION NO. 2020-42

BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD STATE OF CALIFORNIA

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) is a joint exercise of powers authority duly formed pursuant to the October 18, 1991 joint powers agreement, as amended, between the City and County of San Francisco (CCSF), the San Mateo County Transit District (SMCTD), and the Santa Clara Valley Transportation Authority (VTA) (together, the "Member Agencies"); and

WHEREAS, the JPB operates the Caltrain passenger rail service between San Francisco, California and Gilroy, California, currently serving 32 stations along the 77-mile corridor; and

WHEREAS, the Joint Powers Agreement, as amended and restated on October 3, 1996 (1996 JPA) states in section 8[D] that "no action shall be taken by the JPB except upon the affirmative vote of five or more of its members," but does not expressly prohibit any higher voting threshold for Board action; and

WHEREAS, the 1996 JPA states in section 9 that the "The JPB shall have the power to adopt such bylaws that it, in its sole discretion, may deem necessary or desirable for the conduct of its business," and

WHEREAS, by a separate resolution, a regional measure ("Caltrain tax measure") may be placed on the November 3, 2020, ballot in Santa Clara, San Mateo and San Francisco Counties to impose a one-eighth of one percent (0.125%) retail transactions and use tax for a period of thirty (30) years, throughout the three Counties to enable Caltrain (or its successor agency) to fund operating and capital expenses of the Caltrain rail service and support the operating and capital needs required to implement the Service Vision adopted by the JPB on October 3, 2019, as part of the Caltrain Business Plan; and,

NOW, THEREFORE BE IT RESOLVED, that JPB shall establish the following rules or bylaws for its future conduct of business as follows:

a) That in each fiscal year beginning on July 1, 2021 the JPB may approve the expenditure of up to $40 million of revenue from the Caltrain tax measure for operations or capital repair of Caltrain, with the approval of at least five (5) members of the JPB;

b) That the JPB may expend an amount in excess of $40 million of revenue from the Caltrain tax measure in any fiscal year with the approval of at least six (6) members of the JPB;

c) That the JPB shall be subject to the conditions described in (a) and (b), until such time as the Joint Powers Agreement (JPA) has been amended to modify its governance structure or procedures so that they are satisfactory to the three Member Agencies. After that time, the JPB Board may allocate any and all sales tax revenues for operating or capital expenditures with the approval of at least (5) members of the JPB;

d) That it is the desire of the JPB that the modification of "governance structure or procedures," described above, will include amendments that enable the majority of the JPB or successor governing board (or, if a larger regional rail authority is created that includes Caltrain, a majority of that agency's board), to appoint an Executive Director to operate Caltrain provided that the parties have reached an agreement to reimburse SMCTD for its investment in Caltrain.

e) That the JPB will recommend a governance structure or procedures to the three Member Agencies no later than December 31, 2021.

f) That the JPB will initiate efforts to reimburse the SMCTD for its investment in Caltrain, including by engaging with Metropolitan Transportation Commission and other funding partners and, if the Caltrain sales tax measure is approved, by prioritizing the payment of the SMCTD investment by the JPB.

g) That the JPB Board shall appoint an independent counsel (and shall not have the same counsel as any member agency) by January 31, 2021 to represent the

JPB, and until such time the law firm of Olson Remcho LLP shall be available to the Board for consultation upon request;

h) That the JPB Board shall appoint an auditor (and shall not have the same auditor as SMCTD) by January 15, 2021.

i) On any agenda for a regularly scheduled meeting of the full JPB, with at least 7 calendar days prior notice in advance of the meeting, any item may be placed on that board agenda for consideration by the JPB Board by the request of 2 or more of the JPB members to the JPB Chair and General Manager.

Regularly passed and adopted this 6th day of August, 2020 by the following vote:

AYES: Bruins, Chavez, Collins, Heminger, Walton, Zmuda, Davis, Pine

NOES: Stone

ABSENT: None

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

Givens, Patrice

From:	Roland Lebrun <ccss@msn.com>
Sent:	Wednesday, August 4, 2021 9:48 PM
To:	Board (@caltrain.com)
Cc:	SFCTA Board Secretary; MTC Info; CHSRA Board; SFCTA CAC; cacsecretary [@caltrain.com]; margaret.abe-koga@mountainview.gov; marie.blankley@ci.gilroy.ca.us; magdalena.carrasco@sanjoseca.gov; Chavez, Cindy [cindy.chavez@bos.sccgov.org]; rich.constantine@morganhill.ca.gov; Davis, Dev [dev.davis@sanjoseca.gov]; Hendricks, Glenn [HendricksCouncil@sunnyvale.ca.gov]; Jones, Chappie; otto.lee@bos.sccgov.org; Sam Liccardo; Green, Scott; Council Member Pat Burt; cmontano@ci.milpitas.ca.gov; dpaul@cupertino.org; Peralez, Raul; Rob Rennie; joe.simitian@bos.sccgov.org; lgillmor@santaclaraca.gov; Hope Cahan; jeannie@bruinsfamily.net; Zanardi, Kristine
Subject:	PCEP late billing
Attachments:	PCEP late-billing HSR Finance and Audit Committee.pdf

Dear Chair Zmuda,

Kindly be advised that the High Speed Rail authority is reporting late billing for the Electrification Project (Page 28 lines 3-14) and direct staff to address this issue at the next Caltrain Finance Committee meeting.

On a related note, the High Speed Rail Authority have indicated that they have no intention of contributing to PCEP cost overruns and have suggested that Caltrain look at the "*Governor's May revision*" which "*includes some additional funding for transit outside the High-Speed Rail's budget*" (Page 28 lines 20-25 & Page 29 lines 1-11)

I am attaching Pages 28-29 of the Authority's July 15th Finance & Audit committee transcript for your convenience.

Sincerely,

Roland Lebrun

CC

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CHSRA Board of Directors
SFCTA CAC
Caltrain CAC

well so the DB related expenditures coming in at about 63 million for the month of June. Total CP, including the DB, at about 99 million. And other expenditures outside of the CPs is that difference there of about 77 million. That does include primarily the largest is the Caltrain. And Caltrain, we reimbursed them for their electrification work, but they don't tend to bill us monthly, so that's an area where at the end of the year we do work with them to estimate what they will ultimately bill us for work in the fiscal year. And so we accrued $40 million from Caltrain in that amount as well as similar process for some of the regional consultants doing the environmental work that don't always bill us monthly. So that -- that other capital category outside the CP work is up primarily here due to year-end matters of June being the last month of the fiscal year. But ultimately, yeah, we expect that the 176 million will be billed to us for work in the fiscal year and attributed to June.

COMMITTEE MEMBER GHIELMETTI: Brian, on the Caltrain's work, I understand there may be some cost overruns. Who's responsible for the cost overruns on that project?

MR. ANNIS: Well, our agreement with them, you know we do have only our current funding commitment to that project, to which is the 600 million of Prop 1A and 113 million of Cap and Trade. So in the agreement, you know, we don't have any -- any obligation to fund any higher costs that would fall on the local entities.

I will mention that part of the Governor's May revision includes some additional funding for transit outside the High-Speed Rail's budget. And you know that could be a source that Caltrain could apply for to fill any gap they have. But, yeah, we would not anticipate any additional expenditures out of High-Speed Rail funding for any funding gap there.

COMMITTEE MEMBER GHIELMETTI: So what you're saying is we're capped?

MR. ANNIS: Yes.

COMMITTEE MEMBER GHIELMETTI: Thank you.

CHAIR RICHARDS: Anything else, Brian?

MR. ANNIS: No. Just quickly, at the bottom there, no changes to the ARRA match from May to June to report. And we had filled another -- another eight or so vacant positions through June and so that vacancy rate dropped a bit, but that concludes the report. Thank you.

CHAIR RICHARDS: Thank you, Brian.

Any questions for Brian?

All right, seeing none, Brian, thank you for the report. And, as usual, great job. Thank you.

Givens, Patrice

From: Roland Lebrun <ccss@msn.com>
Sent: Wednesday, August 4, 2021 11:37 PM
To: Board (@caltrain.com)
Cc: MTC Info; Baltao, Elaine [board.secretary@vta.org]; SFCTA CAC; cacsecretary [@caltrain.com]; SFCTA Board Secretary
Subject: Item 3.a Systemic abuse of Government Code Section 54956.9(d)(4)
Attachments: PMOC recommendation for experienced construction attorney.pdf

Dear Caltrain Board,

Further to PMOC Recommendation No. 6 - "*The PMOC has previously recommended that the JPB* ***obtain a second opinion from a well-qualified construction attorney with substantial experience in defending complex contractor claims, particularly those related to schedule delays.***" https://www.caltrain.com/Assets/Caltrain+Modernization+Program/Documents/PMOC+Reports/December+2020+-+FTA+Risk+Refresh+Report.pdf (page 14 attached for your convenience), there is no sign of any "*well-qualified construction attorney with substantial experience in defending complex contractor claims, particularly those related to schedule delays*" and it is therefore unclear why the Board continues to ignore Vice-chair Heminger's recommendation to "*refer an item to one of the appropriate committees that can deal with it in public*" (full transcript below))and waste time "*dealing with these capital projects either in closed session, or in so-called ad hoc committees, neither of which meetings are public*".

FTA Led Risk Refresh Report - caltrain.com

Doc. No.: TO 69319520F300099.PCEP.CLIN2002.01 - 021 FTA Led Risk Refresh Report Peninsula Corridor Electrification Project (PCEP) San Francisco to San Jose, CA

www.caltrain.com

July 1st Caltrain Board meeting transcript:

12:43:53 Does anyone have questions or comments, Director Heminger.
12:43:58 Thank you Madam Chair.
12:44:01 You know I'm willing to support the staff recommendation here reluctantly I must say, but ***I also want to try to draw a broader lesson from this project, which I believe has doubled in costs since the original budget.***
12:44:17 From the electrification program, which is we disclosed, a month or so ago, is looking at a significant schedule delay and cost overrun anyone observing our closed session agenda today would see that we're still dealing with the aftermath of the positive
12:44:38 train control program, even though it's been in operation for some time now.
12:44:44 And I know that Michelle is aware of these issues but I think it's worth stating out loud that I think ***we've got a pattern here, a systemic problem of delivering large capital projects.***

12:44:58 We are not alone in the United States or the world in public agencies wrestling with these issues.
12:45:05 But I think we have to move ourselves toward the forefront of trying to identify some solutions.
12:45:12 I'm certainly glad that Rob is here and can bring his experience to bear.
12:45:17 But I think ***one of our challenges, frankly, as a board has been that too often, we are dealing with these capital projects either in closed session, or in so-called ad hoc committees, neither of which meetings are public.***
12:45:35 And I think that does some damage to our reputation and to our ability to be transparent to our constituents.
12:45:46 So, ***I would like to request madam chair that you refer an item to one of the appropriate committees that can deal with it in public****. I sort of the lessons we have learned the challenges that we faced with the, with the capital projects that are either*
12:46:05 finished are underway. And what potential solutions
12:46:09 we can fashion to reform our project delivery system, and that includes ***involving the public eye and our stakeholders in a much more effective way than just hearing from us when we've got a problem and need more money.***
12:46:28 So I make that request to you and hope that we could get that work started in the foreseeable future.
12:46:37 Certainly, and what's up committee I was what Michelle and I had in mind so we will do that at The Next Web committee meeting.
12:46:48 Thank you.

Your prompt attention to this systemic lack of governance is appreciated.

Sincerely,

Roland Lebrun

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VTA PAC
VTA CAC

interconnection agreement is currently on-hold due to a disagreement between the JPB, PG&E, and Silicon Valley Power over a largely complete Single-Phase Study which looks at the impacts of the PCEP load on the local electric grid.

- The original budget for Electrification related work included scope for a Supervisory Control and Data Acquisition (SCADA) system. However, the SCADA scope was not included in the Electrification contract and a separate contract was awarded on a sole-source basis after the start of the project. *This work is underway and mostly complete.*
- The Electrification contract included an Option for construction of an Overhead Contact System within the four (4) existing tunnels. The JPB was unsuccessful in negotiating an acceptable Change Order with the Electrification contractor, and the work had to be added to the tunnel notching contract via modification. *This work is complete except for final integrated testing.*
- The PCEP did not assign responsibility for integration of the electrification, signals, SCADA, and EMU vehicles contracts and the JPB's PTC system to a single individual, consultant, or contractor, which leaves responsibility for this vital function resting with the JPB. Currently a single individual is leading this effort on a part-time basis along with other responsibilities.

3.2 PMOC Assessment of Project Delivery

The PCEP is using a combination of delivery methods. The Electrification work is being delivered using a design-build contract. The tunnel notching contract was competitively bid as was the CEMOF Modifications contract. The EMU procurement was a competitive two-step procurement. The tunnel contract is complete except for final integrated testing. The CEMOF modification contract is expected to be substantially complete in March 2021. The delivery of the first EMU trainset to the JPB is scheduled for July 2021. Substantial completion of the Electrification contract is currently projected for July 14, 2023. The PMOC's opinion is that the delivery plan for the PCEP was thoughtfully conceived and reasonable given the scope of the project.

One consequence of the delayed completion of the electrified railroad is the change in testing and acceptance of the EMU trainsets. Performance testing and acceptance of the first trainset was to be conducted on the JPB's system. Because the JPB's railroad is not currently electrified, and TS 1 is ready for dynamic testing, the JPB and Stadler arranged for dynamic testing to be conducted at the Association of American Railroads' (AAR) Transportation Technology Center, Inc. (TTCI) in Pueblo, Colorado. TS 1 is now being reassembled at the TTCI prior to starting the testing process. TS 1, as well as all subsequent trainsets, will be accepted after being delivered to the JPB's tracks and completing all contractual requirements.

- ➢ **PMOC Recommendation No. 4 –** The PMOC recommends that the PCEP complete full integration of the Rail Activation and Testing and Commissioning schedules with the Master Project Schedule for more effective project management.
- ➢ **PMOC Recommendation No. 5 –** The PMOC recommends that the JPB consider strategies for placing EMUs safely in service prior to the completion of all required signal modifications if that work continues to be delayed.
- ➢ **PMOC Recommendation No. 6 -** The PMOC has previously recommended that the JPB obtain a second opinion from a well-qualified construction attorney with substantial experience in defending complex contractor claims, particularly those related to schedule delays. The second opinion should address the JPB's proposed approach to resolving the complex issues currently subject to the technically facilitated mediation process between the JPB and BBII.

Givens, Patrice

From:	Roland Lebrun <ccss@msn.com>
Sent:	Thursday, August 5, 2021 3:33 AM
To:	Board (@caltrain.com)
Cc:	cacsecretary [@caltrain.com]
Subject:	Item 3.a Incorrect assertions by Balfour Beatty
Attachments:	PMOC Assessment of change in project scope.pdf; 17-CIV-00786 PTG vs JPB.pdf

Dear Caltrain Board,

The purpose of this email is to substantiate and elaborate on the comment I made during the 7/28 WPLP meeting that Balfour Beatty's assertion that Constant Warning Time (CWT) functionality was included in the CBOSS specification is incorrect.

Background:

- The December 2020 FTA risk refresh https://www.caltrain.com/Assets/Caltrain+Modernization+Program/Documents/PMOC+Reports/December+2020+-+FTA+Risk+Refresh+Report.pdf (page 13 attached for your convenience) identifies the following change in PCEP scope:

"*The JPB was in the process of installing a Communication Based Overlay Signal System (CBOSS) Positive Train Control (PTC) system to meet federal requirements prior to the award of the FFGA. The JPB subsequently cancelled the CBOSS contract, and re-procured a PTC system from WABTEC, known as the Interoperable-Electronic Train Management System (I-ETMS). The I-ETMS uses a different control methodology than the CBOSS, which was specified as an existing condition in the Electrification contract. This change led to a dispute between the JPB and its Electrification contractor, Balfour-Beatty Infrastructure Inc. (BBII) and its signal subcontractors.* ***The JPB's originally specified CBOSS was an element in providing the federally required grade crossing warning time.***"

- The Parsons Transportation Group (PTG) lawsuit (SMCSC Case 17-CIV-0086) tells a different story (PP 298-299 attached for your convenience):

"*Throughout the alignment are a total of forty five (45) highway grade crossings and eighteen (18) pedestrian crossings, mostly located at stations. All crossings use track-circuit based grade crossing prediction (GCP) devices to initiate the operation of gates and flashing light signals.* ***The GCP devices are not compatible with electrification and are to be replaced later as part of the electrification project. The System shall include an interface*** *and provide new functions that control actuation of the grade crossing warning system with a constant advance warning time and minimum gate down time and* ***to retain the conventional means of train approach detection as a fallback when System controls are unavailable.***"

Conclusion:

Balfour Beatty's assertion that *"CBOSS was an element in providing the federally required grade crossing warning time"* is incorrect because:

1. It incorrectly assumes that every non-Caltrain (UPRR, HSR, ACE, Amtrak and Capitol Corridor) trains would have been CBOSS equipped.
2. **Conventional grade crossing activation was always required as a backup in case of a CBOSS communication failure**.

Recommendation:

De-scope signaling from the electrification contract and let Balfour Beatty focus on delivering the electrification on time and on budget.

Respectfully presented for your consideration.

Roland Lebrun

CC
Caltrain CAC

3 PROJECT SCOPE AND PROJECT DELIVERY REVIEW

3.1 PMOC Assessment of Project Scope

The scope of the PCEP has remained relatively unchanged from the time of FFGA execution. The most prominent exceptions are as follows:

- The full Notice to Proceed for both the design-build electrification contract and the EMU vehicle contract was delayed by a later than anticipated award of the FFGA. This delay resulted in the early issuance of Change Orders to both contracts.
- The JPB was in the process of installing a Communication Based Overlay Signal System (CBOSS) Positive Train Control (PTC) system to meet federal requirements prior to the award of the FFGA. The JPB subsequently cancelled the CBOSS contract, and re-procured a PTC system from WABTEC, known as the Interoperable-Electronic Train Management System (I-ETMS). The I-ETMS uses a different control methodology than the CBOSS, which was specified as an existing condition in the Electrification contract. This change led to a dispute between the JPB and its Electrification contractor, Balfour-Beatty Infrastructure Inc. (BBII) and its signal subcontractors. The JPB's originally specified CBOSS was an element in providing the federally required grade crossing warning time. Design and construction of the signals work was delayed for many months as a satisfactory technical solution which met federal, state and Union Pacific Railroad (UPRR) requirements was identified. The agreed upon solution is known as Two Speed Check (2SC). The completion of design and installation of the 2SC solution is now the critical path for substantial completion of the Electrification contract and the operation of the EMUs on an electrified Caltrain system. The dispute over the commercial implications of implementing 2SC has been the subject of a technically facilitated mediation between the JPB and BBII since October 2019, and currently also involves BBII's two signals subcontractors. *Design and installation of 2SC is underway; however, the design progress is slower than expected and only three (3) of twenty (20) planned signal cutovers have been completed to date. Electrified trains cannot run in revenue service without a signal system that has been properly modified for the electrified environment.* The JPB reports that it is meeting frequently with the mediator and its contractors in an effort to reach an acceptable settlement. ***The PMOC is unable to assess the potential cost and schedule implications of the settlement negotiations between the JPB, BBII and its subcontractors, and therefore, did not consider them in its risk refresh. The PMOC did, however, consider the implications of the underlying dispute and the documentation related to BBII's Change Order Cost Proposal and the associated Time Impact Analysis (TIA) 2.***
- The original budget for the PCEP included costs for private utility relocations and 115 kV interconnections to the local electrical grid. The estimate did not contemplate the cost of modifications to the two existing PG&E substations that will supply power to the PCEP's TPSS #1 and #2, and significantly underestimated the cost of the design and construction of the interconnections as well as other PG&E costs. *Modifications to PG&E's existing FMC (originally known as Food Machinery Corporation) and East Grand substations are underway. Construction of the interconnect between FMC and TPSS #2 is complete but not tested or energized. The interconnect between East Grand and TPSS #1 is being redesigned as a mostly underground feed which will result in a substantial Change Order. Temporary power to allow initial testing of the EMUs and the OCS and TPS is in place at the FMC substation, however, PG&E will not energize the temporary power (or permanent power when it becomes available) until an interconnection agreement is signed by the JPB. The*

transition to an EMU fleet when the existing rolling stock reaches the end of its useful life. The transition will be gradual allowing Caltrain to utilize its diesel fleet that remains serviceable. These vehicles will be utilized mainly for express services. The EMU trainset will enable significant operational benefits to be realized due to the EMU's higher acceleration and braking capabilities.

D. The JPB right-of-way is a key link in the California High-Speed Rail (HSR) network forming the link enabling access to San Francisco. Accordingly, the System will be required to be interoperable with the train control system selected for HSR operation throughout the California High Speed network. Similarly, the other passenger train operators and the UPRR will be required to incorporate PTC systems that are interoperable within the JPB corridor. The trackage rights agreement with the UPRR allows freight operations to be restricted when this is necessary for passenger operations and plans are being made to limit freight operations to late night/early morning separated from passenger operations as the FRA has indicated that is a precondition to Caltrain's use of off-the-shelf EMUs. With the mandate for PTC fitment and interoperability, the FRA has advised that the PTC system can be used to help control commingling and allows this function to be achieved by requiring additional keystrokes by the Dispatcher for freight trains to be routed on Caltrain mainline tracks. The need for the Caltrain PTC system originated with the FRA's mandate relating to mixed traffic involving compliant passenger rolling stock and future EMUs However, the System needs analysis led to the identification of significant additional requirements that are made practicable by the introduction of PTC technology. These requirements include an increase in capacity as the system eases the constraints of the existing wayside block signal system.

E. Between San Francisco and San Jose, Caltrain employs a wayside signaling system with Control Points (CPs) spaced an average of two miles apart. Intermediate wayside signals between CPs are located with an average of one mile or less separation. The entire line is signaled for movement in both directions on all mainline tracks. The line includes two (2), three (3) and four (4) track sections. All mainline signal aspects are controlled through the rails using electronic coded track circuits (GE Electrocode) and DC track circuits over switches. The railroad operates under the General Code of Operating Rules (GCOR) with speed signaling north of CP Coast (MP44.1) and route signaling south of this milepost and over the line south of CP Lick which is owned and dispatched by the UPRR in accordance with a trackage rights agreement that permits Caltrain to operate morning and evening services of up to six (6) trains per day. South of CP Lick, where only diesel hauled passenger services can operate, Caltrain's PTC equipped trains must be interoperable with the UPRR PTC system. Plans are to develop the System so that it provides interoperable operating capability allowing Caltrain vehicles to avoid dual fitment and to provide uniform human interface characteristics, operating rules and training.

F. Caltrain utilizes a computer based centralized traffic control dispatch system located at the CCF which communicates with the CPs through a mix of radio ATCS links and leased lines.

G. Throughout the alignment are a total of forty five (45) highway grade crossings and eighteen (18) pedestrian crossings, mostly located at stations. All crossings use track-circuit based grade crossing prediction (GCP) devices to initiate the operation of gates and flashing light signals. The GCP devices are not compatible with electrification and are to be replaced later as part of the electrification project. The System shall include an interface and provide new functions that control actuation of the grade crossing warning system with a constant advance warning time and minimum gate down time and to retain the conventional means of train approach detection as a fallback when System controls are unavailable

1.04 SYSTEM REQUIREMENTS

A. Caltrain is implementing its Positive Train Control system as an overlay on the existing signal system to provide improved safety and operational performance. Freight trains, Amtrak, Capitol Corridor and ACE Train will be equipped with PTC system(s) and the Caltrain PTC system will be developed and implemented to provide interoperability with those systems. UPRR (and the other Class 1 railroads in the United States) are working to develop a set of standards for their version of PTC known as Interoperable Train Control (ITC). Plans are that these standards will be published by the AAR. Joint efforts by Caltrain and the UPRR to develop and agree on interoperability requirements are in process; however, this need not necessarily require the Caltrain PTC system and ITC to share a common PTC product platform.

B. The System operational concept is that all operating trains are provided with equipment that will continuously supervise the speed of the train and automatically intervene with a brake application whenever train speed exceeds the "Intervention" speed. This speed shall be based on the train's movement authority taking into account the particular type of train's performance characteristics and conditions conveyed to the System by the existing wayside signal system and by the dispatch system for temporary speed and roadway worker related movement restrictions.

C. The Railway safety Improvement Act of 2008 mandates four (4) key requirements for the PTC system to be implemented:

1. Prevent train to train collisions;
2. Prevent overspeed derailments;
3. Prevent incursions into roadway work zones;
4. Prevent movement of a train through a switch left in the wrong position.

D. The System shall provide continuous overspeed and stop signal enforcement and enforcement of temporary speed restrictions and segments of track requiring roadway worker protection. Caltrain's existing signal system provides protection for hand throw switches on mainline tracks causing the preceding signal to display a STOP or STOP & PROCEED signal indication when the switch is not locked in the correct position. The System meets all four (4) key requirements of the Act.

E. The System is a computer and communications based overlay that together with the existing wayside signal system meets the requirements of mandated Positive Train Control (PTC) in that it enforces restricting and stop signal aspects and speed restrictions throughout the Caltrain mainline territory. In addition, the System provides functionality to enforce scheduled station stops, enable near side station stops with grade crossing gates down time minimized, and enforce Form B and other Mandatory Directives. The System also provides other

Givens, Patrice

From: Roland Lebrun <ccss@msn.com>
Sent: Thursday, August 5, 2021 9:33 AM
To: Board (@caltrain.com)
Cc: MTC Info; Baltao, Elaine [board.secretary@vta.org]; SFCTA CAC; cacsecretary [@caltrain.com]; SFCTA Board Secretary
Subject: Re: Item 3.a Systemic abuse of Government Code Section 54956.9(d)(4)

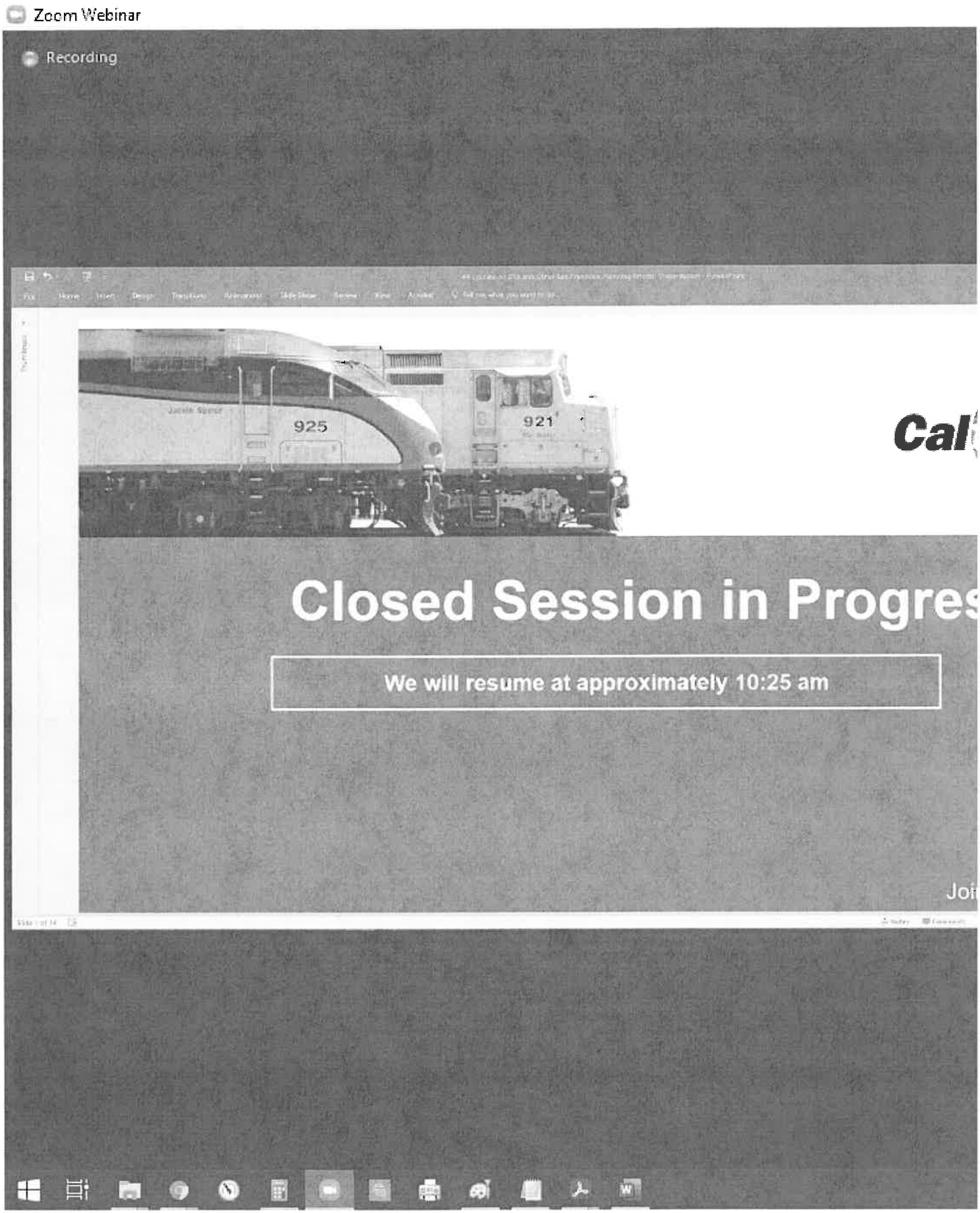
ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders.

Dear Caltrain Board,

Kindly be advised that staff's response to the email below was to disable the ability to save the transcript which now puts this agency's transparency on par with the High Speed Rail Authority's, so I will be submitting a PRA for the archived transcript at the conclusion of every meeting until the issue is resolved.

Sincerely,

Roland Lebrun


Zoom Webinar
Recording
925
921
Cal
Closed Session in Progres
We will resume at approximately 10:25 am
Joi

From: Roland Lebrun <ccss@msn.com>
Sent: Wednesday, August 4, 2021 11:36 PM
To: Caltrain Board <board@caltrain.com>
Cc: MTC Info <info@bayareametro.gov>; VTA Board Secretary <board.secretary@vta.org>; SFCTA CAC <cac@sfcta.org>; Caltrain CAC Secretary <cacsecretary@caltrain.com>; SFCTA Board Secretary <clerk@sfcta.org>
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FTA Led Risk Refresh Report - caltrain.com

Doc. No.: TO 69319520F300099.PCEP.CLIN2002.01 - 021 FTA Led Risk Refresh Report Peninsuia Corridor Electrification Project (PCEP) San Francisco to San Jose, CA

www.caltrain.com

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Roland Lebrun

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