

JPB CAC

CORRESPONDENCE
AS OF

September 14, 2021

Givens, Patrice

From: Roland Lebrun <ccss@msn.com>
Sent: Friday, August 20, 2021 3:57 AM
To: Board (@caltrain.com)
Cc: SFCTA Board Secretary; MTC Info; Baltao, Elaine [board.secretary@vta.org]; SFCTA CAC; cacsecretary [@caltrain.com]
Subject: Caltrain Governance presentation #4
Attachments: Public Comment on Caltrain Governance.pdf

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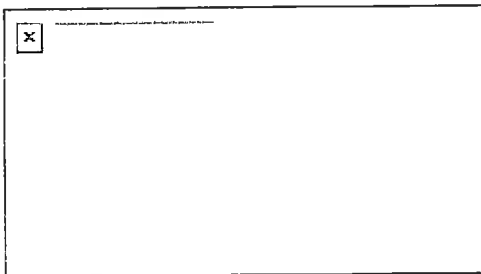
Dear Caltrain Board,

I was delighted to read that a majority of Board members have identified option 3 as the correct Governance option but **there is nothing in Section 6.B of the 1996 agreement that mandates the complete "abandonment of the managing agency mode"**, specifically that the Board has the option to appoint another agency to provide the administrative services currently provided by SamTrans.

Section 6.B. Managing Agency

*"SamTrans hereby is appointed as Managing Agency for the duration of the term, provided, however, that the JPB may **REPLACE SamTrans as the Managing Agency upon one (1) year's prior written notice** given at the end of any fiscal year after SamTrans has been fully repaid monies advanced by it to cover the ROW purchase price."* [https://www.caltrain.com/assets/public+affairs/pdf/restated+joint+powers+agreement+peninsula+corridor+project+\(oct.+1996\).pdf](https://www.caltrain.com/assets/public+affairs/pdf/restated+joint+powers+agreement+peninsula+corridor+project+(oct.+1996).pdf) (page 6)

In other words, there does not appear to be any compelling reason why the JPB should not be able to terminate its managing agency contract with SamTrans (**just like it terminated its rail operations contract with Amtrak back in 2012**) or why a new agency responsible for Caltrain administration should not be able to rehire a subset of SamTrans employees currently providing administrative services to Caltrain (**just like TASI rehired a subset of former Amtrak employees providing rail services to Caltrain**): <https://smart-union.org/news/caltrain-pact-protects-utu-members-in-changeover/>



Caltrain pact protects UTU members in changeover - Smart Union

In preparation for a new operator of Caltrain commuter service in Northern California, the UTU has moved to protect its members who choose to transfer from Amtrak to the new operator. Caltrain operates south from...

smart-union.org

I hope that the entire Board will consider this solution **which keeps the JPB intact** because the only alternative is Section 12 which reads as follows...

Section 12. WITHDRAWAL FROM AGENCY

"If two or more of the parties to this Agreement withdraw, then this Agreement shall terminate at the end of the fiscal year following expiration of the one-year's notice given by the second party to withdraw from the Agreement, at which time the property and funds of the JPB shall be distributed to the Member Agencies pursuant to the terms of Section 13."

I trust that common sense will prevail and that the Board will be able to achieve consensus on the next chapter in Caltrain's success story.

Please find attached my comments on the legal and financial issues discussed in this afternoon's Governance presentation.

Sincerely,

Roland Lebrun

CC

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

Dear Caltrain Board,

Here are my written comments on the current status of the discussions on Caltrain Governance

Background

I first became interested in Caltrain as something more than a mode of transportation after hearing that its pending collapse was caused by SamTrans financial difficulties back in 2010. A root cause analysis of the issues quickly uncovered that SamTrans was nothing more than some kind of f-bomb zoo headed by a gorilla with the brain of a chipmunk. The individual in question was subsequently dismissed after an NBC investigation into questionable accounting practices (<https://www.nbcbayarea.com/news/local/former-samtrans-accountant-alleges-second-set-of-books-hid-millions/79709/>) and a disturbing pattern of retaliations against employees who had reported multiple accounting irregularities (<https://www.nbcbayarea.com/news/local/whistleblower-lawsuit-alleges-samtrans-ignored-questions-of-fraud/88519/>)

I subsequently came across the 1996 Agreement and came to the conclusion that the problem could be easily addressed pursuant to Section 6.B MANAGING AGENCY which reads as follows:

*"SamTrans hereby is appointed as Managing Agency for the duration of the term, **provided, however, that the JPB may replace SamTrans as the Managing Agency upon one (1) year's prior written notice given at the end of any fiscal year after SamTrans has been fully repaid monies advanced by it to cover the ROW purchase price.**"*

[https://www.caltrain.com/assets/public+affairs/pdf/restated+joint+powers+agreement+peninsula+corridor+project+\(oct.+1996\).pdf](https://www.caltrain.com/assets/public+affairs/pdf/restated+joint+powers+agreement+peninsula+corridor+project+(oct.+1996).pdf) (page 8)

Please note that, contrary to the staff presentation (slide 13), ***"replacing SamTrans as the Managing Agency" DOES NOT require "Dissolving the managing agency model and replacing it with a separate, independent Caltrain agency to directly manage and administer the railroad, either through reorganizing JPA or forming a special district."***

Special Meeting #4 presentation

Slide 7

"Letters have been exchanged between the partners and there is a difference of views as to the amount owed as reimbursement to SamTrans for the ROW purchase"

It is unclear how there could be any *"difference of views as to the amount owed as reimbursement to SamTrans for the ROW purchase"* when the amounts are clearly spelt out in the 2008 AMENDMENT TO REAL PROPERTY OWNERSHIP AGREEMENT (<https://www.caltrain.com/Assets/government+affairs/pdf/Amendment+to+Real+Property+Ownership+Agreement.PDF>)

Slide 13 Option 3 Independent Agency

“Dissolve the managing agency model and replace with a separate, independent Caltrain agency to directly manage and administer the railroad, either through reorganizing JPA or forming a special district.”

It is unclear why it should be necessary to “Dissolve the managing agency model and replace with a separate, independent Caltrain agency” because **Caltrain already is an independent agency**. Specifically, **the JPB has an administration contract with SamTrans which can be terminated with one year’s notice** (1996 agreement Section 6.B), **just like Caltrain terminated its rail operations contract with Amtrak** and awarded a new 5-year contract to TASI back in 2012.

Slide 18 Option 3 for Analysis

“B) Employer of Staff:

- *JPB directly employs all Caltrain staff.”*

It is unclear why the JPB should “directly employ all Caltrain staff.” for the same reason that the JPB does not employ any TASI staff and **the Capitol Corridor does not directly employ any of the BART staff responsible for providing administrative services to the Capitol Corridor:** <https://www.capitolcorridor.org/wp-content/uploads/2021/02/CCJPA-BFS-Report-FY2020.pdf> (page 6)

“Option 3 would involve approximately ten currently represented staff in the Customer Service department, which would require negotiations with their bargaining unit (all other administrative staff are not currently represented). Any other large scale changes to labor representation for either Caltrain management or contractors would likely have additional cost and legal implications that would require further analysis”

Once again, **this has nothing to do with the JPB**, specifically, the new Caltrain managing agency may or may not elect to supplement its existing customer service resources to support Caltrain **just like TASI invited former Amtrak employees to transition to TASI:** http://www.tillier.net/stuff/caltrain/FINAL_UTU_TASI_agreement_020912.pdf

Slide 28 Financial Operating Cost Results

- **Annual incremental costs**

- **Option 3 = \$9.2M**

Should the JPB elect to appoint BART at its managing agency, option 3 would result in a **DECREASE in administration costs of approximately \$20M/year**. Not an increase.

- **One-time cost**

- **Option 3 = \$48.9M - due in large part to IT system costs to support a fully independent agency**

Should the JPB elect to appoint BART at its managing agency, option 3 would enable access to vastly superior computer systems at little to no one-time costs.

Slide 29 Pension, OPEB and Compensated Absences Liability Results

"Pension, OPEB and Compensated Absences Liabilities are extremely complex issues that would require extensive negotiations between SMCTD and Caltrain."

As stated earlier, the JPB should start afresh and avoid *"extensive negotiations with SMCTD"*

Slide 38 Caltrain Obligation Estimates

"The cost to Caltrain of each of these liabilities is a function of a negotiation between Caltrain and SMCTD"

As stated earlier, a smooth transition from a SamTrans to a BART administration would eliminate any of these issues by transferring a limited number of SamTrans employees to BART, just like the Amtrak employees who transferred to TASI when the Amtrak contract was terminated: ***"In preparation for a new operator of Caltrain commuter service in Northern California, the UTU has moved to protect its members who choose to transfer from Amtrak to the new operator."***

<https://smart-union.org/news/caltrain-pact-protects-utu-members-in-changeover/>

Slide 50 High Level Conclusions

"Option 3 would likely consume the greatest amount of legal services and time because of the need to establish Caltrain as the employer for all employees."

As stated multiple times above, **option 3 is the simplest and most cost-effective option because it continues the managing agency model** whereby Caltrain does not directly employ any staff other than a Chief Executive and a small number of executives.

Conclusion

Option 3 is clearly the ultimate option as long as it **transitions to a different managing agency instead of terminating the managing agency model entirely**. The best outcome would be for all Board members to agree on a new agency responsible for Caltrain administration (1996 agreement Section 6.B).

Should it become impossible to achieve a consensus on the selection of a new managing agency for Caltrain, the JPB would have to be dissolved pursuant to Section 12: WITHDRAWAL FROM AGENCY of the 1996 agreement:

"If two or more of the parties to this Agreement withdraw, then this Agreement shall terminate at the end of the fiscal year following expiration of the one-year's notice given by the second party to withdraw from the Agreement, at which time the property and funds of the JPB shall be distributed to the Member Agencies pursuant to the terms of Section 13."

[https://www.caltrain.com/assets/public+affairs/pdf/restated+joint+powers+agreement+peninsula+corridor+project+\(oct.+1996\).pdf](https://www.caltrain.com/assets/public+affairs/pdf/restated+joint+powers+agreement+peninsula+corridor+project+(oct.+1996).pdf) (page 16)

Respectfully presented for your thoughtful consideration

Roland Lebrun

Givens, Patrice

From: Roland Lebrun <ccss@msn.com>
Sent: Friday, August 20, 2021 2:04 PM
To: Board (@caltrain.com)
Cc: SFCTA Board Secretary; MTC Info; Baltao, Elaine [board.secretary@vta.org]; cacsecretary [@caltrain.com]; SFCTA CAC
Subject: Caltrain figures requested by Director Chavez
Attachments: Table of Caltrain Position Classifications (Ord. 107 effective 7 July 2021).pdf

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

Dear Caltrain Board,

See attached list of Caltrain administrative positions.

Please be aware that the SamTrans Board approved an additional 29 Caltrain administrative positions without specific position titles or salaries at the July 4th meeting: <https://www.samtrans.com/Assets/Agendas+and+Minutes/SamTrans/Board+of+Directors/Agendas/2021/2021-08-04+ST+BOD+Agenda.pdf> (page 58)

The SamTrans Board additionally approved the reclassification of the following positions:

- All Deputy Director classifications have been reclassified from Level 21 to Level 22
- Business to Business (B2B) Specialist, Level 14 has been reclassified to Business to Business (B2B) Analyst, Level 17.
- Deputy Director, Rail Infrastructure Maintenance has been reclassified to Director, Rail Maintenance, Level 23
- Director, Information Technology (IT), Level 23 has been reclassified as Executive Director, IT, Level 24
- IT Computer Support Representative, Level 12 has been reclassified to IT System Administrator I, Level 14
- Manager, Fare Revenue, Level 19 has been reclassified as Manager, Revenue Management, Level 20
- Supervisor, Facilities Maintenance, Level 16 has been reclassified as Assistant Manager, Facilities Maintenance, Level 18

Sincerely,

Roland Lebrun

CC

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

Table of Caltrain Position Classifications (Ord. 107 effective 07/01/2021)

Exhibit "C"

Job Title	Authorized Positions	FTE Offloads (a)	Pay Grade	Salary Range	
Administrative Analyst II	2	2	16	81,306	121,960
Administrative Analyst III	1	1	18	99,511	149,267
Administrative Support Specialist	2	2	12	54,279	89,167
Budget Analyst III	2	2	18	99,511	149,267
CAD Technician	1	1	14	66,432	101,441
Chief of Staff	1	1	25	201,830	302,745
Chief Officer, Caltrain Modernization Program	1	1	25	201,830	302,745
Chief Operating Officer, Rail	1	1	25	201,830	302,745
Construction Liaison Manager	1	1	17	89,949	134,924
Contract Administrator	2	2	18	99,511	149,267
Cost Estimator	1	1	18	99,511	149,267
Cyber Security Analyst	1	1	18	99,511	149,267
Deputy Chief Officer, CalMod Program Delivery	1	1	24	182,437	273,655
Deputy Chief, Caltrain Planning	1	1	24	182,437	273,655
Deputy Chief, Rail Business	1	1	24	99,511	149,267
Deputy Chief, Rail Development**	1	1	24	182,437	273,655
Deputy Chief, Rail Operations	1	1	24	182,437	273,655
Deputy Director, Capital Program Delivery	1	1	22	149,062	223,592
Deputy Director, Capital Program Planning	1	1	22	149,062	223,592
Deputy Director, Policy Development	1	1	22	149,062	223,592
Deputy Director, Program Management and Environmental Compliance	2	2	22	149,062	223,592
Deputy Director, Project Controls	1	1	22	149,062	223,592
Deputy Director, Project Delivery	1	1	22	149,062	223,592
Deputy Director, Quality Assurance & Standards	1	1	22	149,062	223,592
Deputy Director, Rail Infrastructure Engineering	1	1	22	149,062	223,592
Deputy Director, Rail Vehicle Maintenance	1	1	22	149,062	223,592
Deputy Director, Railroad Systems Engineering*	1	1	22	149,062	223,592
Deputy Director, Transit Oriented Development (TOD) & Real Estate	1	1	22	149,062	223,592
Director, Capital Program Delivery	1	1	23	164,907	247,361
Director, Capital Program Management	1	1	23	164,907	247,361
Director, Engineering*	1	1	23	164,907	247,361
Director, Rail Contracts and Budget	1	1	23	164,907	247,361
Director, Rail Maintenance	1	1	23	164,907	247,361
Director, Rail Network and Operations Planning	1	1	23	164,907	247,361
Director, Rail Operations*	1	1	23	164,907	247,361
Director, Rail Program Integration	1	1	23	164,907	247,361
Director, Special Projects and Initiatives	1	1	23	164,907	247,361
Director, Systemwide and Caltrain Planning	1	1	23	164,907	247,361
Document Controls Specialist	1	1	12	54,279	89,167
Engineer II	2	2	18	99,511	149,267
Engineer III*	11	11	19	110,089	165,134
Executive Assistant II	1	1	14	66,432	101,441
GIS Administrator/Analyst	1	1	18	99,511	149,267
Manager, Budgets	1	1	20	121,792	182,688
Manager, Caltrain Planning	1	1	20	121,792	182,688
Manager, Configuration Management	1	1	20	121,792	182,688
Manager, Construction Services	1	1	21	134,739	202,108
Manager, Cost Control	1	1	20	121,792	182,688
Manager, Engineering	3	3	21	134,739	202,108

Table of Caltrain Position Classifications (Ord. 107 effective 07/01/2021)

Exhibit "C"

Job Title	Authorized Positions	FTE Offloads (a)	Pay Grade	Salary Range	
Manager, Engineering, Traction and Power*	1	1	20	121,792	182,688
Manager, Facility Engineering	1	1	20	121,792	182,688
Manager, Maintenance Rail Equipment	1	1	20	121,792	182,688
Manager, Project Controls	1	1	20	121,792	182,688
Manager, Project Estimates	1	1	20	121,792	182,688
Manager, Project Schedules	1	1	20	121,792	182,688
Manager, Quality Control/Auditor	1	1	20	121,792	182,688
Manager, Rail Compliance	1	1	20	121,792	182,688
Manager, Rail Contracts and Budget	3	3	20	121,792	182,688
Manager, Rail Network Engineering	1	1	20	121,792	182,688
Manager, Rail Operations	2	2	19	110,089	165,134
Manager, Rail Operations Planning	1	1	20	121,792	182,688
Manager, Records Management	1	1	19	110,089	165,134
Manager, Signal and Crossing	1	1	20	121,792	182,688
Manager, Standards and Procedures	1	1	20	121,792	182,688
Manager, Stations and Communications Maintenance	1	1	19	110,089	165,134
Manager, Technology Research & Development	1	1	20	121,792	182,688
Manager, Third Party Projects	1	1	20	121,792	182,688
Manager, Train Control Systems*	1	1	20	121,792	182,688
Manager, Transportation Communications (Rail)	1	1	20	121,792	182,688
Manager, Utility	1	1	20	121,792	182,688
Network Administrator II, Rail	1	1	18	99,511	149,267
Office Assistant	1	1	11	49,063	82,707
Operations Contract Analyst	1	1	16	81,306	121,960
Planning Administrator	7	7	19	110,089	165,134
Planning Analyst II	1	1	16	81,306	121,960
Planning Analyst III	1	1	17	89,949	134,924
Process Coordinator, Standards and Procedure	1	1	18	99,511	149,267
Program Management Administrator, CalMod	1	1	18	99,511	149,267
Project Controls Administrator	1	1	19	110,089	165,134
Project Controls Analyst II	1	1	16	81,306	121,960
Project Controls Specialist III	1	1	18	99,511	149,267
Project Manager*	6	6	19	110,089	165,134
Rail Liaison	1	1	18	99,511	149,267
Rail Vehicle Maintenance Program Administrator	1	1	19	110,089	165,134
Senior Project Manager*	6	6	20	121,792	182,688
Senior Project Specialist	1	1	18	99,511	149,267
Talent Management Analyst (Rail)	1	1	18	99,511	149,267
Utility Coordinator	1	1	18	99,511	149,267

Notes:

*Market conditions require that certain positions be regarded as highly competitive to attract employees and must be provided a level of compensation reflective of the competitiveness of the marketplace.

** Position added effective June 1, 2020.

(a) The expenses associated with 221 positions are 50% or more funded in the District's Capital Budget and/or JPB's and TA's Operating and Capital Budgets.

Table of Represented Position Classifications (Ord. 107 effective 07/01/2021)

Exhibit "D"

Job Title	Authorized Positions	FTE Offloads (a)	Class	Salary Range
Bus Contracts Inspector	3		IBT2	c
Bus Operator (full-time/part-time)(b)	348		ATU1	c
Bus Operator Trainee	as needed		ATU1	\$25.00 hour
Bus Transportation Supervisor	14		IBT1	c
Customer Service Representative 2	2		ATU2	c
Customer Service Representative 1 (extra-help)	8		ATU2	c
Customer Service Representative 1 (full-time)	8		ATU2	c
Customer Service Representative 1 (part-time)	4		ATU2	c
Dispatcher	4		IBT1	c
Facilities Technician	5		IBT5	c
Maintenance Instructor	2		IBT4	c
Maintenance Supervisor	8		IBT4	c
Mechanic "A"	34		ATU1	c
Mechanic "B"	19		ATU1	c
Mechanic "C"	11		ATU1	c
Radio Controller	3		IBT1	c
Receptionist	1		ATU2	c
Storeskeeper	7		ATU1	c
Transit Instructor	5		IBT3	c
Utility Maintenance Supervisor	2		IBT4	c
Utility Worker	29		ATU1	c

Notes:

(a) The expenses associated with 221 positions are 50% or more funded in the District's Capital Budget and/or JPB's and TA's Operating and Capital Budgets.

(b) Part-time operators shall not exceed 17 percent of the total number of operators, in accordance with the current Amalgamated Transit Union (ATU1) Collective Bargaining Agreement.

(c) Wages established in accordance with the Collective Bargaining Agreements with the Amalgamated Transit Union, Local 1574 (ATU1 - Bus Operators and Maintenance Employee Unit and ATU2 - Customer Service Unit) and the International Brotherhood of Teamsters, Local 856 (IBT1 - Bus Transportation Supervisory Unit, IBT2 - Bus Contracts Inspector Unit, IBT3 - Transit Instructor Unit, IBT4 - Maintenance Supervisor Unit, and IBT5 - Facilities Technician Unit).

Givens, Patrice

From: Roland Lebrun <ccss@msn.com>
Sent: Sunday, August 22, 2021 1:16 PM
To: Board (@caltrain.com)
Cc: MTC Info; SFCTA Board Secretary; Baltao, Elaine [board.secretary@vta.org]; cacsecretary [@caltrain.com]; SFCTA CAC
Subject: Re: Stadler EMU interim revenue service (Plan B)
Attachments: PMOC recommendation for early EMU deployment.pdf

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

Dear Caltrain Board,

Further to SamTrans staff having indicated that they have no intention of following up on this recommendation, please be advised that **the PMOC made a similar recommendation in the June 2021 Risk Refresh Report:**

<https://www.caltrain.com/Assets/Caltrain+Modernization+Program/Documents/PMOC+Reports/December+2020+-+FTA+Risk+Refresh+Report.pdf> ((page 13 attached for your convenience).

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

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."*

Please provide direction to staff accordingly.

Thank you.

Roland Lebrun

From: Roland Lebrun
Sent: Tuesday, July 6, 2021 12:01 AM
To: Caltrain Board <board@caltrain.com>
Cc: MTC Info <info@bayareametro.gov>; SFCTA Board Secretary <clerk@sfcta.org>; VTA Board Secretary <board.secretary@vta.org>; Caltrain CAC Secretary <cacsecretary@caltrain.com>; SFCTA CAC <cac@sfcta.org>
Subject: Stadler EMU interim revenue service (Plan B)

Dear Caltrain Board,

Further to the recent announcement that the first EMUs will be delivered in 2022 but that electrification (including signaling) may not be fully operational until mid-2025, I believe that the time has come for the Board to consider a diesel-electric hybrid alternative during the transition to fully-electrified revenue service.

Background

- Gallery railcars are over 35 years-old (5 years above life expectancy) <https://www.caltrain.com/about/statsandreports/commutefleets.html>
- There is no existing secure storage capacity for EMUs while the current railcars are in service
- The Stadler warranty period will start when the EMUs are delivered (NOT when they enter revenue service)
- **The EMUs were designed with coupler adapters designed to rescue a stranded train in an emergency** (EMU RFP Section 5 attached for your convenience).

"5.4 COUPLER ADAPTER

*If automatic couplers are provided, **the Contractor shall supply coupler adapters for coupling to the existing diesel fleet.** Each cab car shall be equipped with one coupler adapter to allow it to be connected to a conventional AAR Type-E, F, or H coupler. The removable adapter shall have a maximum weight of 65 pounds and be located outside of the car and in a position such that it will require minimal effort for the Operator to remove, install and replace the adapter in its holder. It shall be able to withstand 100,000 pounds in buff or draft without permanent deformation. The operator shall be able to manually install or remove the adapter alone and without tools. **It is anticipated that the adapter will be used during emergency or rescue situations only.**"*

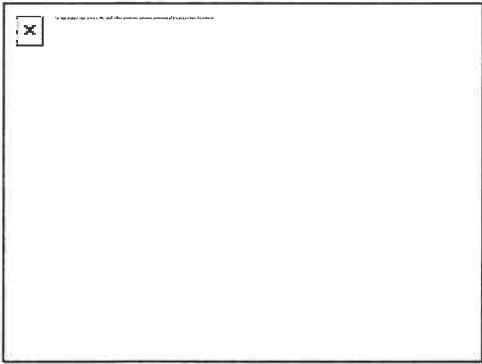
Proposed testing plan

The proposal is to send two Caltrain locomotives (one F40 and one MP36) to the FRA's testing facility in Pueblo, Colorado and **certify that the coupler adapters, as designed, are capable of supporting safe and reliable revenue service in push/pull mode for a minimum of three years**, as follows: six push and six pull 7-car EMU tests at the following speeds: 65, 70, 75, 80, 85, 90 MPH for a total of 12 tests/locomotive.

The above 24 tests will be repeated with an 8-car EMU consist (total 48 tests).

The objective of these tests is to certify the following:

- That hybrid consists can be operated **safely and reliably in revenue service** at speeds of 60-79 MPH
- The existing F45 and MP36 locomotives are powerful enough to push/pull 7 and 8-car EMU consists **loaded at 150% of capacity** (Baby Bullet and special event service)
- The optimal consist configurations for Baby Bullet, Express and Local service (observed acceleration/deceleration curves)
- **That the coupler adapters, as designed, will survive the delivery trip from Salt Lake City and/or Pueblo to the JPB** <https://www.railwayage.com/passenger/intercity/first-siemens-brightline-cars-depart-sacramento/>



First Siemens Brightline trainset departs Sacramento - Railway Age

Siemens announced Dec. 14 that its first Brightline trainset, comprised of two locomotives and four coaches adorned in Brightline Blue, is complete and has left the company's manufacturing hub in Sacramento, Calif.. The first trainset is approximately 489 feet long and is being transported across the country via rail, journeying 3,052 miles from Sacramento to Florida.

www.railwayage.com

Respectfully submitted for your consideration.

Roland Lebrun

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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: Wednesday, August 25, 2021 5:54 PM
To: Board (@caltrain.com)
Cc: cacsecretary [@caltrain.com]
Subject: Internet bandwidth impact on Zoom audio quality

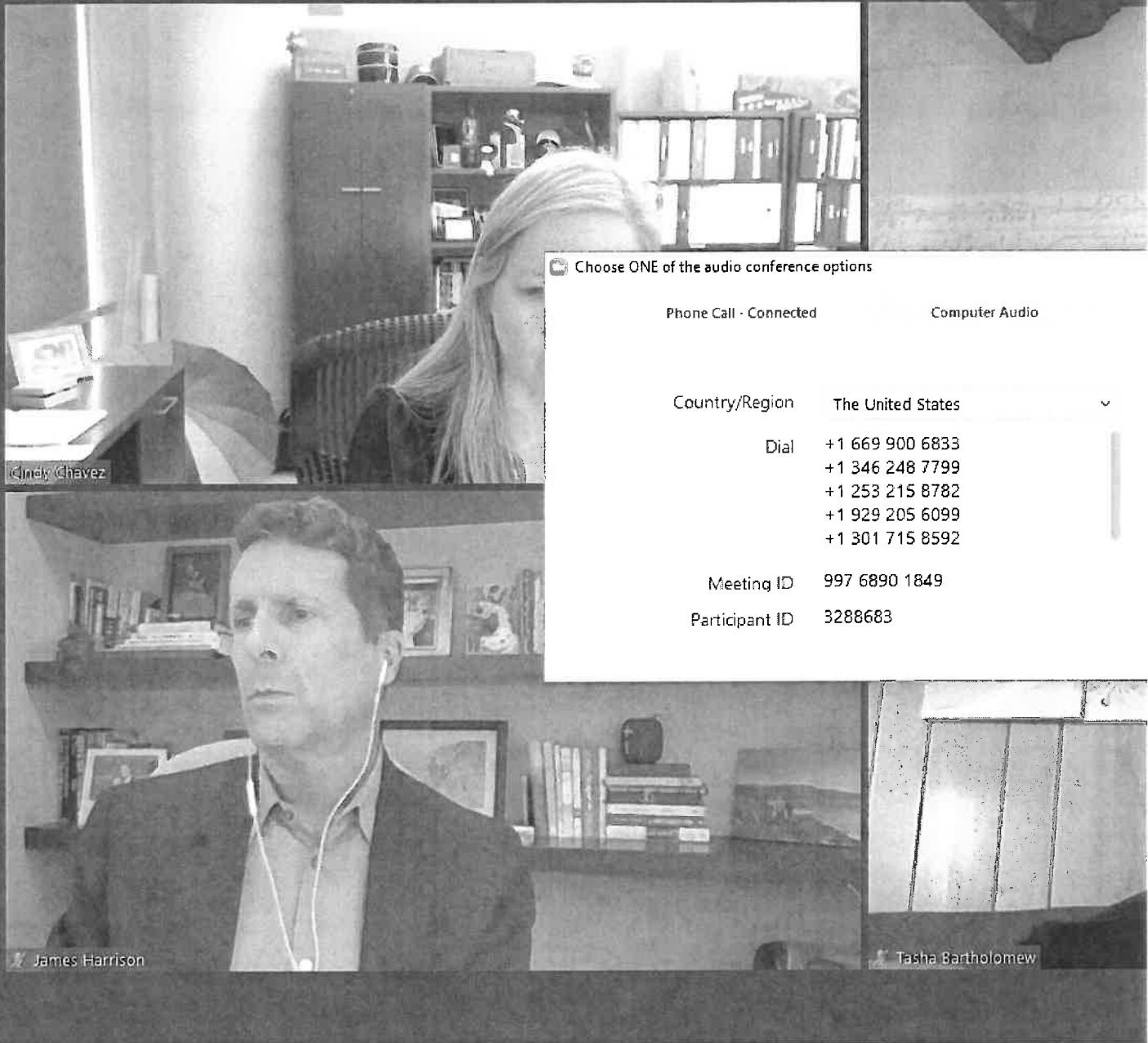
ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders.

Dear Chair Stone and Board members,

Kindly consider circumventing poor Zoom audio quality by selecting "Connect with phone" in the "audio connection" dropdown menu at the bottom left of the Zoom screen and following the instructions in the "Choose ONE of the audio conference options" pop-up window captured below.

Respectfully,

Roland Lebrun



Givens, Patrice

From: Roland Lebrun <ccss@msn.com>
Sent: Thursday, August 26, 2021 4:54 PM
To: Board (@caltrain.com)
Cc: cacsecretary [@caltrain.com]
Subject: Caltrain peak seating capacity

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

Dear Caltrain Board,

Pursuant to Government §6250 et seq.,

Please refer to the August 30 timetable and provide the seating capacity of the 12 peak trains leaving San Jose Diridon between 5.59 and 8.54 AM broken down as follows:

- 5.59-6.54 AM (each train)
- 6.59-7.54 AM (each train)
- 7.59-8.54 AM (each train)

Thank you in advance for your prompt reply to this request.

Roland Lebrun

Givens, Patrice

From: Roland Lebrun <ccss@msn.com>
Sent: Thursday, August 26, 2021 11:25 PM
To: Board (@caltrain.com)
Cc: cacsecretary [@caltrain.com]
Subject: Missing information from the WPLP packet
Attachments: Item 6 AUTHORIZE EXECUTION OF AN EXCLUSIVE NEGOTIATION AGREEMENT TO EXPLORE A PROPERTY EXCHANGE WITH KM-ECR LLC.pdf

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

Dear Caltrain Board,

Further to SamTrans having failed to comply with Director Chavez's request to include the staff presentation in the WPLP packet (item #6 attached for your convenience) in compliance with Government Code Section 54957.5(c)

[https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=54957.5.](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=54957.5)

Law section - California

54957.5. (a) Notwithstanding Section 6255 or any other law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act ...

leginfo.legislature.ca.gov

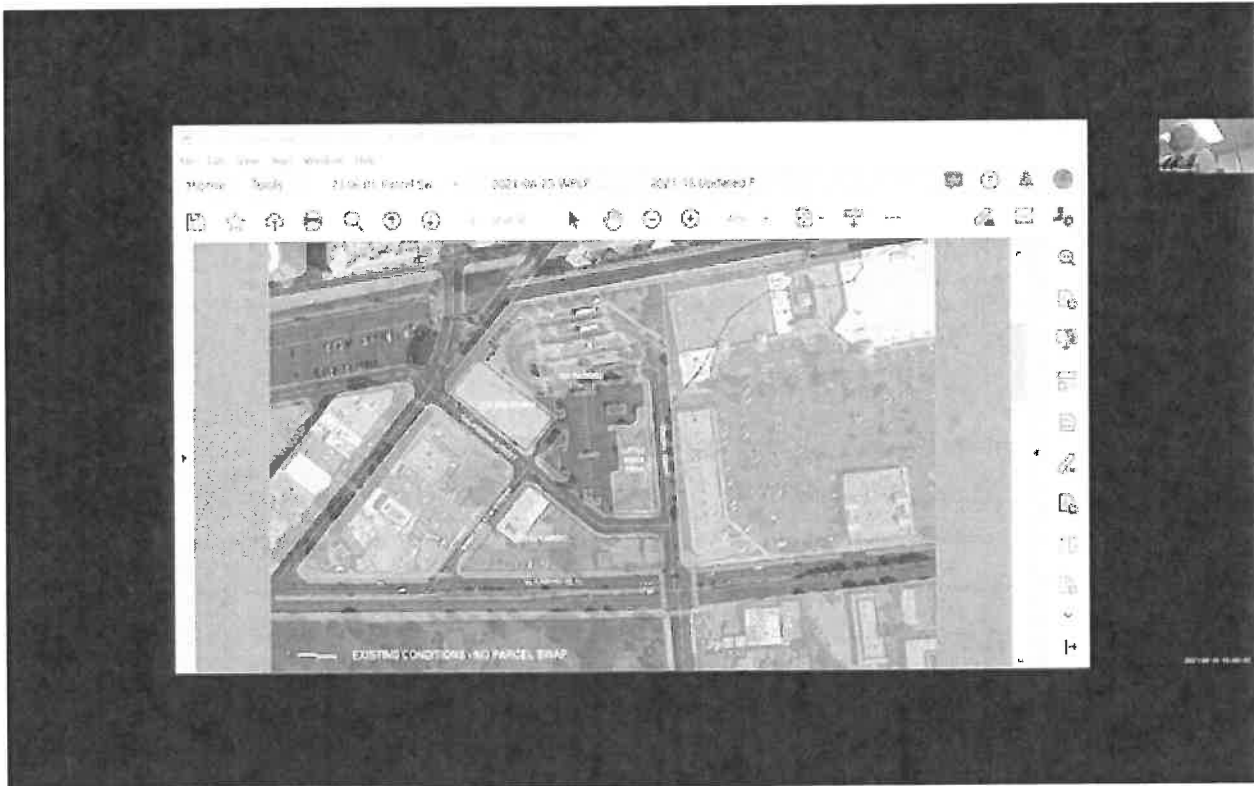
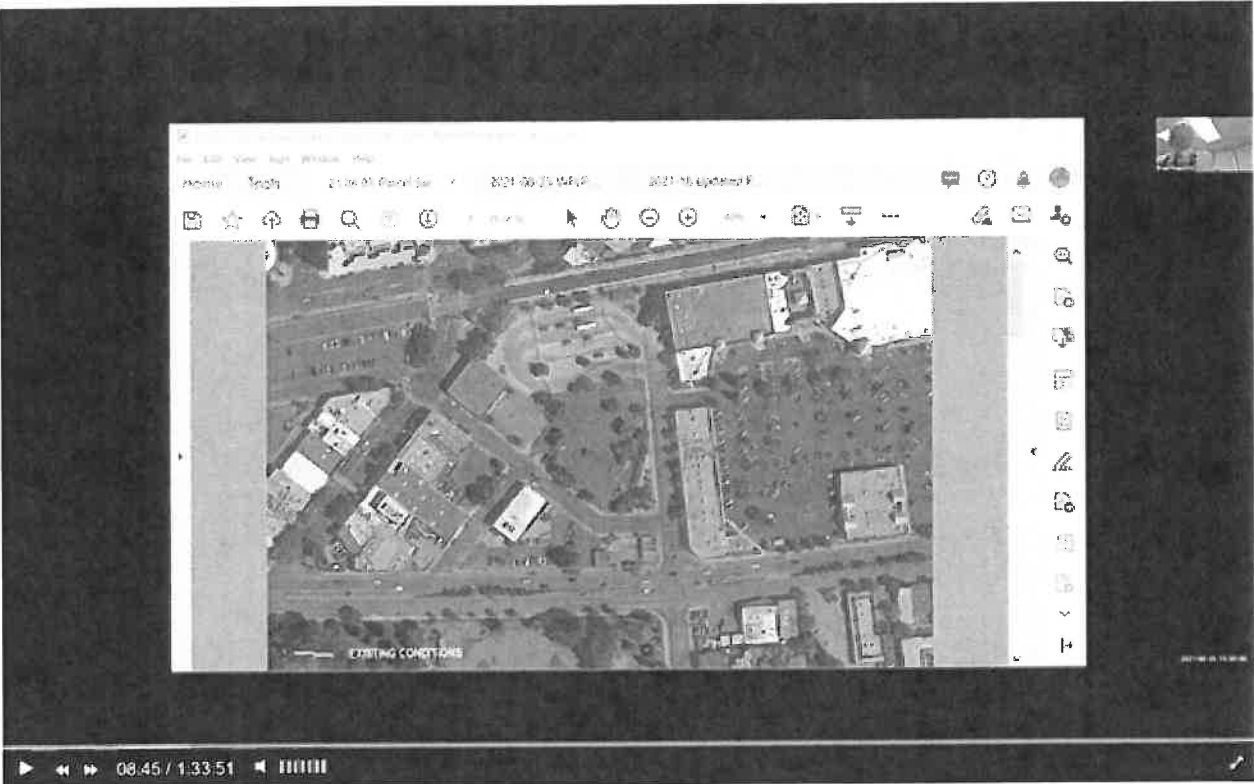


please direct staff to provide copies of the slides pursuant to Government Code Section 6250 et seq.).

Thank you in advance for your prompt response to this request.

Roland Lebrun.

PS. I am attaching screen shots of the first 3 slides for your reference.



**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 2nd day of September 2021 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

Givens, Patrice

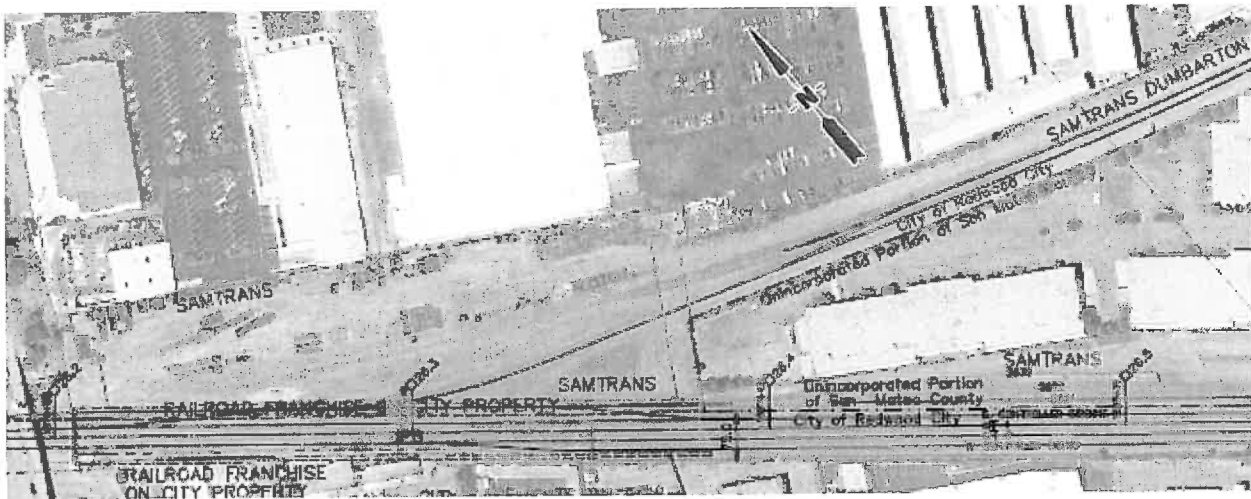
From: Roland Lebrun <ccss@msn.com>
Sent: Wednesday, September 1, 2021 7:58 AM
To: Board (@caltrain.com)
Cc: MTC Commission; cacsecretary [@caltrain.com]; GRP-City Council
Subject: Item 3.B General Counsel Report: Redwood City

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

Dear Caltrain Board,

Further to SamTrans' interest in performing multiple land swaps in Downtown Redwood City and the ensuing consultant and legal costs, please consider a counterproposal whereby Caltrain would relinquish interest in its downtown Redwood City parcels in exchange for SamTrans' Redwood Junction parcels, specifically 054113120, 053378999 & 053378010:





This counterproposal would benefit all parties concerned as follows:

- SamTrans would be able to engage developers and the City of Redwood city without recourse to Caltrain resources.
- Caltrain would be able to advance a decades-overdue mid-Peninsula passing track solution as well as an equitable Dumbarton Rail connection.

Thank you in advance for considering this alternative during closed session.

Roland Lebrun

CC

MTC Commissioners
Redwood City Mayor Howard and Councilmembers
Caltrain CAC

Givens, Patrice

From: Roland Lebrun <ccss@msn.com>
Sent: Wednesday, September 1, 2021 1:55 PM
To: Board (@caltrain.com)
Cc: MTC Info; SFCTA Board Secretary; Baltao, Elaine [board.secretary@vta.org]; SFCTA CAC; cacsecretary [@caltrain.com]
Subject: Item 6.g. Report of the Chief Financial Officer (CFO)
Attachments: December 2020 - FTA Risk Refresh Report.pdf

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

Dear Caltrain Board,

The intent of this email is to highlight comments made by the FTA's Program Management Oversight Consultant (PMOC) in the June 2021 Risk Refresh report (<https://www.caltrain.com/Assets/Caltrain+Modernization+Program/Documents/PMOC+Reports/December+2020+-+FTA+Risk+Refresh+Report.pdf>), specifically:

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

- **PG&E's refusal to energize temporary power for EMU testing until the interconnection agreement is signed (page 14)**
- **PG&E's reimbursement of \$25.6M for PCEP prepaid substation improvement costs (page 20)**

Pages 13-14 (attached for your convenience)

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

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.

Page 20 (attached for your convenience)

The key challenge in estimating the final project cost is to evaluate change orders that are likely to occur between now and the end of the project. **PCEP reports future potential change orders in two different reports.** The PCEP Trend Update Report presents identified potential change orders (trends) and credits with a rough order of magnitude cost attached to each trend or credit. As of October 2020, the total trend value was (\$12.1M), representing a net credit to PCEP, largely due to an anticipated PG&E reimbursement of \$25.6 million for PCEP prepaid substation improvement costs based on an agreed cost allocation formula. The PMOC recognizes that trend change orders likely represent only a small fraction of the remaining project risk.

I hope this information is useful.

Roland Lebrun

CC

SFCTA Commissioners
MTC Commissioners
VTA Board
SFCTA CAC
Caltrain CAC
VTA 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*

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.

The key challenge in estimating the final project cost is to evaluate change orders that are likely to occur between now and the end of the project. PCEP reports future potential change orders in two different reports. The PCEP Trend Update Report presents identified potential change orders (trends) and credits with a rough order of magnitude cost attached to each trend or credit. As of October 2020, the total trend value was (\$12.1M), representing a net credit to PCEP, largely due to an anticipated PG&E reimbursement of \$25.6 million for PCEP prepaid substation improvement costs based on an agreed cost allocation formula. The PMOC recognizes that trend change orders likely represent only a small fraction of the remaining project risk.

5.2 SCC Cost Assessment

This section provides the PMOC's detailed review of each SCC category and an assessment of the level of cost risk associated with each. Costs are presented in year of expenditure (YOE) dollars excluding contingency.

5.2.1 SCC 10 – Guideway and Track Elements

The primary cost in SCC 10 is SCC 10.07 Underground Tunnel, which had an estimated total cost of \$8.1 million in the FFGA and has a current estimate at completion of \$25.6 million. Expenditure to date is \$24.9 million, and the work is substantially complete. There is little remaining risk for SCC 10.

5.2.2 SCC 30 Support Facilities

The scope for SCC 30 was to modify an existing maintenance facility to service the EMU vehicles and provide electrified track to reach the facility. The contractor encountered a variety of unexpected conditions, including utilities, during construction. The unexpected conditions coupled with a higher than anticipated contract price resulted in an increase in costs from \$2.3 million in the FFGA to the current estimate at completion of \$8.4 million, representing an increase of \$6.1 million. The cost to date is approximately \$6.1 million, leaving approximately \$2.3 million of remaining work. Based on the history of significant change orders, the PMOC anticipates that this is a high-risk scope item, and a higher-than-normal beta factor should be assigned to the remaining work.

5.2.3 SCC 40 – Sitework and Special Conditions

The scope for SCC 40 includes the majority of civil work for the project including demolition, site utilities, hazardous material management, environmental mitigation, and indirect cost during construction. The original FFGA budget was \$255.1 million including approximately \$46 million of allocated contingency. The estimate at completion is \$263.0 million, representing a cost overrun at completion of approximately \$7.9 million. The PCEP anticipates assigning all allocated contingency for this work.

The cost to date is \$208.9 million, and the estimate to complete is \$54.1 million. Major change orders occurred on SCC 40.01 Demolition, SCC 40.02 Site Utilities, SCC 40.03 Hazardous Material, SCC 40.06 Pedestrian Bike Access, and SCC 40.08 Temporary Facilities and Other Indirect Costs. The majority of change orders in SCC 40 are associated with differing site conditions primarily related to unexpected utilities and other objects, and the presence of unanticipated hazardous material, which resulted in large cost increases for demolition and site utility work. SCC 40 also includes costs associated with improvements made by PG&E to its FMC and East Grand Avenue substations to provide service to the PCEP. The PMOC anticipates that there is greater than normal risk for the remaining \$54.1 million of work, primarily because we anticipate that additional hazardous material will be uncovered in the remaining project segments, and additional unanticipated utilities and/or other conditions will be discovered requiring costly redesign of the catenary poles and potentially

Givens, Patrice

From: Roland Lebrun <ccss@msn.com>
Sent: Friday, September 3, 2021 3:05 PM
To: Transbay Info
Cc: SFCTA Board Secretary; Board (@caltrain.com); MTC Info; SFCTA CAC; TJPA CAC; cacsecretary [@caltrain.com]
Subject: Re: DTX Executive Steering Committee Meeting - August 20, 2021- Missing materials
Attachments: Appendix E Operations Analysis (missing).pdf

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

Dear DTX ESC,

Further to my PRA of August 16th and the deliberate deletion of Appendix E contents (attached) from the Phasing Study draft report, please provide a copy of the following document **pursuant to Government Code §6250 et seq: (second request)**.

- **Deutsche Bahn.**
 - **2021. DTX–Salesforce Transit Center Operations Analysis. Draft Final Report, May 5, 2021.**

Thank you in advance for your immediate compliance with this request under the California Public Records Act https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=6253.

CC

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

From: Transbay Info <info@tjpa.org>
Sent: Friday, August 20, 2021 10:37 AM
To: Roland Lebrun <ccss@msn.com>
Subject: RE: DTX Executive Steering Committee Meeting - August 20, 2021- Missing materials

Dear Mr. Lebrun:

The TJPA has received your August 16 request under the California Public Records Act for specified records in the agency's files. The TJPA has determined that it possesses certain identifiable, non-exempt records that are responsive to your request. You may view, download, and print the majority of the records at this link:

<https://transbaycenter.box.com/s/mid3s99l04zcg660s8ciuqrubthc2hul>.

The TJPA has not yet produced the records noted below, because it is reviewing the records to determine whether they also may contain sensitive security information subject to withholding/redaction. Upon completion of this review, the TJPA will make the non-exempt portions of the records available to you. The TJPA expects to complete its review within two weeks. The records are:

- 2012. Phase 1 95% Construction Cost Estimate. * Duplicate Reference, Davis Langdon is a joint reference with this line item.
- Davis Langdon/AECOM. 2012. Transbay Transit Center Phase 1 95% CD Reconciled Estimate. Rev 1, April 6, 2012.

Otherwise, the TJPA has not withheld any responsive records.

The records will remain available at the above link for at least 10 days after the TJPA completes its production. The TJPA may need to take the files down after that time. Thus, you are encouraged to review/download/print the files promptly, as necessary.

Sincerely,

Transbay Joint Powers Authority
425 Mission Street, Suite 250
San Francisco, CA 94105
E: info@tjpa.org
O: 415-597-4620
www.tjpa.org



From: Roland Lebrun <ccss@msn.com>
Sent: Monday, August 16, 2021 4:49 AM
To: Donald Pollitt <DTX@tjpa.org>
Cc: Caltrain Board <board@caltrain.com>; SFCTA Board Secretary <clerk@sfcta.org>; MTC Info <info@bayareametro.gov>
Subject: DTX Executive Steering Committee Meeting - August 20, 2021- Missing materials

CAUTION: This email originated from outside of the TJPA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chair Chang and members of the ESC Committee,

Further to the omission of every single Appendix from the DTX Phasing Study draft report (https://tjpa.org/uploads/2021/08/Item5_DTX-Phasing-Study.pdf), please provide electronic copies of the following documents pursuant to Government Code §6250 et seq:

1. **Appendices**
 - A Workshop 0 Documentation
 - B Workshop 1 Documentation
 - C Workshop 2 Documentation
 - D Integrated Program Management Team Subcommittee for Phasing Study Evaluation Criteria
 - E Not Used
 - F Capital Cost Deviation Calculations
 - F.1 Defer BART/Muni Pedestrian Connector
 - F.2 Reduce Train Box Extension

- F.3 Defer or Reduce Intercity Bus Facility (IBF)
- F.4 Defer Fit-out of the Fourth and Townsend Street Station
- F.5 Defer CHSRA-related Infrastructure
- F.6 Two-Cell DTX Tunnel
- G Annotated Source Material for Capital Cost Deviation
- H Operations and Maintenance Annual Savings Calculation | Annotated Source Material for Operations and Maintenance Annual Savings Calculation

2. References

- Armistead, Bruce
 - 2017. (email) October 30, 2017.
- Cambridge Systematics, Inc.
 - 2008. Caltrain Downtown Extension and Transbay Ridership Analysis.
- Davis Langdon/AECOM.
 - 2012. Transbay Transit Center Phase 1 95% CD Reconciled Estimate. Rev 1, April 6, 2012.
- Deutsche Bahn.
 - 2021. DTX–Salesforce Transit Center Operations Analysis. Draft Final Report, May 5, 2021.
- Greyhound Design & Construction Department.
 - 2005. Greyhound Bus Slip Design, May 2005.
- ISES Corporation.
 - 2016. Transbay Transit Center Program Operations and Maintenance Report. January 2016.
- Menotti, Val Joseph.
 - 2020. Response on Transbay Program Phase 2/DTX Phasing Options. October 1, 2020. (Letter from BART Chief Planning & Development Officer to Skip Sowko, Senior Design & Engineering Manager, Transbay Joint Powers Authority).
- Parsons Transportation Group
 - 2007. Final RLPA Cost Report. December 14, 2007.
 - 2008a. Loop Concept Summary Report. May 12, 2008.
 - 2008b. DTX Loop Track Cost Report. May 14, 2008.
 - 2008c. Transbay Transit Center Program Technical Memorandum Station Operations and Maintenance Costs
 - 2010a. Preliminary Engineering Report. July 30, 2010.
 - 2010b. Preliminary Engineering Plans. July 27, 2010.
 - 2010c. Preliminary Engineering Construction Cost Estimate. July 30, 2010.
 - 2014. Fourth and Townsend Refinement Study. April 18, 2014.
 - 2016. Parsons construction cost estimate. April 29, 2016
 - 2017. Tunnel Options Study. Prepared for the Transbay Joint Powers Authority. November 8, 2017.
 - 2018a. Refine TBM+SEM and SEM Concepts Addendum to the Tunnel Options Study. Prepared for the Transbay Joint Power Authority. March 7, 2018.
 - 2018b. Cost and Schedule Refinements Addendum to the Tunnel Options Study. Prepared for the Transbay Joint Power Authority. March 23, 2018.
 - 2018c. Conceptual Engineering Construction Cost Estimate—BART/Muni pedestrian connector. April 25, 2018
 - 2020. DTX East Bay Connection 2020 Update. June 30, 2020. Technical memorandum to Skip Sowko, TJPA.
 - 2021. ROM estimate for reduced IBF concept
- Pelli Clarke Pelli Architects

- 2010. Transbay Transit Center, Transportation Elements, Issued for 50% Construction Documents. December 2010.
 - 2011. Train Box Extension Estimate, Phase 1 50% Construction Documents.
 - 2012. Phase 1 95% Construction Cost Estimate.
 - 2016. Phase 2 Estimate to Complete the Transbay Transit Center (not including DTX or Future Utility Relocations in Main Street). April 15, 2016.
- Polechronis, Stephen.
 - 2020. Phasing Study and Operations Analysis Update. Memorandum to the Executive Steering Committee. October 23, 2020.
- San Francisco County Transportation Authority (SFCTA)
 - 2019. Report of Expert Panel: Downtown Rail Extension (DTX) Program Review. October 2019.
- San Francisco Planning Department.
 - 2018. Railyard Alignment and Benefits (RAB) Study.
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- Transbay Joint Powers Authority
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 - 2016. Presentation of the cost estimate, budget, delivery plan, and funding plan for Phase 2 of the Transbay Transit Center Program. Staff report to the TJPA Board. June 9, 2016.
- Transbay Joint Powers Authority, Metropolitan Transportation Commission, San Francisco County Transportation Authority, Peninsula Corridor Joint Powers Board, California High-Speed Rail Authority, City and County of San Francisco.
 - 2020. San Francisco Peninsula Rail Program Memorandum of Understanding.
- T.Y. Lin International.
 - 2020. Intercity Bus Facility Reduced Layout Concept. December 21, 2020.
- URS.
 - 2008. DTX Value Management/Peer Review Report. Prepared for the Transbay Joint Powers Authority. Revision 0, June 30, 2008.
- U.S. Department of Transportation - Federal Transit Administration.
 - 2005. Record of Decision for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project.
 - 2019. Amended Record of Decision for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project.
- U.S. Department of Transportation - Federal Transit Administration, City and County of San Francisco, Peninsula Corridor Joint Powers Board, and San Francisco Redevelopment Agency.
 - 2004. Transbay Terminal/ Caltrain Downtown Extension/Redevelopment Program Final Environmental Impact Statement/ Environmental Impact Report and Section 4(f) Evaluation.
- U.S. Department of Transportation - Federal Transit Administration, Federal Railroad Administration, California State Historic Preservation Officer, and Transbay Joint Powers Authority.
 - 2004, amended 2010 and 2016. Memorandum of Agreement for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project in San Francisco County, California.
- U.S. Department of Transportation - Federal Transit Administration and Transbay Joint Powers Authority.
 - 2018. Final Supplemental Environmental Impact Statement/Environmental Impact Report for the Transbay Transit Center Program.

Thank you in advance for your prompt attention to this request.

Roland Lebrun

CC

SFCTA Commissioners
Caltrain Board of Directors
MTC Commissioners
TJPA Board of Directors

APPENDIX E

Operations Analysis TO BE PROVIDED

Givens, Patrice

From: Roland Lebrun <ccss@msn.com>
Sent: Thursday, September 9, 2021 3:00 AM
To: Transbay Info
Cc: MTC Info; Board (@caltrain.com); BART Board; ccjpaboard@capitolcorridor.org; SFCTA Board Secretary; SFCTA CAC; cacsecretary [@caltrain.com]; TJPA CAC
Subject: Violation of Government Code Section 6253(c) - Two Counts
Attachments: June 15th, 2020 Phasing Study Workshop 0 minutes (last page).pdf; TJPA September 2021 Item11_Phase-2-Phasing-Study page 112.pdf

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

Dear Chair Gee and Directors,

Further to the TJPA's September 8th response (below) to my Public Records Act request of September 3rd, I am hereby citing the TJPA with two violations of Government Code Section 6253(c) (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=6253) as follows:

Count #1

Please refer to the last page (attached for your convenience) of the June 15th, 2020 Phase 2 DTX Rail Project IMPT Phasing Study Workshop 0 minutes and provide copies of ALL recordings located in the IPMT library pursuant to Government Code §6250 et seq.

"(SPo) – ***Recording of Presentation will be saved to the IPMT library***"

Count #2

Further to my requests of August 16th and September 3rd (below), please refer to page 112 (attached for your convenience) of item 11 on today's Board meeting agenda (https://tjpa.org/uploads/2021/09/Item11_Phasing-Study-Recommendations-Approval.pdf) and provide a copy of the following document pursuant to Government Code §6250 et seq: (**THIRD request**).

- **Deutsche Bahn.**
 - **2021. DTX–Salesforce Transit Center Operations Analysis. Draft Final Report, May 5, 2021.**

Thank you once again for your immediate compliance with these requests under the California Public Records Act.

Roland Lebrun

CC

MTC Commissioners
SFCTA Commissioners
Caltrain Board of Directors
BART Board of Directors
CCJPA Board of Directors
SFCTA CAC
Caltrain CAC
TJPA CAC

From: Transbay Info <info@tjpa.org>
Sent: Wednesday, September 8, 2021 2:27 PM
To: Roland Lebrun <ccss@msn.com>
Subject: RE: DTX Executive Steering Committee Meeting - August 20, 2021- Missing materials

Dear Mr. Lebrun,

The TJPA has received your September 3 request under the California Public Records Act for specified records in the agency's files. The attached PDF includes Meeting Minutes and presentations for Workshops 0, 1 and 2. The TJPA does not have any video or audio recordings of these events.

We believe this response satisfies your request. Thank you for your interest in the Transbay Program.

Sincerely,

Transbay Joint Powers Authority
425 Mission Street, Suite 250
San Francisco, CA 94105
E: info@tjpa.org
O: 415-597-4620
www.tjpa.org



From: Roland Lebrun <ccss@msn.com>
Sent: Friday, September 3, 2021 1:01 PM
To: Transbay Info <info@tjpa.org>
Cc: SFCTA Board Secretary <clerk@sfcta.org>; MTC Info <info@bayareametro.gov>
Subject: Re: DTX Executive Steering Committee Meeting - August 20, 2021- Missing materials

CAUTION: This email originated from outside of the TJPA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear DTX ESC,

Please provide copies of all audios, videos and transcripts of Workshops 0, 1 and 2 pursuant to Government Code §6250 et seq.

Thank you in advance for your prompt response to this request.

Roland Lebrun

From: Transbay Info <info@tjpa.org>

Sent: Friday, August 20, 2021 10:37 AM

To: Roland Lebrun <ccss@msn.com>

Subject: RE: DTX Executive Steering Committee Meeting - August 20, 2021- Missing materials

Dear Mr. Lebrun:

The TJPA has received your August 16 request under the California Public Records Act for specified records in the agency's files. The TJPA has determined that it possesses certain identifiable, non-exempt records that are responsive to your request. You may view, download, and print the majority of the records at this link:

<https://transbaycenter.box.com/s/mid3s99l04zcg660s8ciuqrubthc2hul>.

The TJPA has not yet produced the records noted below, because it is reviewing the records to determine whether they also may contain sensitive security information subject to withholding/redaction. Upon completion of this review, the TJPA will make the non-exempt portions of the records available to you. The TJPA expects to complete its review within two weeks. The records are:

- 2012. Phase 1 95% Construction Cost Estimate. * Duplicate Reference, Davis Langdon is a joint reference with this line item.
- Davis Langdon/AECOM. 2012. Transbay Transit Center Phase 1 95% CD Reconciled Estimate. Rev 1, April 6, 2012.

Otherwise, the TJPA has not withheld any responsive records.

The records will remain available at the above link for at least 10 days after the TJPA completes its production. The TJPA may need to take the files down after that time. Thus, you are encouraged to review/download/print the files promptly, as necessary.

Sincerely,

Transbay Joint Powers Authority

425 Mission Street, Suite 250

San Francisco, CA 94105

E: info@tjpa.org

O: 415-597-4620

www.tjpa.org



From: Roland Lebrun <ccss@msn.com>
Sent: Monday, August 16, 2021 4:49 AM
To: Donald Pollitt <DTX@tjpa.org>
Cc: Caltrain Board <board@caltrain.com>; SFCTA Board Secretary <clerk@sfcta.org>; MTC Info <info@bayareametro.gov>
Subject: DTX Executive Steering Committee Meeting - August 20, 2021- Missing materials

CAUTION: This email originated from outside of the T.J.P.A. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chair Chang and members of the ESC Committee,

Further to the omission of every single Appendix from the DTX Phasing Study draft report (https://tjpa.org/uploads/2021/08/Item5_DTX-Phasing-Study.pdf), please provide electronic copies of the following documents pursuant to **Government Code §6250 et seq**:

1. Appendices

- A Workshop 0 Documentation
- B Workshop 1 Documentation
- C Workshop 2 Documentation
- D Integrated Program Management Team Subcommittee for Phasing Study Evaluation Criteria
- E Not Used
- F Capital Cost Deviation Calculations
 - F.1 Defer BART/Muni Pedestrian Connector
 - F.2 Reduce Train Box Extension
 - F.3 Defer or Reduce Intercity Bus Facility (IBF)
 - F.4 Defer Fit-out of the Fourth and Townsend Street Station
 - F.5 Defer CHSRA-related Infrastructure
 - F.6 Two-Cell DTX Tunnel
- G Annotated Source Material for Capital Cost Deviation
- H Operations and Maintenance Annual Savings Calculation I Annotated Source Material for Operations and Maintenance Annual Savings Calculation

2. References

- Armistead, Bruce
 - 2017. (email) October 30, 2017.
- Cambridge Systematics, Inc.
 - 2008. Caltrain Downtown Extension and Transbay Ridership Analysis.
- Davis Langdon/AECOM.
 - 2012. Transbay Transit Center Phase 1 95% CD Reconciled Estimate. Rev 1, April 6, 2012.
- Deutsche Bahn.
 - 2021. DTX–Salesforce Transit Center Operations Analysis. Draft Final Report, May 5, 2021.
- Greyhound Design & Construction Department.
 - 2005. Greyhound Bus Slip Design, May 2005.
- ISES Corporation.
 - 2016. Transbay Transit Center Program Operations and Maintenance Report. January 2016.
- Menotti, Val Joseph.
 - 2020. Response on Transbay Program Phase 2/DTX Phasing Options. October 1, 2020. (Letter from BART Chief Planning & Development Officer to Skip Sowko, Senior Design & Engineering Manager, Transbay Joint Powers Authority).
- Parsons Transportation Group
 - 2007. Final RLPA Cost Report. December 14, 2007.
 - 2008a. Loop Concept Summary Report. May 12, 2008.
 - 2008b. DTX Loop Track Cost Report. May 14, 2008.
 - 2008c. Transbay Transit Center Program Technical Memorandum Station Operations and Maintenance Costs
 - 2010a. Preliminary Engineering Report. July 30, 2010.
 - 2010b. Preliminary Engineering Plans. July 27, 2010.
 - 2010c. Preliminary Engineering Construction Cost Estimate. July 30, 2010.
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 - 2016. Parsons construction cost estimate. April 29, 2016
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 - 2018a. Refine TBM+SEM and SEM Concepts Addendum to the Tunnel Options Study. Prepared for the Transbay Joint Power Authority. March 7, 2018.
 - 2018b. Cost and Schedule Refinements Addendum to the Tunnel Options Study. Prepared for the Transbay Joint Power Authority. March 23, 2018.
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 - 2020. DTX East Bay Connection 2020 Update. June 30, 2020. Technical memorandum to Skip Sowko, TJPA.
 - 2021. ROM estimate for reduced IBF concept
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 - 2010. Transbay Transit Center, Transportation Elements, Issued for 50% Construction Documents. December 2010.
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- San Francisco County Transportation Authority (SFCTA)
 - 2019. Report of Expert Panel: Downtown Rail Extension (DTX) Program Review. October 2019.
- San Francisco Planning Department.
 - 2018. Railyard Alignment and Benefits (RAB) Study.
- TBD Consultants.
 - 2016. BART/Muni Pedestrian Connector. May 26, 2016
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 - 2016. Presentation of the cost estimate, budget, delivery plan, and funding plan for Phase 2 of the Transbay Transit Center Program. Staff report to the TJPA Board. June 9, 2016.
- Transbay Joint Powers Authority, Metropolitan Transportation Commission, San Francisco County Transportation Authority, Peninsula Corridor Joint Powers Board, California High-Speed Rail Authority, City and County of San Francisco.
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 - 2019. Amended Record of Decision for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project.
- U.S. Department of Transportation - Federal Transit Administration, City and County of San Francisco, Peninsula Corridor Joint Powers Board, and San Francisco Redevelopment Agency.
 - 2004. Transbay Terminal/ Caltrain Downtown Extension/Redevelopment Program Final Environmental Impact Statement/ Environmental Impact Report and Section 4(f) Evaluation.
- U.S. Department of Transportation - Federal Transit Administration, Federal Railroad Administration, California State Historic Preservation Officer, and Transbay Joint Powers Authority.
 - 2004, amended 2010 and 2016. Memorandum of Agreement for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project in San Francisco County, California.
- U.S. Department of Transportation - Federal Transit Administration and Transbay Joint Powers Authority.
 - 2018. Final Supplemental Environmental Impact Statement/Environmental Impact Report for the Transbay Transit Center Program.

Thank you in advance for your prompt attention to this request.

Roland Lebrun

CC

SFCTA Commissioners
 Caltrain Board of Directors
 MTC Commissioners

- (SPo) – Recording of Presentation will be saved to the IPMT library
- (SW) – is the underground storage included in environmental clearance document(s)?
 - (CU/DP) - Underground storage was eliminated from EIS
 - (MM) – Tail tracks were deferred for later construction in environmental clearance document(s). Environmental clearance would need to be revisited with the FTA.
- (DJ) – Impressed by the amount of work that has been done and hopes to harness all the decisions made and information gathered.
- (SPo) Evaluation Criteria (Themes) review preference – would the IPMT prefer to review the previously developed points now or wait until next week?
 - (DJ) – A week to think about the material covered and evaluation criteria would be more efficient, need to be specific about which aspect of the project we are addressing.

8. REFERENCES

Armistead, Bruce (email) October 30, 2017.

Cambridge Systematics, Inc. 2008. Caltrain Downtown Extension and Transbay Ridership Analysis.

Davis Langdon/AECOM. 2012. Transbay Transit Center Phase 1 95% CD Reconciled Estimate. Rev 1, April 6, 2012.

Department of General Services (DGS). California Construction Cost Index.
<https://www.dgs.ca.gov/RESD/Resources/Page-Content/Real-Estate-Services-Division-Resources-List-Folder/DGS-California-Construction-Cost-Index-CCCI>

Deutsche Bahn. 2021. DTX–Salesforce Transit Center Operations Analysis. Draft Final Report, May 5, 2021.

Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), Federal Transit Administration (FTA). 2019. NEPA re-evaluation Joint Guidance for FHWA, FRA and FTA. Issued on August 14, 2019.
<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/environmental-programs/133526/nepa-re-evaluation-guidance-8-14-2019.pdf>

Federal Transit Administration. 2013. Notice of Funding Availability for Resilience Projects in Response to Hurricane Sandy. <https://www.transit.dot.gov/funding/grants/applying/notice-funding-availability-resilience-projects-response-hurricane-sandy>

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Metropolitan Transportation Commission. 2020. Plan Bay Area 2050 Final Blueprint.
<https://www.planbayarea.org/2050-plan/plan-bay-area-2050-final-blueprint>

Metropolitan Transportation Commission. 2020. Plan Bay Area 2050 Growth Geographies.
https://www.planbayarea.org/sites/default/files/PBA2050_Blueprint_Geographies_High_Resolution.pdf

Givens, Patrice

From: Roland Lebrun <ccss@msn.com>
Sent: Monday, September 13, 2021 4:01 PM
To: SFCTA Board Secretary
Cc: MTC Info; Board (@caltrain.com); Transbay Info; CHSRA Board; BART Board; cacsecretary [@caltrain.com]; SFCTA CAC; TJPA CAC
Subject: SFCTA Item 8 DTX Phasing Study Final Report

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Dear Chair Mandelman and Commissioners,

While I do appreciate the urgency behind the expedited entry of the DTX into the Federal New Starts Program, please consider amending the staff recommendations as follows:

- 1) **Advancing the design of the MUNI/BART pedestrian connector.**
- 2) **Deferring the design of the train box extension until the next Transbay Crossing informs the footprint AND ELEVATIONS of the Transit Center's northern throat (between Beale Street and Main Street).**
- 3) **Following former Mayor of London Boris Johnson's lead and eliminating all ventilation/evacuation structures between the 4th & Townsend station and the Salesforce Transit Center:**

"The Mayor of London, Boris Johnson, today welcomed news that Crossrail has reached agreement with the London Fire Brigade (LFB) to remove eight of the proposed permanent access and ventilation shafts from the central tunneled section of the new railway."

"The removal of the shafts means the elimination of construction works impacts, including lorry journeys, in these areas. In addition, a number of properties in Hanbury Street in east London will no longer need to be compulsorily purchased and demolished."

"As the design has developed we have been able to devise alternative solutions and apply lessons from other engineering projects such as the Channel Tunnel Rail Link."

"In the event of an emergency, the evacuation and intervention strategy will involve the use of cross-passages in lieu of a number of access and ventilation shafts. Where applicable, passengers will now evacuate through the cross-passages into the non-incident tunnel and to the nearest station. The cross-passages will

also allow the fire brigade to get closer to the scene of any incident in clean air via the unaffected tunnel.”

<https://www.crossrail.co.uk/news/articles/impact-crossrail-construction-to-be-lessened-as-eight-shafts-are-removed-from-tunnel-design>

Impact of Crossrail Construction to be Lessened as Eight Shafts are Removed from Tunnel Design - Crossrail - Crossrail - Crossrail

Close Cookies on the Crossrail website. We use cookies to ensure we give you the best experience on our website. If you continue, we'll assume that you are happy to receive all cookies on the Crossrail website.

www.crossrail.co.uk



Respectfully presented for your consideration.

Roland Lebrun

CC

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

Givens, Patrice

From: Jeff Carter <jcartrain@aol.com>
Sent: Tuesday, September 14, 2021 2:44 PM
To: cacsecretary [@caltrain.com]
Subject: Guest Perspective By CAC Member David Tuzman In SM Daily Journal
Attachments: SM Daily Journal David Tuzman Guest Perspective Thursday Sept 2, 2021 D.pdf

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FYI CAC Members,

This excellent Guest Perspective by David Tuzman appeared in the San Mateo Daily Journal Earlier this month (2-Sep-2021).

Regards,

Jeff Carter

Assembly Bill 1401: Rest in smog

By David Tuzman

Our state Senate had a major opportunity to move toward a more climate-secure and livable future, but instead allowed 1950s policies to continue to define cars as the main organizing and design principle of our communities.

The default thinking on the Peninsula is that every household needs one car per adult. But that assumption — which ignores people who can't drive, or can't afford cars — is a result of policy choices like mandatory parking minimums, which shape individual behaviors.

Assembly Bill 1401, a state bill unceremoniously killed in the Senate Appropriations committee last week, would have eliminated minimum parking requirements within a half mile of major transit stops. It would've not only resulted in fewer cars on our roads, and greenhouse gasses in our skies, but also reduced the cost of building sorely needed housing, and allowed new developments to look less like strip malls and more like charming, walkable neighborhoods built before the car boom.

Parking reform has been pursued in Sacramento as early as 2011, when AB 904 met a similar fate to this year's bill. Another decade into our increasingly urgent and undeniable climate crisis, it's maddening that our representatives still ignore the 10-ton asphalt elephant in our communities.

When my wife and I moved to the Bay Area, we lived in an apartment near downtown Menlo Park with only one parking space. Along with the city's overnight street parking regulations, this led us to decide against getting a second car. I took Caltrain to my job some days, my wife biked to hers other days, and most of our needs were met with a walk or bike downtown or along El Camino Real.



That transit-adjacent apartment was built in 1950, before parking minimums were commonplace. If built today, it would require nearly twice as many parking spaces,

inducing us to buy a second car and use it for more trips, adding to emissions and traffic.

Instead, we saw that living near transit meant we could forgo the personal and environmental costs of a second car. Even when we moved to a building near downtown San Carlos with two parking spaces, we decided to remain a one-car household.

Our habits of walking, biking and taking public transit were directly shaped by the reduced availability of parking at home. Our experience tracks with research showing that even after controlling for factors like income, housing stock and transit accessibility, there is a correlation between guaranteed parking spots and increased car trips.

To combat our climate emergency, we need to reject the idea that 70-year-old parking minimums — and the resulting dominance of cars — represent the way things always were, or the way things should be.

The cost of parking is often overlooked. According to the Bay Area policy think tank SPUR, each parking space generally adds between \$25,000 to \$50,000 to the cost of a housing unit in San Francisco. Researchers from Santa Clara University and the University of California, Los Angeles found that bundling garage space costs adds approximately 17% to a unit's rent.

Parking requires about 330 square feet per space, since cars need room not only to park, but also to maneuver. In California, with skyrocketing land costs, every square foot matters.

Letter to the editor

Stop the deception

Editor,
For the past several months, actually for the past several years, a narrative has been circulating regarding the housing problem in California. Let me clarify, we have an affordable housing issue and not surprisingly language about affordable housing was absent in the two bills working their way through the Legislature in Sacramento. Why is that?

These bills were structured not to benefit our communities but to benefit the elected officials we voted into

ment and circumvent environmental concerns.

Community development should not be controlled by state planners, but by local governments that know and can address the needs, and impacts upon, their local communities.

These elected officials are supposed to be serving us and what is in the best interest of our individual communities. Instead, they are serving our communities up on a silver platter to special interests and disregarding the voices of their constituents.

It has been said many times before but obviously ignored by

Guest perspective

not only because of financial cost, but also because of the opportunity cost for housing, greenspace or retail.

Parking minimums also turned much of our region into a sea of asphalt, and created sprawl that further incentivizes car use above more sustainable modes like walking, biking or public transit.

AB 1401 passed the Assembly, but died in Senate Appropriations without so much as a vote. The committee, chaired by Anthony Portantino, had the power to do this because of the bill's \$97K/year fiscal impact, a measly 0.0004% of the state budget. Now the state is left with our truly costly status quo.

For those concerned that the bill would've created parking disasters, it's important to note that its language didn't prevent developers from building parking, or institute any parking maximums.

Many forget that some people don't drive due to age, disability or inability to afford a car. When the housing developer behind San Carlos' Walnut Studios, a 100% deeply affordable transit-oriented project, faced concerns at a City Council meeting over having 20 parking spaces approved for 24 units of housing, it noted many of its clients don't even own cars.

It is senseless to hold on to blunt, one-size-fits-all minimum parking tools. For the sake of climate safety, housing affordability and inclusivity, we must pass statewide parking reform.

David Tuzman is a member of the Caltrain Citizens Advisory Committee and the Peninsula Young Democrats.

Linda Krollin

Political notes, quotes and dust motes ...

EVERY DAY IS LABOR DAY In political campaigns, organized labor is always important and the endorsement by local unions and the regional central labor councils is eagerly and aggressively sought by nearly every candidate who runs for nearly every office.

In exchange, an endorsed candidate can receive substantial amounts of campaign funds from a wide array of unions. Perhaps even more importantly, labor provides other resources, including, in some instances, printing of campaign materials at a dramatically reduced cost, opening up phone banks and campaign foot soldiers to walk precincts and staff those phone banks.



Mark Simon

This rambling preamble (pre-rumbling?) is notable in the upcoming 2022 election because of the presence of Steven Booker, business agent and political director of the electricians' union local, in the race to replace Don Horsley on the San Mateo County Board of Supervisors.

In my experience as a political writer, I have covered many candidates, with close ties to organized labor, but never a candidate from labor. The most recent campaign finance report shows Booker, understandably, got the bulk of his funds from labor. But on a recent Saturday, Booker also campaigned in Pacifica, and more than 30 campaign workers from labor were on hand. They went to more than 700 homes and contacted nearly 1,500 voters.

That Booker has these kinds of resources available is indicative of what can happen when labor has one of its own on the ballot. But it also could be a troubling sign for the other candidates in the race, who might have been counting on labor money and resources for their own campaigns.

By the way, in a recent column I said another candidate was the last to get into the race. Actually, Booker filed last.

BOUNCING BERMAN: A final note from the recent No on Recall has two a couple of weeks ago. The No on Recall rally team arrived in Redwood City late morning and, before they could even get off the bus, Yes on Recall demonstrators were shouting at the occupants and waving signs. This had an energizing effect on Assembly member Marc Berman, who, despite being behind everyone else, bounded off the bus in great excitement and happily plunged into the Yes crowd and began going nose to nose with them. It was as though he saw it all as political theater.

ACTUAL POLITICAL NOTES: San Mateo County Sheriff's Capt. Christina Corpus, running against incumbent Sheriff Carlos Bolanos, has announced the formal kickoff of her campaign Sept. 23. It prompts the question: What's her hurry? ... For all the fuss and feathers over the new Equity Endorsement Pledge emanating from the San Mateo County Democratic Party, it appears not to have slowed the pace of endorsements. Meanwhile, political insiders are still waiting for the formation of the committee that is supposed to pass judgment on the endorser. ... Two Caltrain board members and a former member are said to be running for San Jose mayor, suggesting it is as good a credential as any for would-be candidates. San Jose Councilmember Dex Davis, currently on the Caltrain board, and Councilmember Raul Peralez, a former board member, are in the race to replace term-limited Sam Liccardo. The candidate everyone expects to run is Santa Clara County Supervisor Cindy Chavez, who has been

Assembly Bill 1401: Rest in smog

By David Tuzman Sep 2, 2021 Updated Sep 2, 2021 7

Our state Senate had a major opportunity to move toward a more climate-secure and livable future, but instead allowed 1950s policies to continue to define cars as the main organizing and design principle of our communities.

The default thinking on the Peninsula is that every household needs one car per adult. But that assumption — which ignores people who can't drive, or can't afford cars — is a result of policy choices like mandatory parking minimums, which shape individual behaviors.

Assembly Bill 1401, a state bill unceremoniously killed in the Senate Appropriations committee last week, would have eliminated minimum parking requirements within a half mile of major transit stops. It would've not only resulted in fewer cars on our roads and greenhouse gasses in our skies, but also reduced the cost of building sorely needed housing, and allowed new developments to look less like strip malls and more like charming, walkable neighborhoods built before the car boom.

Parking reform has been pursued in Sacramento as early as 2011, when AB 904 met a similar fate to this year's bill. Another decade into our increasingly urgent and undeniable climate crisis, it's maddening that our representatives still ignore the 10-ton asphalt elephant in our communities.

When my wife and I moved to the Bay Area, we lived in an apartment near downtown Menlo Park with only one parking space. Along with the city's overnight street parking regulations, this led us to decide against getting a second car. I rode Caltrain to my job some days, my wife biked to hers other days, and most of our needs were met with a walk or bike downtown or along El Camino Real.

That transit-adjacent apartment was built in 1950, before parking minimums were commonplace. If built today, it would require nearly twice as many parking spaces, inducing us to buy a second car and use it for more trips, adding to emissions and traffic.

Instead, we saw that living near transit meant we could forgo the personal and environmental costs of a second car. Even when we moved to a building near downtown San Carlos with two parking spaces, we decided to remain a one-car household.

Our habits of walking, biking and taking public transit were directly shaped by the reduced availability of parking at home. Our experience tracks with research showing that even after controlling for factors like income, housing stock and transit accessibility, there is a correlation between guaranteed parking spots and increased car trips.

To combat our climate emergency, we need to reject the idea that 70-year-old parking minimums — and the resulting dominance of cars — represent the way things always were, or the way things should be.

The cost of parking is often overlooked. According to the Bay Area policy think tank SPUR, each parking space generally adds between \$25,000 to \$50,000 to the cost of a housing unit in San Francisco. Researchers from Santa Clara University and the University of California, Los Angeles found that bundling garage space costs adds approximately 17% to a unit's rent.

Parking requires about 330 square feet per space, since cars need room not only to park, but also to maneuver. In California, with skyrocketing land costs, every square foot matters, not only because of financial cost, but also because of the opportunity cost for housing, greenspace or retail.

Parking minimums also turned much of our region into a sea of asphalt, and created sprawl that further incentivizes car use above more sustainable modes like walking, biking or public transit.

AB 1401 passed the Assembly, but died in Senate Appropriations without so much as a vote. The committee, chaired by Anthony Portantino, had the power to do this because of the bill's \$97K/year fiscal impact, a measly 0.00005% of the state budget. Now the state is left with our truly costly status quo.

For those concerned that the bill would've created parking disasters, it's important to note that its language didn't prevent developers from building parking, or institute any parking maximums.

Many forget that some people don't drive due to age, disability or inability to afford a car. When the housing developer behind San Carlos' Walnut Studios, a 100% deeply affordable transit-oriented project, faced concerns at a City Council meeting over having 20 parking spaces approved for 24 units of housing, it noted many of its clients don't even own cars.

It is senseless to hold on to blunt, one-size-fits-all minimum parking tools. For the sake of climate safety, housing affordability and inclusivity, we must pass statewide parking reform.

David Tuzman is a member of the Caltrain Citizens Advisory Committee and the Peninsula Young Democrats.

(7) comments

Terence Y

Terence Y Sep 2, 2021 12:27pm

Mr. Tuzman – thank you for your letter and the update on AB 1401. I’m glad to see this nanny bill bit the dust, along with AB 904 a decade ago. You say you lived in a transit-adjacent apartment and decided against a second car due to having only one parking space and street parking regulations. It sounds like restrictions and inconvenience caused you to not get a second car, not that you didn’t want another vehicle. Others, especially families, may need a second car, not just for differing and time sensitive schedules, but to hold multiple bags of groceries. It doesn’t sound convenient to walk to the grocery store to buy a bag, or two of groceries, each day. Imagine an elder person doing the same, and with a load of fruits and vegetables.

You say a parking space adds \$25k to \$50k to the cost of a housing unit. That fee is minor compared to the higher building and development fees tacked on to a home, not including potentially mandatory electric-only appliances, or other nanny mandated requirements. And what about the potential inequity, inequality, racism, and discrimination inherent in this one-size-fits-all nanny policy forcing people to take inconvenient mass transportation and not own a car. Maybe that’s what you allude to when you reference Walnut Studios and how many of their clients don’t own cars? On the plus side, people with parking spaces they do not use can easily rent out the parking space to another resident. Extra money!

aurosharman

aurosharman Sep 2, 2021 10:33pm

Your point about being able to rent out the space is cogent -- but in fact most apartment complexes don't allow that, and often nanny-state cities forbid it. Mandating that whatever parking does get built be unbundled from the housing, so that people can rent a unit without a parking space if they want to, would be extremely helpful.

But your larger claim that AB 1401 was a "nanny bill" gets it backwards. The "nanny state" intervention here is city governments telling developers that they MUST build excessive amounts of parking, whether they want to or not. The _deregulatory_ policy here is to let homebuilders build as much parking as they think the market wants, and no more -- which is exactly what AB 1401 would've done.

Read Donald Shoup's "The High Cost of Free Parking" some time. Shoup comes at this from a very libertarian angle.

<https://www.youtube.com/watch?v=uVteHncimV0>

Terence Y

Terence Y Sep 3, 2021 9:09am

Mr. aurosharman – that’s an interesting take on your assertion that city governments requiring mandatory parking minimums is the nanny. However, more information must be researched to determine the government’s stance on mandatory parking minimums. For instance was the minimum based on cars per capita? And then we need to determine what their definition of capita was (adults only, census population, state capita, national capita, etc.). If that is the case, parking minimums should increase, since car ownership per capita has probably increased. What is AB 904 based on? Any criteria? A desire to build more housing on a specific lot size – resulting in potentially higher property tax income?

Thanks for the book recommendation. I’ll check out some of the reviews and if so inclined, I’ll spend some time looking it over. BTW, as for renting out parking spots, I’m not sure whether a formal contract is required between tenants. A barter system may be implemented. You can park in my assigned spot and should I need a car, I’ll borrow yours. Or a pizza a week, etc. I may be wrong, but I doubt this is covered in the fine print of a rental or lease contract.

aurosharman

aurosharman Sep 3, 2021 10:29am

I'm not sure which city you're in, so I couldn't say for absolute certain -- a small number of California cities have moved towards the pro-market policy of unbundled parking. But for the VAST majority of cities, the parking minimums on new housing are bundled. And apartments often enforce this by keeping resident parking completely separate from guest parking, and it's considered a violation of the security of other tenants if you give a key or access card for the tenant parking area to a non-tenant.

Regarding cars-per-capita type measurements, (a) car ownership is responsive to incentives. You wouldn't want to tear down all the existing complexes and build them back overnight with no parking, but if you're talking about one new complex? If you build that with less parking, then you'll attract people who already live a car-light to car-free lifestyle, as well as incentivizing some couples to sell their second car. And (b) you don't want to look at "cars per capita" or "cars per bedroom" for the whole region, you want to look at that specifically for the demographics of people who are moving into new units of the form factor being built. And we do have good studies on the kinds of households moving into new apartments along the El Camino corridor. People moving into new apartments near transit on El Camino own around 0.8 cars per bedroom.

Terence Y

Terence Y Sep 3, 2021 2:04pm

Mr. aurosharman – thanks for the response and the explanations regarding cars-per-capita measurements. It seems like you're proposing an a la carte approach based on demographics and lifestyle. Perhaps more data to support less parking minimums is in store before any changes are made. You include a statistic of 0.8 cars per bedroom for people moving into new apartments, but what about existing folks in apartments? How many cars per bedroom or per adult do they have? And where are they parking if they don't have an assigned space? Local neighborhoods? The more this issue is delved into, even just between both of us, the more complicated it gets. And we know government can't deal with complicated – sometimes they can't even deal with easy. Maybe that's why the status quo stays in effect. If it ain't broke, don't fix it?

BTW, you didn't mention Mr. Shoup's book is a veritable tome. I'll need a Cliffs Notes version or I'll read some reviews to get the gist of what Mr. Shoup is trying to sell. I get the feeling that while some of Mr. Shoup's ideas may have been acceptable 10 years ago, they may no longer be acceptable due to the current inequality, inequity, racism, etc. environment.

Dirk van Ulden

Dirk van Ulden Sep 2, 2021 9:47am

No David - we do not need or want Statewide regulations on parking. Some of us like to have a car or two and walking to the store is not always an option. Let's celebrate that this bill was surprisingly tanked by the Senate.

aurosharman

aurosharman Sep 2, 2021 11:12am

Do you need bathtub minimums for apartments, too? After all, some people like taking baths.

No, of course, that would be ridiculous. Because many people like a nice bath, the businesses that construct housing will build many units that have baths. What you're saying is equivalent to insisting that it should be illegal for anyone to build a unit that has only a shower stall, which would thus be smaller and more affordable. If you're somebody who doesn't care about taking a long bath, and would in fact prefer to save the money, or if you're so crunched for cash that it's either rent the smaller unit or be pushed out of the region entirely, well, too bad for you.

I know many people who do not own cars. My two best friends at work both do what Mr. Tuzman here does, sharing one car within a couple. (And these are highly-paid engineers, they could get a second car if they wanted, they just have arranged their lives to not need it, so they can save more, to be able to buy a house, have a kid, etc.) We also rent to a friend in my household who's around 50, and has never even gotten a driver's license, he just bikes and takes transit. People like that exist. The policy you're advocating effectively taxes them, to subsidize those who want more cars. And in the process, it imperils the future for all of us. A world where we've solved the climate problem is a world where many, many more people find that the easiest choice is to arrange their lives with fewer car trips and more use of alternatives (walk, bike, transit).