



BOARD OF DIRECTORS 2022

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AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

Work Program – Legislative – Planning (WPLP) Committee Meeting

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

Due to COVID-19, this meeting will be conducted via teleconference only (no physical location) pursuant to [Assembly Bill 361](#) (Gov. Code section 54953).

Directors, staff, and the public may participate remotely via Zoom at <https://zoom.us/j/99768901849?pwd=VmVSSEJFZlhyNzhIR212RURzODNndz09> or by entering Webinar ID: **997 6890 1849**, Passcode: **609602**, in the Zoom app for audio/visual capability or by calling 1-669-900-6833 (enter webinar ID and press # when prompted for participant ID) for audio only. The video live stream will be available after the meeting at <https://www.caltrain.com/video-board-directors>.

Public Comments: Members of the public are encouraged to participate remotely. Public comments may be submitted to publiccomment@caltrain.com prior to the meeting's call to order so that they can be sent to the Board as soon as possible, while those received during or after an agenda item is heard will be included in the Board's weekly correspondence and posted online at <https://www.caltrain.com/about-caltrain/meetings>

Oral public comments will also be accepted during the meeting through *Zoom or via the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM. Use the Raise Hand feature to request to speak. For public participants calling in, dial *67 if you do not want your telephone number to appear on the live broadcast. Callers may dial *9 to use the Raise the Hand feature for public comment and press *6 to accept being unmuted when recognized to speak for three minutes or less. Each commenter will be automatically notified when they are unmuted to speak for three minutes or less. The Board Chair shall have the discretion to manage the Public Comment process in a manner that achieves the purpose of public communication and assures the orderly conduct of the meeting.

June 22, 2022 - Wednesday

3:00 pm

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

1. Call to Order / Pledge of Allegiance
2. Roll Call

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

3. Public Comment on Items not on the Agenda
Comments by each individual speaker shall be limited to three (3) minutes. Items raised that require a response will be deferred for staff to reply.
4. Approve Meeting Minutes of May 25, 2022 Motion
5. State and Federal Legislative Update Informational
6. Authorize Use of Construction Manager General Contractor (CMGC) Project Delivery Method Pursuant to Public Contract Code Section 103393 et seq. for the Mountain View Transit Center Grade Separation and Access Project Motion
7. Broadband Wireless Communication Project Update Informational
8. Committee Member Requests
9. Date/Time of Next Regular WPLP Committee Meeting: Wednesday, July 27, 2022 at 3:00 pm via Zoom.
10. Adjourn

Information for the Public

All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board. If you have questions on the agenda, please contact the JPB Secretary at 650.508.6242. Agendas are available on the Caltrain website at www.caltrain.com. Communications to the Board of Directors can be e-mailed to board@caltrain.com. *Free translation is available; Para traducción llama al 1.800.660.4287; 如需翻译 请电1.800.660.4287*

Date and Time of Board and Committee Meetings

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

Location of Meeting

Due to COVID-19, the meeting will only be via teleconference as per the information provided at the top of the agenda. The Public may not attend this meeting in person. *Should Zoom not be operational, please check online at <https://www.caltrain.com/about-caltrain/meetings> for any updates or further instruction.

Public Comment*

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Accessible Public Meetings/Translation

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

Availability of Public Records

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

**Peninsula Corridor Joint Powers Board
Work Program – Legislative – Planning Committee (WPLP)
1250 San Carlos Avenue, San Carlos CA
Draft Minutes of May 25, 2022**

MEMBERS PRESENT: C. Stone (Chair), C. Chavez

MEMBERS ABSENT: S. Heminger

STAFF PRESENT: M. Bouchard, J. Harrison, C. Fromson, D. Santoro, A. Simmons, J. Wasilco, N. Fogarty, R. Casumbal, G. Martinez, A. Piano, H. Lafebre, B. Fitzpatrick, S. Bullock, R. Barnard, S. Petty, D. Seamans, S. Wong, K. Scribner

1. Call to Order/Pledge of Allegiance

Chair Stone called the meeting to order at 3:10 p.m. and Director Cindy Chavez led the Pledge of Allegiance.

2. Roll Call

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

3. Public Comment For Items Not On The Agenda

Adrian Brandt, San Mateo County, commented on BART reenacted mask mandates.

4. Approve Meeting Minutes of April 27, 2022

Motion/Second: Chavez/Stone

Ayes: Chavez, Stone

Noes: None

Absent: Heminger

5. 50 Percent and Federal Legislative Update

Casey Fromson, Chief Communications Officer, provided the introduction noting staff normally follows up with the Board on how they did with the campaign as well as a little look forward. Robert Casumbal, Director of Marketing, provided the presentation which included the following:

- Promotional 50 percent off campaigns occurred in September 2021 and April 2022
- Goals were to create awareness & position Caltrain as competitive option to avoid traffic congestion and high prices
- Campaign tactics included digital, print, radio, and social media engagement and increased ticket sales also corresponded to ten home games and more companies returning to work

Ms. Fromson provided an update on future efforts which included a ridership recovery taskforce, Regional All Aboard Campaign with 27 transit agencies, BART (Bay Area Rapid Transit)

coordination, special event promotion, engagement and partnering with sister agencies and corridor organizations, Go Pass donation program, and Fall 2022 service changes.

The Board had a discussion and staff provided further clarification in response to the Board members comments and questions on how the current schedule has deviated.

6. State and Federal Legislative Update

Casey Fromson, Chief Communications Officer, stated meeting with Washington DC delegates to discuss transportation package option with decisions being made June 15th. She encouraged Board members to speak with their state delegation. Jadie Wasilco, Government & Community Affairs Manager, provided the presentation, which included the following:

- May 27 last day for the House to pass bills
- Senate Bill (SB) 917 –legislation to create a more seamless transit network in the Bay Area and Caltrain is actively engaged in conversations with staff and others on this matter
- Metropolitan Transportation Commission (MTC) currently identifying common fare structure for a multiagency pass with one set price
- Assembly Bill (AB) 1919 free student transit passes bill being monitored for future participation

7. Award of Construction to HNTB Corporation for Mountain View Transit Center Grade Separation and Access Project, and Adoption of a California Environmental Quality Act (CEQA) Determination and Addendum to the Mitigated Negative Declaration

Director Chavez recused herself and the item was deferred to the upcoming full Board Meeting.

8. Declare Cahill Extension Property as Exempt Surplus Land and Approve of Rail Corridor Use Policy Variance

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

- Background on downtown, the Cahill extension map, and looking west and northeast
- Rail Corridor Use Policy (RCUP) and staff recommendation for a variance
- California’s Surplus land Act – to declare this property “exempt surplus land” and next steps

Public comment

Adrian Brandt, San Mateo County, commented on ways to get over to North First Street and areas of concern for Cahill, especially if Cahill became a through street and its subsequent traffic and presentation mode.

Motion/Second: Chavez/Stone approved staff recommendation items 1 and 2 to approve the RCUP variance for use of the property for a City of San Jose roadway extension and declared the property “exempt surplus land” for the purposes of the Surplus Land Act

Ayes: Chavez, Stone

Noes: None
Absent: Heminger

9. Capital Projects Quarterly Status Report – 3rd Quarter Fiscal Year 2022

Rob Barnard, Deputy Chief Rail Development, provided the presentation, which included the following:

- Revised Capital Program - retooling project delivery and review of service vision goals, team building, and organizational development tools
- Key Performance indicator summary - projects in planning design or construction
- Revised capital program projects with mitigation plans
- Summary of projects in planning, design, or construction including mitigation and re-baselined and in closeout with variances
- Guadalupe River Bridges Replacement and Extension project status and needs for replacement and extension
- Scope and current schedule

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

- Having one more level of oversight for what are considered big or mega projects and the ability to do continuous improvement in terms of layered partnerships and limited time
- Consider projects that could be done concurrently in a related areas because of limited time to work on them and for investment

Public comment

Drew commented on the thoughtful bridge replacement on the schedule slide displaying years as helpful for public consumption.

10. Update on Regional Fare Coordination and Integration Study

Bruce Thompson, Manager of Fare Program Operations, provided the presentation, which included the following:

- Overview of Fare Coordination and Integration Study (FCIS), and regional institutional pilot
- FCIS objectives to develop goals for regional fare integration systems in support of enhanced user experience and increased transit ridership
- FCIS Policy Vision Statement, Pilot Phasing Plan, Phases 1 and 2, and Funding Plan
- MTC to as lead agency for the pilot Title VI process
- Caltrain-specific considerations and FCIS next steps

Public comment

Jeff Carter, Millbrae, commented on fare coordination between 27 plus agencies in the area, waiting for Clipper 2.0, and patterning after the successful Go Pass program.

11. Committee Member Requests

There were none.

12. Date/Time of Next Regular WPLP Committee Meeting: Wednesday, June 22, 2022 at 3:00 pm via Zoom (additional location, if any, to be determined).

13. Adjourn

The meeting adjourned at 4:24 p.m. in memory of the lives lost in Texas Ulvade Elementary due to gun violence.

DRAFT

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Work Program-Legislative-Planning Committee
Through: Michelle Bouchard
Acting Executive Director
From: Casey Fromson
Chief Communications Officer
Subject: **State and Federal Legislative Update**

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

Action

Staff proposes the Committee recommend the Board:

1. Receive the attached Federal and State Legislative Updates

Significance

The 2022 Legislative Program establishes the principles that will guide the legislative and regulatory advocacy efforts. Based on those principles, staff coordinates closely with our Federal and State advocates on a wide variety of issues that are considered in Congress and the State legislature. The attached reports highlight the recent issues and actions that are relevant to the Board.

Budget Impact

None.

Background

None.

Prepared By: Jadie Wasilco Government & Community Affairs Manager 650.465.6301



June 10, 2022

TO: Caltrain Board of Directors

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

RE: **STATE LEGISLATIVE UPDATE – July 2022**

General Update

The Legislature passed the House of Origin deadline on May 27, marking the halfway point for the 2022 legislative year. Active bills are now in their second house – Assembly bills in the Senate and Senate bills in the Assembly. Committee hearings will ramp up again until July 1, the policy committee deadline.

Starting July 1, the Legislature will adjourn for summer recess until August 1, leaving just one month for bills to pass out of fiscal committee and off the floor of their second house before session adjourns on August 31.

2022-23 State Budget Update

As discussed in last month's report, the Governor released the May Revision of the 2022-23 State Budget in Mid-May. The May Revision's transportation funding package maintained the investments included in the Governor's January Budget proposal as well as added several transportation-relief items including \$750M in incentive grants for transit and rail agencies for free transit for Californians for three months and a gas tax rebate proposal.

In response to the May Revision, the Legislature recently released a legislative budget agreement reached between both houses. This agreement includes a \$10.9 billion transportation package for investments in transit, active transportation, freight, and other purposes over 4 years, with \$5.5 billion in year one. It is important to note that these funds would be appropriated only if the Legislature and Governor reach an agreement on Highspeed Rail funding.

The Legislature and Administration will negotiate further in order to adopt a budget by the Constitutional deadline of June 15. It is likely negotiations regarding trailer bill language and budget bill juniors will continue beyond this date as both parties resolve outstanding disagreements.

Bills with Action Taken

AB 2197 (Mullin) – PCEP Funding. This bill would appropriate \$260 million from the state's General Fund to the California State Transportation Agency for the purpose of closing the funding gap for the Caltrain Electrification Project. *Support.*

This bill has not yet been set for hearing and did not meet the House of Origin deadline. It will not advance this year.

AB 1944 (Lee) Public Meetings – This bill would make changes to the Brown Act to clarify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public. This bill would also require all public meetings of a legislative body using teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option. *Support.*

AB 1944 was amended in late May to require that at least a quorum of the legislative body participates from a single physical location that is noticed on the agenda and open to the public within the agency's jurisdiction.

The bill passed out of the Assembly and is now in the Senate.

SB 922 (Wiener) – CEQA Exemptions for Transit. This bill would permanently extend statutory exemptions from the CEQA requirement for clean transportation projects, including charging and facilities for zero-emission rail, station-area improvements, and first/last mile connections for bike and ped. This bill is a follow up to SB 288 (Wiener, 2020) which Caltrain supported. *Support.*

The bill was amended in mid-May to clarify the types of transportation projects that would be exempted.

The bill passed out of the Senate and is set for hearing in the Assembly Natural Resources Committee on June 13.

SB 942 (Newman) Low Carbon Transit Operations Program: Free or Reduced Fare Transit Program. This bill would provide California public transit agencies with the flexibility to use Low Carbon Transit Operations Program funds for free or reduced-fare transit programs on an ongoing basis. This flexibility will ensure the long-term sustainability and benefits of free youth ridership programs that expand access to public transit and create lifelong riders. *Support.*

The bill is now in the Assembly.

Bills of Interest

AB 1919 (Holden) – Free Student Transit Passes. This bill would, upon appropriation, require Caltrans to administer the Youth Transit Pass Pilot Program which would administer grants to transit agencies for the costs of creating, designing, developing, advertising and distributing free youth transit passes, the cost of providing free transit service to passholders, and costs of administering and participating in the program. Caltrain would be required to provide a report by 2027 on the outcomes of the program. The bill includes a January 2028 sunset.

The May 19 amendments remove the requirements that local transit agencies offer free youth transit passes to those age 25 and under in order to be eligible for various state funding programs.

The bill passed out of the Assembly and is set to be heard in the Senate Transportation Committee on June 28.

AB 2441 (Kalra) – Local Public Transit Agencies: New Technologies. This bill would impose requirements on public transit employers relating to the introduction of new vehicle technologies for public transit services that would eliminate job functions or jobs of the workforce to which the new vehicle technology applies. The bill would require a public transit employer to provide notice to the exclusive employee representative of its intention to begin procuring, acquiring or deploying such technologies no less than 12 months in advance. The bill would also require these subjects to be mandatory subjects of collective bargaining, including creating plans to train and prepare the affected workforce to fill new positions created by the technology.

The bill was amended on June 2 with various changes that narrow the bill but do not address all the outstanding concerns raised by transit agencies.

The bill passed out of the Senate Labor, Public Employment and Retirement Committee and will come up for a vote on the Senate Floor.

SB 917 (Becker) – Seamless. This bill would require the Metropolitan Transportation Commission (MTC) to develop and adopt a Connected Network Plan, adopt an integrated transit fare structure, develop a comprehensive, standardized regional transit mapping and wayfinding system, establish open data standards, requires the region’s transit agencies to comply with the established programs, requires MTC to indicate what steps are needed to comply, and if a transit agency does not comply and does not qualify for an exemption, makes that transit agency ineligible to receive a portion of state transit funding in an amount determined by MTC.

The bill passed out of the Senate and is set to be heard in the Assembly Transportation Committee on June 27.

Grants

Transit and Intercity Rail Capital Program (\$500 million - \$600 million in Cycle 5) – The Transit and Intercity Rail Capital Program (TIRCP) provides grants from the Greenhouse Gas Reduction Fund to fund transformative capital improvements that will modernize California’s intercity, commuter, and urban rail systems, and bus and ferry transit systems, to significantly reduce emissions of greenhouse gases, vehicle miles traveled, and congestion. Eligible projects include zero-emission vehicles and associate fueling or charging infrastructure of facility modifications.

Guidelines: Found [here](#)

Status: Funding cycle closed. Project applications were due March 3, 2022. CalSTA award announcement is expected in June 2022.

Applications Received: TIRCP received 50 applications with all funding requests totaling \$3,949,662,335.

The CTC recently hosted a series of workshops for the three SB 1 programs it oversees – the Solutions for Congested Corridors Program (SCCP), Local Partnership Program (LPP), and the Trade Corridor Enhancement Program (TCEP). The CTC will solicit applications for the next round of funding in Summer 2022 and announce project awards in Summer 2023. As a reminder, in late-2020, the California Transportation Commission awarded grants for three SB 1 programs – the Solutions for Congested Corridors Program, Local Partnership Program, and the Trade Corridor Enhancement Program.

Grade Separation Funding - Below is a list of the funding sources that we are aware of and/or that have been used to fund grade separations in the recent years. The funding sources below are managed across

various state agencies and departments, including the Public Utilities Commission (PUC), the California State Transportation Agency (CalSTA), the California Transportation Commission (CTC), and Caltrans.

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

State Transportation Improvement Program – The STIP, managed by Caltrans and programmed by the CTC, is primarily used to fund highway expansion projects throughout the state, but also supports grade separations. The STIP is programmed every two years. The [2022 STIP](#), adopted in March 2022, includes \$796 million in new STIP funding capacity. Local agencies receive a share of STIP funding, as does the State. The STIP is funded with gasoline excise tax revenues.

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

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

Caltrain State Legislative Matrix

June 10, 2022

PRIORITY BILLS			
Bill Number (Author)	Summary	Location	Position
<p>AB 2197 (Mullin D)</p> <p>Caltrain Electrification: Funding</p>	<p>Existing law provides for the creation of the Peninsula Corridor Joint Powers Board, which operates Caltrain as the commuter rail service along the San Francisco Peninsula commute corridor. This bill would appropriate \$260,000,000 from the General Fund to the Transportation Agency for allocation to the Peninsula Corridor Joint Powers Board for the purpose of completing the Caltrain Electrification Project. This bill has not yet been set for hearing and did not meet the House of Origin deadline. It will not advance this year.</p> <p>Introduced: 2/15/2022</p>	<p>Assembly Transportation</p>	<p>Supported 3/3/2022</p>
<p>SB 922 (Wiener D)</p> <p>California Environmental Quality Act: exemptions: transportation-related projects.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA, until January 1, 2030, exempts from its requirements bicycle transportation plans for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles under certain conditions. This bill would delete the requirement that the bicycle transportation plan is for an urbanized area. The bill would extend the exemption to an active transportation plan or pedestrian plan. The bill would define “active transportation plan” and “pedestrian plan.” The bill would specify that individual projects that are a part of an active transportation plan or pedestrian plan remain subject to the requirements of CEQA unless those projects are exempt by another provision of law. This bill contains other related provisions and other existing laws.</p>	<p>Assembly Natural Resources</p>	<p>Supported 4/7/2022</p>

	Amended: 5/11/2022		
<p>SB 942 (Newman D)</p> <p>Low Carbon Transit Operations Program: free or reduced fare transit program.</p>	<p>Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board as part of a market-based compliance mechanism to be deposited into the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law continuously appropriates specified portions of the annual proceeds in the fund to various programs, including 5% for the Low Carbon Transit Operations Program, which is administered by the Department of Transportation and provides operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility. Existing law requires each of those transit agencies to demonstrate that each expenditure of program moneys allocated to the transit agency reduces the emissions of greenhouse gases and does not supplant another source of funds, to use those moneys to provide transit operating or capital assistance, to use at least 50% of those moneys to benefit disadvantaged communities, and to submit specified information to the department before seeking a disbursement of those program moneys, as specified. This bill would authorize a transit agency that uses program moneys to fund a free or reduced fare transit program and that demonstrates compliance with the above-described requirements in its initial program application to continue to use those moneys to maintain that program on an ongoing basis without demonstrating continued compliance with those requirements. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 2/8/2022</p>	Assembly Transportation	Supported 4/7/2022
<p>AB 1944 (Lee D)</p> <p>Local government: open and public meetings.</p>	<p>Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the</p>	Senate Governance and Finance	Supported 5/5/2022

	<p>legislative body that will participate in the meeting remotely. The bill would also require an updated agenda reflecting all of the members participating in the meeting remotely to be posted, if a member of the legislative body elects to participate in the meeting remotely after the agenda is posted. This bill contains other related provisions and other existing laws.</p> <p>Amended: 5/25/2022</p>		
<p>SB 917 (Becker D) Seamless Transit Transformation Act.</p>	<p>Existing law creates the Metropolitan Transportation Commission, as a local area planning agency and not as a part of the executive branch of the state government, to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma. This bill would require the commission to develop and adopt a Connected Network Plan, adopt an integrated transit fare structure, develop a comprehensive, standardized regional transit mapping and wayfinding system, develop an implementation and maintenance strategy and funding plan, and establish open data standards, as specified. The bill would require the region’s transit agencies, as defined, to comply with those established integrated fare structure, regional transit mapping and wayfinding system, implementation and maintenance strategy and funding plan, and open data standards, as provided. This bill contains other related provisions and other existing laws.</p> <p>Amended: 4/18/2022</p>	<p>Assembly Transportation 6/27/2022 2:30 p.m. - 1021 O Street, Room 1100 Assembly Transportation, Friedman, Chair</p>	<p>Watch</p>
<p>AB 1919 (Holden D) Youth Transit Pass Pilot Program: free youth transit passes.</p>	<p>Existing law declares that the fostering, continuance, and development of public transportation systems are a matter of state concern. Existing law authorizes the Department of Transportation to administer various programs and allocates moneys for various public transportation purposes. Upon the appropriation of moneys by the Legislature, this bill would create the Youth Transit Pass Pilot Program, administered by the department, for purposes of awarding grants to transit agencies for the costs of creating, designing, developing, advertising, and distributing free youth transit passes to persons 25 years of age and under, providing free transit service to holders of those passes, and administering and participating in the program, as specified. The bill would require the department to submit an interim report to specified committees of the Legislature on or before January 1, 2027, on, among other things, the outcomes of the program and the funding conditions associated with offering free youth transit passes, the status of transit</p>	<p>Senate Transportation 6/28/2022 1:30 p.m. - 1021 O Street, Room 1200 Senate Transportation, Gonzalez, Chair</p>	<p>Watch</p>

	<p>pass programs statewide, and whether these provisions led to reductions in the emissions of greenhouse gases and vehicle miles traveled, as provided.</p> <p>Amended: 5/19/2022</p>		
OTHER LEGISLATION			
<p>AB 1938 (Friedman D)</p> <p>Transit and Intercity Rail Recovery Task Force.</p>	<p>Existing law establishes the Transportation Agency, which consists of various departments and state entities, including the California Transportation Commission and the Department of Transportation. Under existing law, the agency is under the supervision of an executive officer known as the Secretary of Transportation, who is required to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, and coordinated planning and policy formulation in the matters of public interest related to the agency. Existing law provides for the funding of public transit and intercity rail, including under the Transportation Development Act. This bill would require the secretary, on or before July 1, 2023, to establish and convene the Transit and Intercity Rail Recovery Task Force to include representatives from the department and various local agencies, academic institutions, and nongovernmental organizations. The bill would require the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit and intercity rail ridership and improve transit and intercity rail operations for users of those services. The bill would require the secretary to prepare and submit a report of findings based on the task force’s efforts to the appropriate policy and fiscal committees of the Legislature on or before January 1, 2025. The bill would require the report to include a detailed analysis of specified issues and recommendations on specified topics. The provisions of the bill would be repealed on January 1, 2028. This bill contains other existing laws.</p> <p>Amended: 3/7/2022</p>	<p>Senate Transportation</p> <p>6/28/2022 1:30 p.m. - 1021 O Street, Room 1200 Senate Transportation, Gonzalez, Chair</p>	<p>Watch</p>
<p>AB 2061 (Ting D)</p> <p>Transportation electrification: electric vehicle charging infrastructure.</p>	<p>Existing law creates the Clean Transportation Program, administered by the State Energy Resources Conservation and Development Commission (Energy Commission), to provide, among other things, competitive grants and revolving loans to specified entities for those entities to develop and deploy innovative technologies that transform California’s fuel and vehicle types to help attain the state’s climate change policies. Existing law requires the Energy Commission to develop and adopt an investment plan to determine priorities and opportunities for the program. Existing law requires the Energy Commission, in consultation</p>	<p>Senate Energy, Utilities and Communications</p>	

	<p>with the State Air Resources Board (state board), as part of the development of the investment plan, to assess whether charging station infrastructure is disproportionately deployed, as specified, and, upon finding disproportionate deployment, to use moneys from the Alternative and Renewable Fuel and Vehicle Technology Fund, as well as other mechanisms, including incentives, to more proportionately deploy new charging station infrastructure, except as specified. Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law requires the PUC, in consultation with the Energy Commission and the state board, to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to, among other things, reduce dependence on petroleum and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050. The PUC is required to approve, or modify and approve, programs and investments in transportation electrification, including those that deploy charging infrastructure, through a reasonable cost recovery mechanism, if certain requirements are met. Beginning July 1, 2023, this bill would require an entity that receives an incentive funded by a state agency or through a charge on ratepayers to install, own, or operate a charging station, in whole or in part, to report charging station uptime, as defined, to the Energy Commission. The bill would require the Energy Commission, in consultation with the PUC, to develop a formula to calculate uptime to provide consistent, standardized reporting of information. This bill contains other existing laws.</p> <p>Amended: 4/18/2022</p>		<p>Watch</p>
<p>AB 2237 (Friedman D)</p> <p>Transportation planning: regional transportation improvement plan: sustainable communities strategies: climate goals.</p>	<p>Existing law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning organization. Existing law requires each regional transportation planning agency or county transportation commission to biennially adopt and submit to the California Transportation Commission and the Department of Transportation a 5-year regional transportation improvement program that includes, among other things, regional transportation improvement projects and programs proposed to be funded, in whole or in part, in the state transportation improvement program. This bill would require that those projects and programs included in each regional transportation improvement program also be consistent with the most recently prepared sustainable communities strategy of the regional</p>	<p>Senate Environmental Quality</p>	<p>Watch</p>

	<p>transportation planning agency or county transportation commission and the state’s climate goals, as defined. The bill would require each regional transportation planning agency or county transportation commission to rank all transportation projects and prioritize projects based on adherence to its most recently adopted sustainable communities strategy and the state’s climate goals, prioritize funding and implementing projects in the order of prioritization, and submit the prioritized list to the state board and the California Transportation Commission. The bill would require the state board, in consultation with the commission, to determine whether those projects and programs are consistent with the sustainable communities strategy and the state’s climate goals, and would prohibit a regional transportation planning agency or county transportation commission from funding inconsistent projects or programs, as specified. This bill contains other related provisions and other existing laws.</p> <p>Amended: 5/19/2022</p>		
<p>AB 2357 (Ting D) Surplus land.</p>	<p>Existing law prescribes requirements for the disposal of surplus land by a local agency, as defined, and requires, except as provided, a local agency disposing of surplus land to comply with certain notice requirements before disposing of the land or participating in negotiations to dispose of the land with a prospective transferee, particularly that the local agency send a notice of availability to specified entities that have notified the Department of Housing and Community Development of their interest in surplus land, as specified. Under existing law, if the local agency receives a notice of interest, the local agency is required to engage in good faith negotiations with the entity desiring to purchase or lease the surplus land. Existing law defines “exempt surplus land,” for which a local agency is not required to follow the requirements for disposal of surplus land, except as provided, as, among other things, surplus land that is subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited, as specified. This bill would also require the department to maintain on its internet website a listing of all entities, including housing sponsors, that have notified the department of their interest in surplus land for the purpose of developing low- and moderate-income housing. This bill contains other related provisions and other existing laws.</p> <p>Amended: 4/5/2022</p>	<p>Senate Governance and Finance 6/15/2022 9 a.m. - 1021 O Street, Room 2200 Senate Governance and Finance, Caballero, Chair</p>	<p>Watch</p>
<p>AB 2438 (Friedman D)</p>	<p>Existing law provides for the funding of projects on the state highway system and other transportation improvements, including under the state transportation improvement</p>	<p>Senate Transportation</p>	

<p>Transportation funding: alignment with state plans and greenhouse gas emissions reduction standards.</p>	<p>program, the state highway operation and protection program, the Solutions for Congested Corridors Program, the Trade Corridor Enhancement Program, and the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Partnership Program. This bill would require the agencies that administer those programs to revise the guidelines or plans applicable to those programs to ensure that projects included in the applicable program align with the California Transportation Plan, the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency, and specified greenhouse gas emissions reduction standards. This bill contains other related provisions and other existing laws.</p> <p>Amended: 3/21/2022</p>	<p>6/28/2022 1:30 p.m. - 1021 O Street, Room 1200 Senate Transportation, Gonzalez, Chair</p>	<p>Watch</p>
<p>AB 2441 (Kalra D)</p> <p>Public employment: local public transit agencies: new vehicle technology.</p>	<p>Existing law creates various transit districts and prescribes requirements applicable to their labor relations, including those that address the recognition and certification of exclusive employee representatives, unit determinations, and procedures for meeting and conferring on matter subject to collective bargaining. This bill would require a public transit employer to provide written notice to the exclusive employee representative of the workforce affected by new vehicle technology of its determination to begin, or its substantive progress toward initiating, any procurement process or a plan to acquire or deploy any new vehicle technology for public transit services that would eliminate job functions or jobs of the workforce to which the new vehicle technology applies not less than 12 months before commencing the process, plan, or deployment. The bill would require a public transit employer, upon a written request of the exclusive employee representative, to provide specified information to the exclusive employee representative, including the potential gaps in skills that may result from the new service. The bill would require the public transit employer, following the written request for information by the exclusive employee representative, to engage in collective bargaining on specified subjects, including creating plans to train and prepare the affected workforce to fill new positions created by a new service or product.</p> <p>Amended: 6/2/2022</p>	<p>Senate Third Reading</p> <p>6/13/2022 #52 Senate Assembly Bills – Third Reading File</p>	<p>Watch</p>
<p>AB 2449 (Rubio, Blanca D)</p> <p>Open meetings: local</p>	<p>Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the</p>	<p>Senate Governance and Finance</p>	

<p>agencies: teleconferences.</p>	<p>public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise and recast those teleconferencing provisions and, until January 1, 2028, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, the bill would authorize a member to participate remotely only under specified circumstances and for a period of three consecutive months. This bill contains other related provisions and other existing laws.</p> <p>Amended: 5/23/2022</p>		<p>Watch</p>
<p>ACA 1 (Aguiar-Curry D)</p> <p>Local Government Financing Affordable Housing & Public Infrastructure: Voter Approval</p>	<p>(1)The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 12/7/2020</p>	<p>Assembly Local Government</p>	<p>Supported 2021</p>

<p>SB 1121 (Gonzalez D)</p> <p>State and local transportation system: needs assessment.</p>	<p>Existing law requires the California Transportation Commission to adopt and submit to the Legislature an annual report summarizing its prior-year decisions in allocating transportation capital outlay appropriations, and identifying timely and relevant transportation issues facing the state. Existing law authorizes the report to also include a discussion of any significant upcoming transportation issues anticipated to be of concern to the public and the Legislature and requires the report to include specific, action-oriented, and pragmatic recommendations for legislation to improve the transportation system. This bill would require the commission to prepare a needs assessment of the cost to operate, maintain, and provide for the necessary future growth of the state and local transportation system for the next 10 years, as provided. As part of the needs assessment, the bill would require the commission to forecast the expected revenue, including federal, state, and local revenues, to pay for the cost identified in the needs assessment, any shortfall in revenue to cover the cost, and recommendations on how any shortfall should be addressed. The bill would require the commission to submit the needs assessment to the Legislature on or before January 1, 2024, and biennially thereafter.</p> <p>Amended: 4/6/2022</p>	<p>Assembly Transportation</p> <p>6/20/2022 2:30 p.m. - 1021 O Street, Room 1100 Assembly Transportation, Friedman, Chair</p>	<p>Watch</p>
<p>SB 1161 (Min D)</p> <p>Transit operators: street harassment plans.</p>	<p>Existing law creates various transit districts throughout the state, with specified powers and duties relative to providing public transit service. Existing law provides various provisions applicable to all public transit and transit districts. This bill would require the University of California Institute of Transportation Studies to, on or before June 30, 2023, develop and make available to transit operators, as defined, a survey for the purpose of promoting consistency in the collection of specified survey data. The bill would require transit operators to, on or before June 30, 2025, develop and implement a plan to reduce the street harassment experienced by its riders, as specified, and to consider the safety concerns and needs of riders impacted by street harassment when planning, designing, and operating their systems. The bill would require transit operators to, on or before June 30, 2024, collect survey data for the purpose of informing the plan. The bill would require the plan to be developed in consultation with certain riders, and would require those transit operators to conduct outreach in multiple languages in order to reach limited-English-proficient persons impacted by street harassment, as specified. The bill would authorize these plans to include changes to policies, design, operations, or other aspects of transit systems, as specified. The bill would require the Transportation Agency to, on or before January 1, 2027, produce and submit a report containing certain information related to the implementation of these provisions to the Legislature and the Governor. To the extent the</p>	<p>Assembly Transportation</p> <p>6/27/2022 2:30 p.m. - 1021 O Street, Room 1100 Assembly Transportation, Friedman, Chair</p>	<p>Watch</p>

	<p>bill imposes additional duties on a local agency, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p>Amended: 5/2/2022</p>		
<p>SB 1410 (Caballero D)</p> <p>California Environmental Quality Act: transportation impacts.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. CEQA requires the Office of Planning and Research to prepare and develop proposed guidelines for the implementation of CEQA by public agencies and requires the Secretary of the Natural Resources Agency to certify and adopt those guidelines. CEQA requires the office to prepare, develop, and transmit to the secretary for certification and adoption proposed revisions to the guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas, as defined, that promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Existing law requires the office to recommend potential metrics to measure transportation impacts, as specified. CEQA authorizes the office to adopt guidelines establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. This bill would require the office, by January 1, 2025, to conduct and submit to the Legislature a study on the impacts and implementation of the guidelines described above relating to transportation impacts. The bill would require the office, upon appropriation, to establish a grant program to provide financial assistance to local jurisdictions for implementing those guidelines. This bill contains other existing laws.</p> <p>Amended: 5/2/2022</p>	<p>Assembly Natural Resources</p>	<p>Watch</p>

Caltrain Federal Report As of June 13, 2022

Congressional Update

Federal Delegation Members Request Funding for Caltrain in FY23 Appropriations Bills

- Senator Feinstein requested \$15 million in funding and Senator Padilla requested \$10 million in funding in the Fiscal Year 2023 Transportation, Housing and Urban Development Appropriations Bill for Caltrain's new signal system needed for the Electrification Project.
- Congresswoman Speier and Congresswoman Eshoo both requested \$800,000 in funding in the Fiscal Year 2023 Transportation, and Housing and Urban Development, and Related Agencies Appropriations bill for a project to add winglets to existing fencing along the Caltrain corridor.
- Congresswoman Eshoo also requested \$2,000,000 in funding in the Fiscal Year 2023 Transportation, and Housing and Urban Development, and Related Agencies Appropriations bill for the Santa Clara Valley Transportation Authority (VTA) to eliminate at-grade rail crossings in Santa Clara County.
- The House Appropriations Committee will begin markups of the FY 2023 spending bills the week of June 13.
- The House Appropriations Subcommittee on the Departments of Transportation, and Housing and Urban Development, and Related Agencies will mark up its bill on June 23. The full House Appropriations Committee will pass the bill on June 30.
- The Senate Appropriations Committee does not yet have a schedule for consideration of its appropriations bills yet. It is unlikely that Congress will be able to pass all 12 appropriations bills before the end of the fiscal year, September 30, so they will have to pass a continuing resolution (CR) to continue to fund the federal government.

Secretary Buttigieg Testifies on the Department of Transportation (DOT)'s FY 2023 Budget Priorities

- On May 12, the House Appropriations Subcommittee on the Departments of Transportation, and Housing and Urban Development, and Related Agencies held a [hearing](#) on DOT's FY 2023 budget request. DOT Secretary Pete Buttigieg appeared before the subcommittee, gave [testimony](#), and answered members' questions.
- Sec. Buttigieg provided a general overview of his department's actions and an update on critical issues.

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- Subcommittee Chairman David Price (D-NC) applauded DOT for its work to faithfully distribute the \$143 billion in FY 2022 that Congress provided through the Infrastructure Investment and Jobs Act (IIJA). He thanked the Subcommittee's Ranking Member, Mario Diaz-Balart (R-FL), for working with him to fund infrastructure programs.
- Ranking Member Diaz-Balart voiced his concern regarding "excessive spending" and pledged to conduct a thoughtful review of DOT's budget request. He questioned the Biden Administration's efforts to integrate environmental concerns with its distribution of federal funding for infrastructure programs. Sec. Buttigieg explained that DOT is committed to streamlining infrastructure projects and reviewing them appropriately.

Department of Transportation Update

FRA Implements Federal-State Intercity Passenger Rail Corridor Program

- On May 13, the Federal Railroad Administration (FRA) implemented the Corridor Identification and Development Program that was created in IIJA.
- IIJA provided \$36 billion in mandatory funding for five years for this Federal-State Intercity Passenger Rail Corridor program,
- Eligible entities are Amtrak, states, regional passenger rail authorities, regional planning organizations, and political subdivisions of a state.
- Under this program, these entities can propose specific passenger rail corridors that meet at least one of four criteria:
 - A new intercity rail route of less than 750 miles;
 - Enhancement of service along an existing route of less than 750 miles;
 - Restoration of service over some or all of a route formerly operated by Amtrak; or
 - Increased service frequency over an existing long-distance (over 750 mile) route.

DOT Announces Safe Streets Grant Funding Opportunity

- On May 16, President Biden and DOT Secretary Buttigieg [announced \\$1 billion in available funding](#) for local communities as part of the [Safe Streets and Roads for All \(SS4A\) Grant Program](#). The program was created in the IIJA and provides dedicated funding to support plans, projects, and strategies that will prevent roadway deaths and severe injuries. The law directed DOT to "support local initiatives to prevent death and serious injury on roads and streets." When selecting projects under the program, the law also requires DOT to consider other factors in addition to safety, including equitable investment in the safety needs of underserved communities.
- Eligible applicants include local governments, Metropolitan Planning Organizations (MPOs), special districts that are subdivisions of a state, transit agencies, federally recognized tribal governments, and multijurisdictional groups. Applicants have until September 15 to apply for funding. The NOFO is [here](#).

- Roadway intersections with other modes of transportation (e.g., at-grade highway rail crossings, etc.) are eligible activities.

FTA Announces Grant Program for Transit-Oriented Development

- On May 26, the Federal Transit Administration (FTA) announced the availability of the FY 2022 Pilot Program for Transit-Oriented Development (TOD) Planning Grant Program. Authorized and funded under the IIJA, the grant reflects the Biden Administration's focus on comprehensive urban planning by integrating local land use, housing, and transportation planning with transit projects.
- The goal of TOD is to focus growth around transit stations and capitalize on public investments in transit to facilitate the revitalization of neighborhoods, private sector development, and community engagement. The IIJA allocated \$68 million over five years to support pilot projects for TOD. Recipients may use funds to integrate land use and transportation planning with a new fixed guideway or core capacity transit capital investment.
- For this year, the FTA has made \$13.1 million available. Eligible applicants are state or local governmental authorities that are FTA grant recipients. Applicants have until July 25 to apply for funding. The NOFO [here](#).

Temporary Waiver Released for Buy America

- On May 20, DOT released a Buy America waiver for construction materials. Buy America provisions are included in the IIJA and mandate that recipients of IIJA funds must source their project materials domestically. Specifically, the Buy America preference refers only to the materials used to build infrastructure projects, not tools, equipment, and supplies. Eligible goods under Buy America provisions cover iron, steel, and manufactured products.
- Citing the public interest clause within the Buy America guidance, DOT issued a waiver for construction materials. The temporary public interest waiver will last for 180 days, beginning on May 14, and expire on November 10. Awards obligated within this timeframe will qualify under the waiver's protections.

Round-Up of Open Grant Opportunities

- [FY 2022 Pilot Program for Transit-Oriented Development \(TOD\) Planning](#): \$13.1 million available. All applications due by July 25, 2022
- [Safe Streets and Roads for All Discretionary Grant Program](#): \$1 billion available. All applications due by September 15, 2022.
- [Bridge Investment Program](#): \$12.5 billion available. All applications due by July 25.

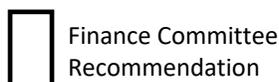
**Peninsula Corridor Joint Powers Board
Staff Report**

TO: Work – Program – Legislative – Planning Committee

THROUGH: Michelle Bouchard
Acting Executive Director

FROM: Rob Barnard
Deputy Chief, Rail Development

SUBJECT: **Authorize Use of Construction Manager General Contractor (CMGC) Project Delivery Method Pursuant to Public Utilities Code Section 103393 et seq. for the Mountain View Transit Center Grade Separation and Access Project**



Finance Committee
Recommendation



Work Program-
Legislative-Planning



Staff Coordinating
Council Reviewed



Staff Coordinating Council
Recommendation

ACTION

Staff Coordinating Council recommends that the Board of Directors (the “Board”) of the Peninsula Corridor Joint Powers Board (“JPB”):

1. Make findings that use of the Construction Manager/General Contract (CMGC) project delivery method for the Mountain View Transit Center Grade Separation and Access Project (Project) will accomplish one or more of the following objectives: reduce project costs, expedite the project's completion, or provide features not achievable through the more traditional Design-Bid-Build (DBB) method, as required to utilize this project delivery method pursuant to Public Utilities Code section 103395.
2. Authorize the use of the CMGC project delivery method for the Project based on these findings; and
3. Authorize the Acting Executive Director, or designee, to file any other required documentation and to take any other actions necessary to give effect to this action.

SIGNIFICANCE

The Legislature enacted Assembly Bill 797 in 2013 to authorize the San Mateo County Transit District to use the CMGC project delivery approach for public transit projects within its

jurisdiction. This authorization extends to the JPB pursuant to the Joint Powers Agreement, which established the JPB.

Pursuant to Public Utilities Code section 103395, the JPB may enter into a CMGC project delivery method contract only after taking the following steps. First, the Board must evaluate the traditional design-bid-build process of construction and CMGC method of project delivery in a public meeting. Second, the Board must then make written findings that the use of the CMGC project delivery method on a specific project under consideration will accomplish one or more of the following objectives:

- Reduce project costs;
- Expedite the project's completion; or
- Provide features not achievable through the design-bid-build method.

The Board must make findings *prior* to entering into a CMGC project delivery method contract. Contracting using the CMGC project delivery method requires two steps. First, the JPB issues a best-value procurement to engage a contractor for preconstruction services. The initial agreement must include a provision for subsequent negotiation of any of the later stages of the project including the construction itself. Second, if the JPB would like to award a contract for construction services after the initial phase of the contract, a Total Contract Price (TCP) must be negotiated. If an acceptable TCP cannot be negotiated, then JPB may award the subsequent phases of the contract using any other method of project delivery permitted by law.

Under the CMGC project delivery method, the agency conducts two qualifications-based selections to separately hire a designer and a CMGC contractor (contractor) to collaborate during the pre-construction design phase to deliver the Project. The contractor is initially authorized to participate in the pre-construction design phase work. Upon agreement on the Total Contract Price (TCP) to deliver the construction work, the contractor's construction phase contract will be executed. The CMGC project delivery best balances and facilitates important factors relating to the agency's control, including relationships with stakeholders and access to designer and contractor expertise during the pre-construction design phase.

The Project objectives are to:

- Improve safety for all modes of travel
- Improve overall traffic flow
- Reduce traffic delays caused by gate down times
- Support the pedestrianization of downtown Mountain View including the Transit Center and Castro Street

After assessment of the respective merits of both the DBB and CMGC project delivery methods and how these different project delivery methods would best address the unique features and complexities of the Mountain View Transit Center Grade Separation and Access Project, staff have determined use of the CMGC project delivery method will provide features that are not

achievable through the DBB process. The CMGC project delivery method will allow contractor collaboration with the designer, providing opportunities to improve the project with innovative solutions. CMGC project delivery will likely also result in reduced project costs and expedited project completion. Proof of the cost and schedule benefits resulting from CMGC project delivery are documented in many industry documents and reports. A listing of some of the available industry documents and reports related to CMGC project delivery cost and schedule benefits are included in the *References* section of the *Alternative Project Delivery Decision Report* dated May 2022 documenting the methods and results of the March 2022 Project Delivery Assessment Workshop. The Alternative Project Delivery Decision Report can be available upon request.

Staff recommends that the Board make these findings and authorize the use of the CMGC method for the Project. In the future, staff will seek authorization from the Board to (1) enter into agreements with City of Mountain View and Santa Clara Valley Transportation Authority (VTA) to add to the budget to the Final Design and Pre-Construction phase; (2) amend the FY23 budget to include new funds; and (3) amend the Project budget authority.

BUDGET IMPACT

There is no immediate budget impact as the result of Board action to authorize use of the CMGC contracting approach over the traditional DBB contracting process for the Mountain View Transit Center Grade Separation and Access Project.

Separate from this Board action, project cost updates and project delivery contract negotiations impacting the Mountain View Transit Center Grade Separation and Access Project budget will be discussed and reflected in future JPB budgets.

BACKGROUND

The Mountain View Transit Center Grade Separation and Access Project will be the first grade separation project in Santa Clara County funded by Measure B, which was passed in Santa Clara County in 2016. The 2016 Measure B establishes \$700 million in funding for grade separations in the cities of Palo Alto, Mountain View, and Sunnyvale. Castro Street/Moffett Boulevard and Rengstorff Avenue are the two grade separations in the City of Mountain View in the Measure B program.

Assessment of Project Delivery Method

In March 2022, in order to select a project delivery method for the Project, 12 representatives of the local government bodies involved in the project (eight from Caltrain, two from the City of Mountain View, and two from VTA) met and conducted a facilitated Project Delivery Assessment Workshop. The objective of the Workshop was to allow the evaluators to compare and score CMGC and DBB project delivery methods.

The Workshop participants then completed the Transportation Cooperative Research Program (TCRP) Report 131-based analytical project delivery method assessment and the issue rankings were noted on flip charts. This analytical project delivery assessment was conducted as a facilitated group discussion with the issue ranking completed using a consensus approach. Following the TCRP Report 131-based project delivery method assessment, the participants individually and without discussion completed the Modified Caltrans Quantitative Project Delivery Assessment Worksheets. The participants' worksheet scores were recorded on a summary flipchart. The ranking summary is as follows:

Ranking or Scoring Method	DBB	CMGC
TCRP Report 131 Analytical Method	45	62
Modified Caltrans Quantitative Method	42.2	132.3

Based on the results of the two project delivery method assessment analyses, the CMGC project delivery method will achieve the Project schedule objectives and reduce Project costs, providing the dominant and obvious choice for delivering the Mountain View Transit Center Grade Separation and Access Project. The conclusion reached by the evaluation team is that the CMGC project delivery method offers several advantages over traditional Design-Bid-Build methods, including potential time and cost savings and providing opportunities for project innovation.

Conclusions of the Assessment

As noted in the previous Assessment of Project Delivery Method section, the project delivery evaluation team conducted two detailed analyses of potential project delivery methods in a one day facilitated Workshop. The results of these analyses presented in the previous section demonstrate the CMGC project delivery method is superior to the traditional DBB project delivery method. The Workshop methods and analysis results are documented in the *Alternative Project Delivery Decision Report* dated May 2022.

Use of the CMGC project delivery method to design and construct the Mountain View Transit Center Grade Separation and Access Project will: (a) result in substantial costs savings and reduce risk to the JPB; (b) allow the JPB to select a highly qualified contractor with the specialized expertise required to deliver the project; (c) benefit the public by improving safety and coordination during construction; and (d) avoid favoritism and promote competition.

Specific findings which substantiate these conclusions are as follows:

Finding: The CMGC project delivery method will result in substantial savings and reduced financial risk to the JPB. Reduced risk provides a significant value and potential savings.

- a. **Reduced Financial Risk:** The project will occur during challenging economic conditions within the construction industry. It would be very costly and disruptive if these economic conditions created undue risk and potentially negative financial impacts on the JPB's projects. Using the CMGC project delivery method will allow the JPB to look deeply into the contractor's financial strength and expertise and eliminate participation by those companies who do not have the financial strength or qualifications to successfully complete the project.
- b. **Total Contract Price (TCP) establishes a total contract price prior to starting construction:** The contractor will be able to obtain a complete understanding of the JPB's needs, the Owner's design intent, the scope of the project, the condition of the existing facilities, and the operational needs of the JPB by participating in the development of the design documents. By participating in this pre-construction phase of the project, the contractor will be able to offer value engineering (VE) suggestions for cost and schedule savings, improvements to the design, and focus the design on the contractor's preferred construction means and methods. With the benefit of this knowledge, the contractor will be able to negotiate a TCP paid by the JPB for the project, before JPB executes the construction contract.
- c. **Fewer Change Orders:** When the contractor participates in the pre-construction design process, fewer change orders will occur during the construction process. This is due to the contractor's better understanding of the owner's needs and the designer's intent. As a result, the project is more likely to be completed on time and on budget. In addition, fewer change orders reduce project management costs for both the JPB and the contractor.
- d. **TCP Change Orders are Reduced:** The traditional DBB project delivery method requires the designer to anticipate the low-bid contractor's preferred means and methods and to develop construction plans to accommodate a range of potential construction means and methods. With the contractor's participation in the pre-construction design phase, the designer will focus its design solutions to accommodate the contractor's preferred means and methods, reducing design effort and optimizing construction cost. Industry experience shows contractor participation during the pre-construction design phase avoids and in some cases eliminates contractor VE proposals and constructability claims during construction. Industry experience shows these benefits are achievable regardless of when contractor participation begins during the pre-construction design phase.
- e. **TCP Change Orders Cost Less:** The traditional Design-Bid-Build project delivery method typically results in contractors charging up to 20% mark-up on construction contract change orders. The CMGC project delivery method applies predetermined mark-ups less than this value. If construction change orders are encountered, the industry experience has been to establish the allowable contractor fixed fee mark-up in the range of 5% to 10%.
- f. **Contractor Construction Fee is Less:** Contracts with the contractor are designed to create a better working relationship between all parties resulting in better risk

identification and allocation and reduced risk to the contractor. As a consequence, the contractor's overhead and profit fee is generally in the 3% to 5% range which is lower than the mark-up usually applied to traditional design-bid-build projects.

- g. **The JPB has an Off-Ramp:** In the event the JPB and the contractor cannot reach agreement on the TCP for the construction phase work, the JPB will not execute the contractor's construction phase contract and will advertise and award the project using any other method of project delivery permitted by law.

Prepared By:	Alvin Piano	Project Manager	650.508.6447
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Resolution No. 2022 –

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

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Authorize Use Of Construction Manager General Contractor (CMGC) Project Delivery Method Pursuant To Public Contract Code Section 103393 et seq. of the Mountain View Transit Center Grade Separation And Access Project

WHEREAS, the City of Mountain View (City) and the Santa Clara Valley Transportation Authority (VTA) desire to close the Castro Street at-grade crossing of the Caltrain tracks to improve safety and reduce traffic congestion; and

WHEREAS, the Mountain View Transit Center Grade Separation and Access Project objectives are to: improve safety for all modes of travel, improve overall traffic flow, reduce traffic delays caused by gate down times, and support the pedestrianization of downtown Mountain View including the Transit Center and Castro Street; and

WHEREAS, Agency staff representatives of the Peninsula Corridor Joint Powers Board (JPB), City of Mountain View, and VTA has investigated different project delivery methods and has evaluated the respective merits of delivering the Mountain View Transit Center Grade Separation and Access Project through the Construction Manager General Contractor (CMGC) project delivery method ; and

WHEREAS, Public Contract Code Section 103393 et seq. authorizes transit operators to utilize the CMGC project delivery method when it is in the best interest of the transit operator; and

WHEREAS, the law requires that a transit operator make written findings supporting the CMGC project delivery method over the traditional Design-Bid-Build (DBB) project delivery method; and

WHEREAS, staff has determined that use of the CMGC project delivery method will benefit the JPB by providing project features not achievable through the DBB project delivery method; and

WHEREAS, in light of this evaluation, the Staff Coordinating Council is recommending the Board find the use of the CMGC project delivery method is in the best interest of the JPB and shall be utilized to deliver the Mountain View Transit Center Grade Separation and Access Project; and

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of the Peninsula Corridor Joint Powers Board hereby finds that utilizing the CMGC project delivery method pursuant to Public Contract Code section 103393 et seq. over the traditional DBB project delivery method for the Mountain View Transit Center Grade Separation and Transit Access Project will be in the best interest of the JPB as it will accomplish the objectives of providing project features not achievable through the traditional DBB project delivery method; and

BE IT FURTHER RESOLVED based upon these findings, the Board hereby authorizes staff to proceed with using the CMGC project delivery method pursuant to Public Contract Code Section 103393 et seq; and

Regularly passed and adopted this 7th day of July 2022 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

