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MICHELLE BOUCHARD
EXECUTIVE DIRECTOR



JPB Citizens Advisory Committee
1250 San Carlos Avenue, San Carlos, CA 94070
Bacciocco Auditorium, 2nd Floor

December 21, 2022 – Wednesday

5:40 p.m.

Due to COVID-19, this meeting will be conducted as a hybrid teleconference and in-person meeting pursuant to [Assembly Bill 361](#) (Gov. Code section 54953). **Members of the public are encouraged to participate remotely but may participate in-person provided that they satisfy the safety protocols listed below.**

Committee members, staff, and the public may participate remotely via Zoom at <https://zoom.us/j/94666856804?pwd=UIFwQzNrYXJpbTRlejkvRmgwRDIXZz09> for audio/visual capability or by calling 1-669-900-9128, Webinar ID: 946 6685 6804 for audio only. The video live stream will be available after the meeting at <https://live-smctd-2021.pantheonsite.io/caltrain/video-board-directors>

Committee members, staff, and the public also may participate in person at: San Mateo County Transit District, Bacciocco Auditorium - Second Floor, 1250 San Carlos Ave., San Carlos, CA, provided they comply with the following safety protocols:

Please Note the Following COVID-19 Protocols for In-person Attendance:

1. Visitors experiencing the following symptoms of COVID-19 may not enter the building:

• Cough	• Muscle Pain	• Fever	• Loss of taste
• Shortness of breath	• Sore Throat	• Chills	or smell
2. Visitors must use the hands-free temperature scanners upon entry. An alert will occur and entrance will be prohibited if a temperature is measured at 100.4 or above.
3. Visitors must show proof of Covid-19 vaccination, or a negative COVID-19 test (with results obtained within last 7 days). Masks will be required for visitors who do not show proof of full vaccination (defined as two weeks after the second dose in a two-dose series, such as for the Pfizer-BioNTech and Moderna vaccines, or two weeks after a single dose of the J&J/Janssen vaccine).

Public Comments: Public comments may be submitted to cacsecretary@caltrain.com prior to the meeting’s call to order so that they can be sent to the Committee Chair as soon as possible, while those received during or after an agenda item is heard will be included into the correspondence and posted online.

Verbal public comments will also be accepted during the meeting through Zoom, or the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER

AGENDA ITEM. Participants using Zoom over the Internet should use the Raise Hand feature to request to speak. For participants calling in, dial *67 if you do not want your telephone number to appear on the live broadcast. Callers may dial *9 to use the Raise Hand feature for public comment. Each commenter will be recognized to speak, and callers should dial *6 to unmute themselves when recognized to speak.

Each public comment is limited to three minutes. The Committee 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.

Items in bold are CAC member-requested presentations.

1. Pledge of Allegiance
2. Roll Call
3. Report of Nominating Committee (Brandt, Kutler, Seebart)
 - a) Election of the 2023 Chair & Vice Chair
4. Approval of Meeting Minutes of November 16, 2022
5. Public Comment for Items Not on the Agenda
Public testimony by each individual speaker shall be limited to three (3) minutes
6. Chairperson's Report
7. Committee Comments
Committee members may take brief statements regarding correspondence, CAC-related areas of concern, ideas for improvement, or other items that will benefit or impact Caltrain service or the CAC or request future agenda topics.
8. Draft Legislative Program (Devon Ryan)
9. Amendments to the Code of Conduct for Public Meetings (Anna Myles-Primakoff, Olson Remcho, LLP)
10. Staff Report (David Santoro)
 - a) Customer Experience Task Force Update
 - b) JPB CAC Work Plan Update
11. Date, Time, and Place of Next Meeting
January 18, 2023 at 5:40 p.m., via Zoom teleconference or at the Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA.
12. Adjournment

All items on this agenda are subject to action

CAC MEMBERS: **San Francisco City & County:** Rosalind Kutler, Jean-Paul Torres, Brian Shaw (Chair),
San Mateo County: Adrian Brandt, Emilia Shapiro, David Tuzman (Vice Chair),
Santa Clara County: Larry Klein, Patricia Leung, Steven Seebart

INFORMATION FOR THE PUBLIC

If you have questions on the agenda, please contact the Committee Secretary at 650.508.6347 or cacsecretary@caltrain.com. Agendas are available on the Caltrain Web site at www.caltrain.com.

JPB and Citizens Advisory Committee (CAC) meeting schedules are available on the Caltrain Web site.

Date and Time of Regular Meetings

The JPB Citizens Advisory Committee (CAC) meets regularly on the third Wednesday of the month at 5:40 pm at the San Mateo County Transit District Administrative Building.

Location of Meeting

Due to COVID-19, the meeting will only be conducted teleconference and in person as per the information provided at the top of the agenda. The Public may attend this meeting in person.

Public Comment

Members of the public are encouraged to participate remotely. Public comments may be submitted to cacsecretary@caltrain.com prior to the meeting's call to order so that they can be sent to the Committee Chair as soon as possible, while those received during or after an agenda item is heard will be included into the correspondence and posted online.

Oral public comments will also be accepted during the meeting through Zoom, or the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM and each commenter will be automatically notified when they are unmuted to speak for three minutes or less. The Committee Chair shall have the discretion to manage the Public Comment process in a manner that achieves the purpose of public communication and assures the orderly conduct of the meeting.

Accessible Public Meetings/Translation

Written materials in appropriate alternative formats, disability-related modification/accommodation, as well as sign language and foreign language interpreters are available upon request; all requests must be made 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 are distributed to a majority of the legislative body will be available for public inspection at 1250 San Carlos Avenue, San Carlos, CA 94070-1306, at the same time that public records are distributed or made available to the legislative body.

**CITIZENS ADVISORY COMMITTEE (CAC)
PENINSULA CORRIDOR JOINT POWERS BOARD (JPB)
SAN MATEO COUNTY TRANSIT DISTRICT ADMINISTRATIVE BUILDING
Bacciocco Auditorium, 2nd Floor
1250 San Carlos Avenue, San Carlos CA 94070**

MINUTES OF NOVEMBER 16, 2022

MEMBERS PRESENT: A. Brandt, R. Jaques (Alternate), L. Klein, R. Kutler, P. Leung, M. Pagee (Alternate), B. Shaw (Chair), JP. Torres, D. Tuzman (Vice Chair), S. Seebart, E. Shapiro

MEMBERS ABSENT: P. Joshi (Alternate)

STAFF PRESENT: T. Burgwyn, J. Harrison, A. Myles-Primakoff, J. Navarrete, D. Santoro, B. Thompson

Due to COVID-19, this meeting was conducted as a teleconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20, which suspends certain requirements of the Ralph M. Brown Act.

Chair Brian Shaw called the meeting to order at 5:41 p.m. and led the Pledge of Allegiance.

APPOINTMENT OF NOMINATING COMMITTEE

A nominating committee was established with three CAC members, A. Brandt, S. Seebart, and R. Kutler, one member from each county. Staff will coordinate a conference call for the nominating committee to meet and provide a recommendation for Chair and Vice Chair for 2023.

APPROVAL OF MINUTES OF OCTOBER 19, 2022

Motion/Second: Klein / Brandt

Ayes: Kutler, Leung, Seebart, Shapiro, Shaw, Torres, Tuzman

Abstain: none

Absent: none

PUBLIC COMMENT

None

CHAIRPERSON'S REPORT

Chair Brian Shaw reported that Caltrain meetings may be moving back to in person, subject to the Brown Act remote requirements, starting in March 2023 and that it would be further explained during agenda item 8, Brown Act Training. He then reported that December, January, and February's Citizen's Advisory Committee meetings will likely be hybrid just as the Board has been meeting since May. He then stated that the change is pending the likely lifting of the

emergency order in February 2023 or if there are any amendments to the Brown Act. Chair Shaw then mentioned that at December's hybrid meeting, staff will provide a holiday meal and encouraged both members from the committee and the public to attend.

COMMITTEE COMMENTS

Member Adrian Brandt asked when will committee members, attending the CAC meeting remotely, need to open their doors to persons from the public. Chair Shaw stated that if the committee members continue to attend remotely in December, January, and February, it would not be necessary. He also stated that the option to attend in person starts in December, in preparation for the potential in person meeting in March.

Vice Chair David Tuzman shared his experience on Caltrain from Saturday. He stated that there was lack of communication and messaging during delays. It was later determined that this incident took place on Friday and that Mr. David Santoro, Acting Chief Operating Officer, would look into this matter.

Member Rosalind Kutler suggested Vice Chair Tuzman to call customer service next time he experiences delays. She then addressed the correspondence in the CAC packet from the downtown café and asked staff to follow-up. Lastly, she mentioned that she would be attending an SFMTA meeting on November 30th.

Member Brandt pointed out that one of the lowest customer satisfaction survey results was in notification about delays. He also shared other experiences with passengers standing on the wrong platform and missing their train. He then shared his concerns with the upcoming increase in construction, schedule cutbacks and the lack of customer communication. Member Brandt mentioned his support of a policy that includes pets onboard the trains. Lastly, he shared his concerns and his suggestions to prevent vehicles on the tracks.

Public Comments:

Jeff Carter, Millbrae, via Zoom Q&A, shared the importance of customer communication during delays. He also suggested Caltrain customer service be available during all revenue hours. He also shared his disappointment with the scheduled cutbacks and changes to accommodate electrification. Lastly, he requested staff to review Member Brandt's idea to prevent vehicles on the tracks.

BROWN ACT TRAINING AND PRESENTATION

James Harrison and Anna Myles-Primakoff, Olson Remcho, LLP, presented the Brown Act Training. The full presentation can be found on caltrain.com.

Committee Comments:

Member Brandt asked how a CAC member would obtain approval for a qualifying exemption. Mr. Harrison explained that the approval requirement only applies to emergency circumstances and the CAC member would make the request and the CAC would consider that as its first item of business. Otherwise, if a CAC member would like to participate remotely, they will need to

provide the address of the location from where they are participating to be posted on the agenda so that persons of the public may join and observe the meeting from that location.

Member Kutler asked for clarification regarding committee comments and items not on the agenda. Mr. Harrison explained that committee comments do not need to be agendaized. He also stated that it is prohibited for committee members to engage in communications among majority of the members of the CAC regarding matters within the CAC's jurisdiction outside of a noticed CAC meeting. Member Kutler also acknowledged that the alternate CAC members give the CAC flexibility.

Member Larry Klein asked about the agenda logistics when an emergency circumstance occurs. Mr. Harrison responded that if there is enough time, staff will revise and repost the agenda to indicate that the CAC would be considering an emergency circumstances request. Member Klein then asked about the timeline and when there is not enough time to update the agenda. Mr. Harrison advised that the CAC would have the authority to address an emergency circumstance without it being agendaized.

Member Brandt asked about Brown Act violation regarding social media and Mr. Harrison responded that CAC members should refrain from commenting, reposting, or liking a post from another member as it pertains to an item within the CAC's jurisdiction.

Vice Chair Tuzman asked about pre-covid CAC attendance. Chair Shaw responded that alternate CAC members give the CAC a buffer when not all CAC member positions are filled and helps during the process of filling those seats.

Member Jean-Paul Torres asked how many CAC members make up a majority. Mr. Harrison responded that it would be five members of the CAC.

Member Steve Seebart asked whether a quorum would need to include a representation from all three counties, and Chair Shaw stated that it would not.

Public Comments:

Jeff Carter, Millbrae, via Zoom Q&A, expressed his disappointment that the committee members will need to provide their physical location after February. He stated that the remote meetings are working well. He then asked whether members of the public may interact with CAC members on social media. Chair Shaw replied that CAC members may interact with the public so long no other CAC members are present.

Adina Levin, via Zoom Q&A, shared that MTC is looking at the Brown Act reform, to address the issues that members of the CAC have raised about needing to post and publish the remote location. She then stated that the committee may be interested in whether Caltrain is also working to support improving and modernizing that legislation. Chair Shaw stated that he has not seen a report from Government Affairs indicating so.

PCEP CONSTRUCTION SCHEDULE CHANGE / CONSTRUCTION SCHEDULE CHANGE

Ted Burgwyn, Director, Rail Network and Operations Planning and Brent Tietjen, Government and Community Affairs Officer, presented the PCEP Construction Schedule Change presentation. The full presentation can be found on caltrain.com.

Committee Comments:

Member Brandt suggested having sawhorses with very eye-catching signs at all station entrance areas directing passengers to bus stops. He then asked staff to confirm whether there will be more bus bridges to keep the electrification schedule from slipping. Mr. Burgwyn stated that this is the second phase of the signal cut over work and that there are future phases of signal cut over work that will require some service changes next year, and that staff is in preliminary discussions to develop a plan for future work.

Member Seebart was pleased to hear that there will be ambassadors to help direct passengers and asked whether they will be available for the duration of revenue service. Mr. Burgwyn stated that those details are still being worked out, however staff has put together a signage plan and an ambassador plan, however, depends on staff availability. He also informed the committee that staff has contracted a firm that may be able to staff ambassadors and that those details are still being worked out.

Member Klein was glad to hear about the ambassador plan. He then asked what the plan is for Clipper tag on and off at the temporary stops. Mr. Burgwyn stated that passengers will tag on/off at the Caltrain station then tag on/off once the passenger reaches their destination. He also stated that staff is making the bus stops as close to the stations as possible. Member Klein stated that it impedes passengers even more by having to walk back to the station after their trip has ended to tag off and recommended temporary Clipper readers at these locations.

Vice Chair Tuzman requested that at multilevel stations, staff place the signage at ground level and to post the information at other transit agencies that connect with Caltrain to better inform passengers.

Member Brandt agreed with Member Klein's comments and requested that no passengers be cited during this period and that there be enough buses to accommodate passenger with bicycles.

Public Comments:

Jeff Carter, Millbrae, via Zoom Q&A, requested that the signage be visible. He also mentioned that ambassadors to help direct passengers during this time is a great idea. Jeff suggested having a bus that runs after 9 p.m. after service shuts down. Lastly, he suggested a better plan to tag on and off, or citation leniency during this period.

Chair Shaw recommended a more seamless operation for tagging on and off to lessen the inconvenience for the passenger.

CLIPPER NEXT GENERATION OVERVIEW & MONTHLY PASS RECOMMENDATION

Bruce Thompson, Manager, Fare Program Operations, presented the Clipper Next Generation Overview & Monthly Pass Recommendation presentation. The full presentation can be found on caltrain.com.

Committee Comments:

Vice Chair Tuzman asked whether the cost of the monthly pass will increase with Clipper 2. Mr. Thompson stated that there is no planned increase for the functionality.

Member Brandt suggested fare enforcement staff to be aware of the loopholes and asked what happens when a passenger tags on and off at the same station. He then stated that the current tariff, is completely unchanged with this proposal and does nothing to improve the inequity and encouraged staff to look at implementing the distance-based fares. He then asked for clarification around the mobile ticketing. Regarding mobile ticketing, Mr. Thompson responded that when multiple tickets are purchased on the Caltrain app it causes problems with fare enforcement and to prevent that, individual tickets will not be sold on the app and instead passenger will be able to tap on and off. He then informed the committee that when a passenger taps on and immediately taps off, the system will not register that tap and will need to wait sixty to ninety seconds to re-tap.

Member Patricia Leung appreciates the installation of the new Clipper devices to help alleviate the lines. She then recognized that the new requirement to tag on and off will help gather data to determine whether station-based fare and integrated fares are feasible. Mr. Thompson responded that it would provide Caltrain with more data.

Member Kutler asked whether there will be customer education with the new system. Mr. Thompson responded that there would need to be customer education with Clipper Next generation, overall.

Vice Chair Tuzman requested that the new system allow more flexibility to feed into other apps. Mr. Thompson advised that the business rules are still being reviewed and that he would return to this committee with more information as it becomes available.

Public Comments:

Adina Levin, via Zoom Q&A, stated that the Regional Fare Coordination and Integration Study shows significant benefits to ridership with Caltrain's standardized fare structure and hopes that Caltrain can move in that direction. She also stated that moving toward an accumulator model, which Clipper 2 may support, would be helpful.

Jeff Carter, Millbrae, via Zoom Q&A, recommended that Caltrain move to a station-to-station fare structure. He then stated that he likes the idea of automatic zone upgrades and that it would work with station-to-station fare structure. He then asked how the zone upgrades would work mid-trip and Mr. Thompson explained.

Chair Shaw stated that this is heading in the right direction and that the goal is to remove the zone-based fares and to move to a fare structure like BART and move to a station-to-station fare structure.

STAFF REPORT UPDATE

David Santoro, Acting Chief Operating Officer reported (The full report can be found on caltrain.com):

On-time Performance (OTP) –

- **October:** The October 2022 OTP was 90.8% compared to 93.8% for October 2021.
 - **Vehicle on Tracks** – There were three days, October 13, 27 and 28 with a vehicle on the tracks, which caused train delays
 - **Mechanical Delays** – In October 2022 there were 816 minutes of delay due to mechanical issues compared to 980 minutes in October 2021.
 - **Trespasser Strike** – There was one trespasser strike on October 14 in San Francisco, resulting in a non-fatality, which caused 1 train annulled and 21 trains delayed.
- **September:** The September 2022 OTP was 85.5% compared to 95.6% for September 2021.
 - **Vehicle Strike** – There was one vehicle strike on September 8 at Churchill Avenue, which caused 2 trains delayed. **This strike occurred on September 9, but we were still operating September 8 revenue service. **
 - **Trespasser Strikes** – There were two trespasser strikes on September 2 and 6, resulting in one fatality. The strike on the 2nd was a non-fatality at San Antonio Station, which caused 1 train terminated, 1 train annulled, and 12 trains delayed. The strike on the 6th was a fatality on the UPRR territory, which caused 1 train terminated and 2 trains delayed.

Mr. Santoro invited the committee to review the agenda packet for Holiday Service modified schedules. He also mentioned that Caltrain will offer free fares starting at 8 p.m. on New Year's Eve. He then shared that the Holiday Train is scheduled for December 3rd and 4th.

Committee Comments:

Vice Chair Tuzman requested staff to investigate the incident he had described earlier in the meeting and corrected the date of the incident as Friday night, Saturday morning. Mr. Santoro responded that staff would look into the matter and would follow-up through the CAC Secretary.

Member Brandt stated the Average Weekday Ridership has dropped by one percent and is heading in the wrong direction. He also requested that staff provide the percentage on the report. He then requested staff to provide a presentation considering ways to prevent vehicles on the tracks. Mr. Santoro stated that he would work with the Safety group to put together a presentation for the committee.

Public Comments:

None

JPB CAC Work Plan

December 21, 2022

- Suicide Prevention Initiatives
- PCEP Construction Schedule Changes
-

January 18, 2023

- CAC role in Measure RR oversight update
-
-

February 15, 2023

- Measure RR audit report
-
-

March 15, 2023

-
-
-

April 19, 2023

-
-
-

May 21, 2022

-
-

Suggested Items:

- Go Pass cost per ride factors – requested by Chair, Brian Shaw on 6/19/19
- San Mateo County Climate Action Plan – requested by Member Rosalind Kutler on 10/16/19
- MTC Means-Based Discount Fare program update
- Caltrain connections with other agencies – requested by Member Rosalind Kutler on 12/18/19 and Alternate Member Rob Jaques on 12/15/21
- Update on grade crossing pilot six months after installation – requested by Member, Patrick Flautt on 12/18/19
- Operating Costs – requested by Member Adrian Brandt on 2/13/20
- Rail Corridor Use Policy – requested by Member Anna Dagum on 10/21/20
- Industry Safe Functionality
- Blue Ribbon Task Force
- Clipper Data Availability
- Construction Obstacles
- Wireless Solution Technology – requested by Member Adrian Brandt on 12/8/21
- Redwood City Station Development - requested by Member Adrian Brandt on 12/8/21
- Dual speed check installation/Constant Warning, Downtown Extension, elevated four track station, future Dumbarton Rail extension and the Google campus being planned at the Diridon station, PCEP project wireless overlay system and level boarding and the status of fully vaccinated staff - requested by Member Adrian Brandt on 12/15/21
- Transit Oriented Development & historic station preservation outreach - requested by Member Patricia Leung on 12/15/21
- Equity evaluation on the most recent schedule change and Go Pass qualification requirements - requested by Member Rosalind Kutler on 12/15/21
- Staffing structure, Governance Update, Visual Messaging Display rollout plan, Equity Plan implementation/update and periodic updates from Government Affairs regarding funding sources and how infrastructure bills may impact Caltrain - requested by Member David Tuzman on 12/15/21
- Caltrain Wayfinding improved, specifically with single tracking - requested by Member Jean-Paul Torres on 12/15/21
- Conductor's communication tools and how they may interface with the public. Regional trip planning and availability for riders that do not have access to mobile devices - requested by Alternate Member Melody Pagee on 12/15/21
- Distance-based fares on Caltrain. Deep dive on it from a practical standpoint - requested by Chair, Brian Shaw on 12/15/21
- iPhones for Conductors
- Constant Warning
- Engineering Standards

- Brainstorming sessions for Conductor iPhone applications
- Fare Enforcement Update – requested by Chair, Brian Shaw on 7/20/22
- Proof of Payment
- Clipper Next Gen Validator Project Update
- Grade Crossing Presentation – requested by Member Adrian Brandt on 9/21/22
- Look into allowing non-service animals on Caltrain with a travel carrier - requested by Vice-Chair David Tuzman on 9/21/22
- Code of Conduct

DATE, TIME, AND LOCATION OF NEXT REGULAR MEETING:

The next meeting will be December 21, 2022, at 5:40 pm, via Zoom (additional location, if any, to be determined).

Adjourned at 8:23 pm.

DRAFT

Caltrain

Draft 2023 Legislative Program

Purpose

Legislative and regulatory actions have the potential to significantly benefit Peninsula Corridor Joint Powers Board / Caltrain (Agency) programs and services. They also have the potential to present serious challenges that threaten the Agency's ability to meet the county's most critical transportation demands.

The 2023 Legislative Program establishes the principles that will guide the Agency's legislative and regulatory advocacy efforts through the 2023 calendar year, including the first half of the 2023-24 State legislative session and 118th Congress. The program is intended to be broad enough to cover the wide variety of issues that are likely to be considered during that time and flexible enough to allow the Agency to respond swiftly and effectively to unanticipated developments.

Objectives

The 2023 Legislative Program is organized to guide the Agency's actions and positions in support of three primary objectives:

- Maintain and enhance funding opportunities to support the Agency's programs and services;
- Seek a regulatory environment that streamlines project delivery and maximizes the Agency's ability to meet transportation service demands; and
- Reinforce and expand programs that build and incentivize public transportation ridership, improve quality transportation choices, and better incorporate Caltrain service with other agencies in the Bay Area.

Issues

The Legislative Program is structured to apply these core objectives to a series of regional, state, and federal issues falling in these categories:

- Budget and Transportation Funding Opportunities
- Transportation Projects Funding Requests and Needs
- Regulatory, Legislative, and Administrative Issues

Within these categories are a detailed list of specific legislative initiatives and corresponding set of policy strategies.

Should other issues surface that require the Board's attention, actions will be guided by the three policy objectives listed above. If needed, potential action on issues that are unrelated to these policy goals will be brought to the Board for consideration.

Advocacy Process

Staff will indicate on each monthly legislative update recommended positions for pending bills. Once the Board has an opportunity to review the recommended position, staff will communicate the position to the relevant entity (such as the bill author, agency, or coalition). In rare circumstances, should a position on a bill be needed in advance of a Board meeting, staff will confer with the Board Chair. If legislation falls outside of the scope of the Board's adopted Legislative Program, Board approval will be required prior to the Agency taking a position.

Public Engagement Strategies

Staff, led by the Communications Division and its legislative consultants, will employ a variety of public engagement strategies to support the 2023 Legislative Program, including:

- Direct Engagement
Engage policymakers directly and sponsor legislation, submit correspondence and provide public testimony that communicates and advances the Agency's legislative priorities and positions.
- Coalition-based Engagement
Engage local and regional stakeholders to build awareness about specific issues and participate in local, regional, statewide and national coalitions organized to advance positions that are consistent with the 2023 Legislative Program.
- Media Engagement
Build public awareness and communicate the Agency's legislative priorities by issuing press releases, organizing media events, and through the use of social media.

The adopted legislative program will guide the Agency's legislative advocacy efforts until approval of the next program.

State and Regional

Funding Opportunities and Challenges

<i>Issue / Background</i>	<i>Strategy</i>
<p>General Funding Since March 2020, transit agencies were hit hard by the loss of ridership and revenue due to the COVID-19 pandemic. Caltrain ridership remains significantly lower than pre-pandemic levels, and significant additional funding is still needed to mitigate the pandemic’s impact for transit agencies.</p> <p>In 2022, the state budget included significant new funding for transportation, with additional funds (\$4 billion) proposed for FYs 2023-24 and 2024-25. These funds are for capital projects and flow through the TIRCP.</p>	<ul style="list-style-type: none"> ● Direct advocacy for additional resources to secure state funding for transit systems and work to ensure committed funds materialize in the FY 2023-24 State Budget. ● Work with other regional transit agencies, and agencies statewide, to secure a new source of operations funding for transit. ● Ensure that any new COVID relief funding suballocated through the region is based primarily on revenue losses, balanced with the needs of transit dependent riders. ● Protect against the elimination or diversion of any State or regional funds that support the agency’s transportation needs. ● Support State funding allocation requests for investments that benefit the Agency’s transportation programs and services. ● Work with legislative delegation, regional agencies, transit systems and transit associations to identify and advance opportunities for funding that would support the Agency’s transportation priorities. ● Support efforts to provide funding for the deployment of zero emission transit vehicles and infrastructure, including working with the CalSTA, CARB, and CEC on funding program requirements.
<p>Formula Funding In 2022, transit formula funding began to rebound from the lows of the COVID-19 pandemic, seeing new highs in some estimates. However, there are now signs of a recession looming, which may have negative impacts on core transit funding.</p> <p>After years of diversion to support the State’s General Fund, funding for the State Transit Assistance (STA) program has remained stable over the last few budget cycles thanks to</p>	<ul style="list-style-type: none"> ● Support the full funding of the STA program at levels called for in the 2011 reenactment of the 2010 gas-tax swap legislation. ● Support full and timely allocation of the Agency’s STIP share. ● Participate in the CTA’s TDA taskforce and support CTA efforts to engage the Legislature on TDA reform and the review of performance measures for transit.

<p>successful legal, legislative and political efforts on behalf of the transportation community. Still, more revenue is needed in order to meet the demand of increased ridership, reduce highway congestion and adhere to the State’s mandate of reducing greenhouse gas emissions, and creating livable communities.</p> <p>In 2019, the California Transit Association convened a working group, at the request of the Senate and Assembly Transportation Committees to review and provide potential changes to the Transportation Development Act (TDA). The CTA effort resulted in temporary relief in meeting farebox recovery ratio requirements to access LTF, STA, LCTOP and SOGR funds as well as several more significant and permanent changes to TDA such as adding additional exemptions for on-demand service, cost of security, transitioning to zero-emission operations, and more. In 2023, the TDA conversation will continue to assess more holistic changes to TDA for introduction in 2024 to maximize flexibility for maintaining and expanding service. The Agency is part of the working group. In 2023, the Agency will support the California Transit Association’s efforts to extend the temporary relief.</p>	
<p>Cap-and-Trade Revenues In 2012, the State began implementing the cap-and-trade market-based compliance system approved as a part of the California Global Warming Solutions Act of 2006 (AB 32). Since the program began selling allowances, the program</p>	<ul style="list-style-type: none"> ● Work with the Administration and like-minded coalitions to secure the appropriation of additional cap-and-trade revenues to support the Agency’s transportation needs. ● Support legislation and regional action that makes a broad array of the Agency’s emissions-reducing transportation projects, programs and services eligible for investment.

<p>has generated billions of dollars. In 2014, legislation was enacted creating a long-term funding plan for cap-and-trade which dedicates 60 percent of cap-and-trade revenues to transportation. The remaining 40 percent is subject to annual appropriation through the state budget process. In 2017, the legislature extended the program from 2020 to 2030.</p>	<ul style="list-style-type: none"> ● Protect existing cap-and-trade appropriations for transit operations, capital projects and sustainable communities strategy implementation. ● Work to explore Cap and Trade as a potential source for additional operating funds.
<p>Voter Threshold Legislation has been considered in recent years that provide a framework for lowering the thresholds for the State or a city, county, special JPB or regional public agency to impose a special tax.</p>	<ul style="list-style-type: none"> ● Support efforts to amend the State Constitution to reduce the voter threshold required for the State or a city, county, special district or regional transportation agency to impose a special tax for transportation projects or programs and monitor local efforts to use the initiative process to place measures on the ballot with lower voter thresholds.
<p>Other State or Local Funding Options Local and regional governments continue to seek methods for funding new infrastructure, facility needs, sustainability initiatives, and projects that will support ridership growth through a variety of methods such as managed lanes and local ballot measures.</p> <p>In 2020, there was the potential for a regional transportation measure (called FASTER Bay Area), led by the Bay Area Council, Silicon Valley Leadership Group and SPUR. MTC is kicking off a listening tour regarding a potential future regional ballot. Many details about the timing, funding mechanism and expenditure plan are still being discussed.</p> <p>In 2014, the Federal Aviation Administration’s (FAA) issued a rule called the “Policy and Procedures</p>	<ul style="list-style-type: none"> ● Advocate for legislation that would create new local funding tools to support transportation infrastructure and services. ● Support innovative local and regional funding options that will provide financial support for the agency. ● Advocate for funding sources that would assist transit agencies in obtaining funds for sustainability initiatives including water conservation, waste reduction, long-term resource efficiency of facilities and equipment, and greenhouse gas reductions. ● Support funding for workforce development, retention, and housing to attract and retain quality personnel. ● Support efforts that allow for public private partnerships that benefit the implementation of capital projects, efficient operation of transit services, or enhanced access to a broad range of mobility options that reduce traffic congestion. ● Work to ensure the agency is at the table and appropriately funded as part of any potential regional funding measure. ● Support efforts to ensure sales tax revenues generated from aviation fuel continue to fund planned transportation projects. Support the State of California in its efforts to respond and address FAA’s requests.

<p>Concerning the Use of Airport Revenue, proceeds from Taxes on Aviation Fuel.” The rule would require that local taxes on aviation fuels must be spent on airports is contrary to states’ rights to control their general application sales tax measures. The State of California has been active in addressing this issue.</p>	
<p>Transportation & Housing Connection Given the housing shortage crisis, there have been efforts at the State and regional level to link housing and zoning with transportation funding. The Surplus Lands Act which governs the disposition of government owned property is likely to be amended in the next legislative cycle.</p>	<ul style="list-style-type: none"> • Evaluate state or regional efforts that directly link transportation funding to housing and provide for higher density housing projects near transit stations. • Advocate for solutions that appropriately match decision making authority with funding (i.e. – An agency shouldn’t be financially penalized for decisions that are outside the authority of the agency). • Advocate where necessary for the Agency to be able to develop its property in the manner most beneficial to Agency needs and goals.
<p>Transportation Projects</p>	
<p>General Pre-pandemic, as the Bay Area’s population continued to grow, the region’s transportation infrastructure was strained. Although transit ridership remains far below pre-pandemic levels, we expect riders to return to public transit once major employers along the corridor bring their employees back to the office. We are already seeing highways, local streets and roads becoming heavily congested. Despite the pandemic, the demand for housing with easy access to public transit continues to grow.</p>	<ul style="list-style-type: none"> • Work with partners in the region to bring business, community, and transportation stakeholders together to enhance, support and advocate for equitable transportation and mobility in the Bay Area. • Support legislation that assists the Agency in its efforts to recruit and retain employees.
<p>Transit-Oriented Development / First and Last Mile First and last mile projects, as well as transit-</p>	<ul style="list-style-type: none"> • Support efforts to provide commuters with easy and convenient options to travel to and from major transit centers to their final destination.

<p>oriented development projects are an important part of the broad transit ecosystem that will help support robust ridership in the corridor.</p>	<ul style="list-style-type: none"> • Support the development of new and innovative first and last mile options. • Support increased funding opportunities for first and last mile projects. • Advocate for policies that promote transit-oriented developments in ways that with compliment transit services. • Support state funding incentives and streamlining processes for transit-oriented development.
<p>Transportation Demand Management (TDM) TDM is the application of strategies and policies to reduce travel demand of single-occupancy vehicles or to redistribute this demand in space or time.</p>	<ul style="list-style-type: none"> • Support efforts that provide more TDM tools and funding opportunities. • Support policies that encourage use of TDM.
<p>Electrification Project In 2012, the State Legislature appropriated Prop 1A high-speed rail funds to modernize the Caltrain corridor and lay the foundation for future high-speed rail service. Under a multi-party regional funding agreement, this investment was matched with a variety of local, regional, state and federal funding sources to electrify the corridor, install an advanced signaling system and replace 75% of Caltrain’s aging diesel trains with electric trains that will dramatically improve service between San Francisco and San Jose. The Project has a funding gap that requires additional financial resources.</p> <p>The Electrification Project is a transformational first step in the realization of a larger future for Caltrain that will be guided by the Caltrain 2040 Business Plan efforts.</p> <p>Caltrain 2040 Business Plan In October 2019, the Caltrain Board adopted a long-term 2040 Service Vision, defining an ambitious plan for growing service over the next 20-plus years. The service vision outlines the capital and operating needs to</p>	<ul style="list-style-type: none"> • Direct advocacy to support allocation of one-time general fund money, TIRCP, cap-and-trade, or other State funding, to fill the funding gap for the Electrification project to ensure timely completion of the project by 2024. • Work with state, local and regional partners to advance policies and actions that will help secure funding needed to fulfill local, regional and state commitments to the Electrification Project. • Advocate for the sale and allocation of Proposition 1A bonds to meet the commitments specified in SB 1029 with respect to the Caltrain corridor and work to include funding for Caltrain in any future Proposition 1A appropriations. • Work to address regulatory challenges that limit the implementation of solutions that will maximize Caltrain capacity and service benefits. • Advocate for funding and policies to support grade separation projects. • Support the allocation of cap-and-trade or other state / regional funding to advance implementation of Caltrain projects. • Work to address regulatory actions or policies that negatively impact Caltrain future capacity or service improvements. • Support the implementation of the Caltrain Business Plan associated projects and policies. Continue to educate the Caltrain legislative delegation and key members of the Administration on the Plan. • Ensure relevant state and regional agencies incorporate relevant elements of the Caltrain Business Plan in their long-term plans. • Support funding and regulations that are consistent with Caltrain’s equity and growth policy.

<p>achieve the vision and includes projects such as longer EMU fleet, longer platforms, level boarding, passing tracks, grade separations and station upgrades. It also identified needs to prepare the railroad to expand and integrate into a regional rail network.</p> <p>Caltrain Equity and Growth Framework In 2020, Caltrain developed a policy to advance equity within the system and neighboring communities. The policy will help address systemic inequality by taking steps to ensure the Caltrain system is accessible and useful to all. The policy also advances efforts to improve Caltrain connections to the regional transit network and provide direction on service priorities during and after the COVID-19 pandemic.</p> <p>High-Speed Rail Blended System In 2016, a new round of HSR Blended System planning, outreach and environmental clearance work kicked-off in the corridor. While this project is not being led by the JPB, the agency owns the right-of-way and has a significant interest in the process and success of the project that will “blended” with Caltrain service. Current timeline would HSR on the corridor by 2033.</p>	<ul style="list-style-type: none"> • Consistent with existing agreements between JPB and CHSRA, support efforts to plan, engage stakeholders, and implement the Blended System project on the Caltrain corridor. • Work with Caltrans and CalSTA to secure funding for pilot projects for BEMU testing and deployment. • Work with CARB to ensure that its regulatory actions do not impede delivery of Caltrain’s electrification project.
<p>Legislative, Regulatory and Administrative Issues</p>	
<p>General Every year a variety of legislation or regulatory action is pursued that would affect regulations governing transportation-related service operations, administration, planning and project delivery. In addition, opportunities exist to</p>	<ul style="list-style-type: none"> • Support opportunities to remove barriers to, and improve the ability to conduct, safe, efficient transportation operations, administration, planning and project delivery efforts, including alternative project delivery methods that provide flexibility to the agency.

<p>reform or update existing regulations that are outdated, or can be improved to address potential burdens on transportation agencies without affecting regulatory goals. Recently, there have been calls for a more coordinated and streamlined transit system in the Bay Area.</p>	<ul style="list-style-type: none"> • Oppose efforts to impose unjustified and burdensome regulations or restrictions on the Agency’s ability to conduct efficient transportation operations, administration, planning and project delivery efforts. • Engage with MTC, the Legislature, and stakeholders on policies stemming from MTC’s Blue Ribbon Transit Recovery Task Force’s Bay Area Transit Transformation Action Plan, and the “Seamless” Bay Area efforts. • Ensure that new requirements impacting transit agencies support improved connections with other transit system and don’t result in tradeoffs that have unintended consequences for key transit riders and stakeholders. • Work with the Administration to ensure guidance considers impacts on transit operations and the ability to meet transit rider mobility needs.
<p>California Environmental Quality Act (CEQA) Several regional and statewide transportation organizations continue working to modernize CEQA and minimize unnecessary delays during the environmental review process. In 2020, legislation was passed (SB 288) providing a series of temporary statutory exemptions for transit and active transportation projects under CEQA. In 2022, legislation was passed (SB 922) to extend these exemptions through 2030.</p>	<ul style="list-style-type: none"> • Closely monitor efforts to modernize CEQA. Without compromising CEQA’s effectiveness as an environmental protection policy, support proposals that advantage transportation projects, including bicycle, pedestrian and transit-oriented development projects. • Monitor the implementation and opportunities related to SB 922 (Wiener).
<p>Public Employees’ Pension Reform Act (PEPRA) In 2021, the United States Department of Labor issued new policy asserting that the implementation of PEPRA by California transit agencies precludes the department from certifying federal transit grants owed to California transit agencies. This policy, if implemented fully by USDOL, would lead to the withholding of potentially billions of dollars in federal funding to California transit agencies, including the Agency.</p>	<ul style="list-style-type: none"> • Engage the State of California, delegation, sister agencies and transportation associations to prevent the withhold the certification of federal transit grants owed to the Agency due to the implementation of PEPRA by transit agencies.

<p>Sustainable Communities Strategies Implementation In conjunction with AB 32 and SB 32 implementation, the Sustainable Communities and Climate Protection Act (SB 375) requires regions to develop Sustainable Communities Strategies (SCS) with integrated housing, land-use and transportation policies that will accommodate population growth and reduce regional greenhouse gas emissions by specific amounts. In 2017, regional authorities in the Bay Area approved the update to Plan Bay Area. The final Plan Bay Area 2050 was adopted in 2021.</p>	<ul style="list-style-type: none"> • Advocate for policies that provide adequate and equitable funding to support increased demand and dependence on the Agency’s transportation services associated with the implementation of SB 375 and Plan Bay Area. • Ensure any planning, development, or policy proposals are consistent with the Agency’s policies and planning. • Support efforts to provide ensure transit agencies are eligible for climate resiliency program funding.
<p>Executive Orders Related to GHG Emissions: Since taking office, Governor Newsom has issued two Executive Orders – N-19-19 and N-79-20 – calling for reduced emissions from the transportation sector and larger, coordinated investments in transit, active transportation and land-use. The executive orders highlight the need for expanding clean transportation options.</p> <p>Building on the executive orders above, in 2021, CalSTA adopted the Climate Action Plan for Transportation Infrastructure (CAPTI), which details how the state recommends investing billions of discretionary transportation dollars annually to aggressively combat and adapt to climate change while supporting public health, safety and equity.</p>	<ul style="list-style-type: none"> • Work to ensure state and federal funds are made available transportation agencies to achieve the goals outlined in the orders. • Engage in the State’s effort to address the transit-specific goals outlined in the executive orders. • Protect transit agencies from any negative impacts stemming from the executive orders (e.g. additional mandates without funding, changes to funding guidelines that might disadvantage transit projects).
<p>CARB In-use Loco Regulation: To meet Executive Order N-79-20 and achieve 100% zero emissions</p>	<ul style="list-style-type: none"> • Work to ensure funding programs are available to support transition to new technology

<p>from off-road vehicles and equipment operations in the state by 2035, CARB anticipates adopting an In-Use Locomotive Regulation. <i>As currently drafted, it would require all owners, operators, sellers, leasers, renters, or manufacturers to create spending accounts (based on emissions level and amount of work performed in California) for zero-emission loco purchases as early as 2023. In 2030, it would ban all locomotives 23 years or older from operating in the state.</i></p>	<ul style="list-style-type: none"> • <i>Work to ensure that CARB complete a market and technology assessment that encompasses all information on the limitations and barriers for passenger rail agencies.</i> • <i>Work to support pilot projects for zero-emissions rail technologies such as BEMUs funded by the state.</i> • <i>Participate in CARB’s rulemaking effort and advocate for workable solutions for passenger rail with staff and Board members.</i> • <i>Support efforts for an alternative pathway with individualized agency plans.</i>
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Federal	
Funding Opportunities and Challenges	
<i>Issue / Background</i>	<i>Strategy</i>
<p>Federal Appropriations In 2022, transit agencies continued to be impacted by the loss of ridership and revenue due to the COVID-19 pandemic. While federal emergency relief funding (CARES Act, CRSSA, and the American Rescue Plan) provided some relief in the near-term, significant additional funding is needed to mitigate the pandemic’s long-term impact.</p> <p>Every year, Congress adopts several appropriations bills that cover 12 major issue areas, including the Transportation, Housing and Urban Development bill. These measures provide the funding for federal agencies to spend money</p>	<ul style="list-style-type: none"> • Advocate for funding for the Caltrain Electrification Project in the FY22 Appropriations bill. • Partner with local, regional, State and national coalitions to advocate appropriation of the maximum authorized amount for programs that benefit the Agency’s transportation services and needs. • Work with local and regional coalitions to support requests for funding from discretionary programs, • Communicate frequently with the Agency’s federal delegation and key appropriators on the needs or concerns of pending appropriation bills.

<p>during the upcoming fiscal year for the programs they administer.</p> <p>In September of 2022, Congress passed a continuing resolution (CR) to keep federal agencies funded at the same level as the previous fiscal year, through December 16, 2022, and is expected to pass the FY 2023 Omnibus Appropriations bill that will include Transportation, Housing and Urban Development bill before the end of the calendar year of 2023.</p>	
<p>Tax and Finance Congress considers legislation that governs tax and finance issues that impact transit agencies.</p>	<ul style="list-style-type: none"> • Support efforts to ensure tax provisions that benefit the agency’s priorities are included in any tax or finance proposal. • Protect against the elimination or diversion of any tax policies that support the agency’s transportation needs.
<p>Transportation Projects</p>	
<p>General Support Agency projects and the efforts of partnering agencies to obtain federal funding for the Agency’s related transit projects.</p>	<ul style="list-style-type: none"> • Work with federal delegation members, as well as local, regional, and state coalitions to support the federal funding requests for Agency projects and for our partner transit agencies on projects that provide complimentary services for the agency.
<p>Caltrain Electrification Project The current Project funding plan includes funding from several federal funding sources including the FTA Capital Investments Grant Program and Community Project requests. The Project has a funding gap that requires additional financial resources.</p> <p>Positive Train Control (PTC) is a federal mandate. The current Caltrain Positive Train Control (PTC) project includes some funding from the Federal Railroad Administration (FRA).</p>	<ul style="list-style-type: none"> • Work with federal delegation members, as well as local, regional, and state coalitions to fill the Electrification Project funding gap through formula funding, discretionary grants, and the annual appropriations bills. • Advocate for additional PTC funding for operating expenses. • Support efforts to streamline regulatory administrative hurdles to supporting full PTC operations. • Support the allocation of federal funding to advance implementation of Caltrain-related projects. • Advocate for funding and policies to support grade separation projects. • Work to address regulatory actions or policies that negatively impact future capacity or service improvements.

The Electrification program is a transformational first step in the realization of a larger future for Caltrain that will be guided by the Caltrain 2040 Business Plan efforts.

Caltrain 2040 Business Plan In October 2019, the Caltrain Board adopted a long-term 2040 Service Vision, defining an ambitious plan for growing service over the next 20-plus years. The service vision outlines the capital and operating needs to achieve this vision and includes projects such as longer EMU fleet, longer platforms, level boarding, passing tracks, grade separations and station upgrades. It also identified needs to prepare the railroad to expand and integrate into a regional rail network. While the Plan is close to final, Caltrain turned its attention to COVID recovery in 2020 and plans to close out the Business Plan in 2022.

Caltrain Equity and Growth Framework In 2020, Caltrain developed a policy to advance equity within the system and neighboring communities. The policy will help address systemic inequality by taking steps to ensure the Caltrain system is accessible and useful to all. The policy also advances efforts to improve Caltrain connections to the regional transit network and provide direction on service priorities during and after the COVID-19 pandemic.

High-Speed Rail Blended System In 2016, a new round of HSR Blended System planning, outreach and environmental clearance work kicked-off in the corridor. While this project is not being led by

- Support the implementation of the Caltrain Business Plan associated projects and policies. Continue to educate the Caltrain legislative delegation and key members of the Administration on the Plan.
- Support funding and regulations that are consistent with Caltrain’s equity and growth policy.
- Consistent with existing agreements between JPB and CHSRA, support efforts to plan, engage stakeholders, and implement the Blended System project on the Caltrain corridor.

<p>the JPB, the agency owns the right-of-way and has a significant interest in the process and success of the project that will “blended” with Caltrain service. In 2022, HSR will likely finalize the EIR for the northern Caltrain corridor and request additional allocation of Prop 1A resources for the Central Valley work.</p>	
<p>Legislative, Regulatory and Administrative Issues</p>	
<p>General Every year a variety of legislation or regulatory action is pursued that would affect regulations governing transportation-related service operations, administration, planning and project delivery. In addition, opportunities exist to reform or update existing regulations that are outdated, or can be improved to address potential burdens on transportation agencies without affecting regulatory goals.</p>	<ul style="list-style-type: none"> • Support opportunities to remove barriers to, and improve the ability to conduct, safe, efficient transportation operations, administration, planning and project delivery efforts, including alternative project delivery methods that provide flexibility to the agency. • Oppose efforts to impose unjustified and burdensome regulations or restrictions on the Agency’s ability to conduct efficient transportation operations, administration, planning and project delivery efforts.
<p>Infrastructure Investment and Jobs Act (IIJA) Implementation In November 2021, Congress approved and the President signed into law the IIJA, includes \$550 billion in new formula and grant funding for infrastructure investment, including for roads and bridges, rail systems, bus systems, drinking water and clean water, the electric grid, and other programs. MTC estimates that the Bay Area will receive at least \$4.5 billion in formula fundings from IIJA.</p>	<ul style="list-style-type: none"> • Advocate for federal funds through IIJA for Agency projects and plans. • Monitor and review guidance and rulemaking proposals affecting IIJA implementation and other transportation issues. • Collaborate with local, regional, state and national transportation advocacy groups to coordinate comments and advocacy efforts that support regulations that maximize benefits for transportation programs, services and users. • Collaborate with local, regional, state and national transportation advocacy groups to coordinate proposals and advocacy efforts for IIJA funding and implementation.
<p>Inflation Reduction Act (IRA) After the passage of the IRA, federal agencies will be tasked with program implementation, granting them broad authority over the deployment of funding. While</p>	<ul style="list-style-type: none"> • Monitor closely and take action as needed during Administration implementation of provisions that may have a significant impact on transit / transportation projects and programs. • Advocate for funding for the Agency’s projects and needs

<p>focusing mainly on energy production, tax, and healthcare, the IRA provides some funding for low-emission transportation technologies.</p>	
<p>FAA Rule In 2014, the Federal Aviation Administration’s (FAA) issued a rule called the “Policy and Procedures Concerning the Use of Airport Revenue, proceeds from Taxes on Aviation Fuel.” The rule would require that local taxes on aviation fuels must be spent on airports is contrary to states’ rights to control their general application sales tax measures.</p> <p>The final FY 2021 Omnibus Appropriations bill includes report language encouraging the Department of Transportation “to continue working with State and local governments and the FAA to develop a path forward to allow the use of local sales tax revenues generated on the sale of aviation fuel to be used in a manner consistent with their enactment.”</p>	<ul style="list-style-type: none"> • Support efforts to protect the ability of local and state governments to determine how general sales tax measures are allocated. • Continue to advocate for report language in the annual appropriations bills and support legislative changes that would permanently clarify the issue. • Support the State of California in its efforts to respond and address FAA’s requests

**Peninsula Corridor Joint Powers Board
Staff Report**

To: JPB CAC
From: James C. Harrison
General Counsel
Subject: **Adopt Amendments to Code of Conduct for Public Meetings**

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

Action

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) adopt the attached amended Code of Conduct for all Regular and Special Board, Committee, and Advisory Committee meetings to reflect recent changes in law.

Significance

Meetings of the JPB and its Committees are subject to the Ralph M. Brown Act (the Brown Act), which requires meetings of legislative bodies to be open to the public. Cal. Gov. Code § 54950 *et seq.* The governing boards of local agencies are permitted to adopt and enforce policies designed to ensure that meetings are conducted in an orderly fashion and that decorum is maintained so that all members of the public may observe and participate in the conduct of the people’s business.

In August 2022, the California Legislature enacted, and the Governor signed, Senate Bill 1100 (SB 1100), which amended provisions of the Brown Act. SB 1100 adds to the Brown Act’s guidelines governing the removal of a disruptive attendee by the presiding member of the meeting or their designee. Cal. Gov. Code § 54957.95. SB 1100 becomes effective on January 1, 2023.

The procedures related to removing an individual under SB 1100 are as follows:

1. Removal must be preceded by a warning to the individual that the individual’s behavior is disrupting the meeting and that the individual’s failure to cease their behavior may result in removal.
2. The presiding member or a designee may remove the individual if the individual does not promptly cease their disruptive behavior.
3. The warning requirement does not apply to behavior that constitutes a use of force or a true threat of force.

Cal. Gov. Code § 54957.95.

SB 1100 defines “disrupting” as engaging in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to: a failure to comply with reasonable and lawful regulations of the legislative body regarding the conduct of meetings enacted pursuant to the Brown Act or any other law; or engaging in behavior that constitutes use of force or a true threat of force. Cal. Gov. Code § 54957.95. A “true threat of force” means a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force. *Id.*

The proposed amendments to the Code of Conduct incorporate SB 1100’s new disruptive attendee procedures and establish expectations regarding appropriate conduct in order to create an environment that promotes productivity and efficiency while fostering public participation. A draft Code was presented to the Citizens Advisory Committee on December 21, 2022; feedback received at that meeting was incorporated into the amended Code.

Budget Impact

There is no budget impact associated with receiving this report.

Background

The Brown Act was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies. The Act protects the public’s right to participate in government meetings, including by requiring notice of meetings and publication of meeting agendas and materials and prohibiting registration or payment of a fee as a condition of attendance. The governing body of a local agency must allow public criticism of the body to be freely expressed in its meetings. Cal. Gov. Code § 54954.3(c). However, the governing body may decline to take public to comment on topics that are not within the subject matter jurisdiction of the body or to tolerate personal insults or slander of the board members or agencies’ staff.

The Brown Act allows governing bodies to adopt codes of conduct to preserve decorum and permit the orderly conduct of its meetings. Cal. Gov. Code § 54954.3(b). The Act also specifically permits the governing body to remove disruptive individuals from Board and Committee meetings in order to preserve order in a meeting and allow it to continue. Cal. Gov. Code § 54957.9. The Brown Act permits legislative bodies to establish procedures to readmit individuals not responsible for the disturbance when a meeting room is cleared. *Id.*

The California Legislature passed, and the Governor signed, SB 1100 in August 2022, amending the provisions of the Brown Act related to the removal of disruptive attendees. Beginning January 1, 2023, the presiding member of a meeting (or their designee) may remove a disruptive attendee upon warning if the attendee fails to comply with reasonable and lawful regulations to promote orderly conduct in meetings, or without warning if the attendee is making a use of force or a true threat of force. Cal. Gov. Code § 54957.95.

The removal authority under SB 1100 is in addition to the authority granted to legislative bodies by existing provisions of the Brown Act permitting removal of a group or groups of persons from a meeting for willfully interrupting the meeting. *See* Cal. Gov. Code §§ 54957.9, 54957.95.

This proposed amended Code of Conduct complies with the requirements of the Brown Act and promotes public participation and efficient, productive, and orderly meetings.

Prepared By:	Anna Myles-Primakoff	Counsel	916-442-2952
	Quentin Barbosa	Associate	916-442-2952

Resolution No. 2023-

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

* * *

Adopting Amendments to Code of Conduct for Public Meetings

Whereas, the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) is committed to the principles of government transparency and the promotion of public participation; and

Whereas, the Board seeks to ensure that meetings are conducted in an orderly fashion and that decorum is maintained so that all members of the public may observe and participate in the conduct of the people's business; and

Whereas, the Brown Act allows governing bodies to adopt codes of conduct or rules to preserve decorum and permit the orderly conduct of their meetings. The Act also specifically permits the governing body to remove disruptive individuals from meetings, as provided in the proposed amendments to the Code of Conduct, to preserve order during a meeting and allow it to continue. Cal. Gov. Code § 54957.9; and

Whereas, the governing body of a local agency must allow members of the public the opportunity to comment on items that are not on the agenda, but does not need to permit members of the public to comment on topics that are not within the subject matter jurisdiction of the body; and

Whereas, the governing body of a local agency must allow public criticism of the body to be freely expressed in its meetings. However, the governing body does not need to tolerate personal insults or slander of the board members, committee members, or staff; and

Whereas, the Board previously adopted the most recent Code of Conduct for all public

meetings on May 5, 2022. The attached Code of Conduct offers revisions in light of Senate Bill 1100 (SB 1100), passed by the California Legislature and signed by the Governor in August 2022. SB 1100 amends the Brown Act to permit the presiding member of a meeting or their designee to remove disruptive attendees under certain the circumstances. Cal. Gov. Code § 54957.95. SB 1100 became effective on January 1, 2023; and

Whereas, Staff has presented these amendments to the Code of Conduct for public meetings to the Caltrain Citizens’ Advisory Committee on December 21, 2022, and has since incorporated their feedback regarding the amendments; and

Whereas, Staff recommends that the Board adopt the attached amendments to the Code of Conduct for all Regular and Special Board, Committee, and Advisory Committee meetings.

Now, Therefore, Be It Resolved that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby adopts the attached Code of Conduct for all Regular and Special Board, Committee, and Advisory Committee meetings.

Regularly passed and adopted this 5th day of January, 2023 by the following vote:

Ayes:

Noes:

Absent:

Chair, Peninsula Corridor Joint Powers Board

Attest:

JPB Secretary

Code of Conduct Governing Public Participation in Meetings of the Board of Directors of the Peninsula Corridor Joint Powers Board

Principles and Purpose

The Board of Directors of the Peninsula Corridor Joint Powers Board (“Board”) is committed to the principles of government transparency and the promotion of public participation. The Board seeks to ensure that Board and Committee meetings are conducted in an orderly fashion and that decorum is maintained so that all members of the public may observe and participate in the conduct of the people’s business. Promoting a respectful and orderly environment will ensure that all speakers have the opportunity to be heard and that members of the Board and Committees have the opportunity to hear public comment and engage in thoughtful deliberations.

The purpose of this Code of Conduct is to establish expectations regarding appropriate conduct in order to create an environment that promotes civil and respectful discussion, productivity, and efficiency while fostering public participation and a safe and welcoming environment. Caltrain encourages robust public participation in its Board and Committee meetings, and this Code of Conduct is intended to preserve free expression while addressing conduct that may disrupt or impede Board or Committee meetings. This Code of Conduct applies to all Regular and Special Board, Committee, and Advisory Committee Meetings.

I. Addressing the Board/Committee

- A. A member of the public who wishes to address the Board or Committee must seek the permission of the Chair. In the interest of facilitating the business of the Board or Committee, the Chair may limit the amount of time and the number of persons who may address the Board or Committee.
- B. In-Person Meetings
 - 1. Members of the public desiring to address the Board or a Committee at in-person meetings on a consent, discussion, closed session, or public hearing agenda item are requested, but not required, to complete a speaker request form and deposit the completed form with the Secretary of the JPB prior to the Board or Committee’s consideration of the consent calendar, the reading of the agenda item, or the opening of the public hearing.

2. A person who has requested to address the Board or a Committee will be allowed up to two (2) minutes per agenda item, unless the Chair establishes a different standard based on the Board or Committee's business needs.
3. Members of the public shall have the right to address the Board or a Committee on items of interest which are within the Board or Committee's jurisdiction. A person requesting to address the Board or Committee on a non-agenda item will be allowed up to two (2) minutes per meeting, unless the Chair establishes a different standard based on the Board or Committee's business needs. Items addressed by members of the public pursuant to this paragraph may be added to future agendas at the request of the Chair or two or more Board members.

C. Meetings Held Via Teleconference

1. When meetings are held via teleconference, the Secretary of the JPB shall provide the ability for members of the public to address the Board or Committee remotely via a telephonic or other Internet-based service at regular meetings.
 2. A person attending a meeting remotely and addressing the Board or a Committee on an agenda item will be allowed up to two (2) minutes per agenda item, unless the Chair establishes a different standard based on the Board or Committee's business needs.
 3. Members of the public attending a meeting remotely shall have the right to address the Board or Committee on items of interest which are within the Board or Committee's jurisdiction. A person addressing the Board or Committee on a non-agenda item will be allowed up to two (2) minutes per meeting, unless the Chair establishes a different standard based on the Board or Committee's business needs.
- D. The Board or Committee shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the Board or Committee.
- E. Any individual who engages in disruptive conduct, as defined in Section II(B) of these Rules, may be prohibited from addressing the Board or Committee on agenda items and during public comment at future meetings.
- F. When any affiliated group of persons desires to address the Board or Committee on the same subject matter, the group may select a spokesperson who may coordinate with the Chair or staff prior to the meeting, or if there are significant time constraints, the Chair may require that a spokesperson be chosen to represent the group. Subject to approval by the Chair, the Chair or staff may additionally facilitate any one of the following options for the group, including but not limited to: (i) requesting additional time for the spokesperson to speak if other members of the group cede their time; (ii) arranging speakers sequentially; or (iii) for in-person meetings, members of the group may raise their hand or stand up at their seat to show support for their designated speaker in lieu of providing remarks.
- G. Alternatively, if there are ten (10) or more speakers wishing to speak on an item, the Chair may limit all individuals to one (1) minute for their public comments on the same item.

II. Conduct

A. Unless addressing the Board or Committee or entering or leaving the Board Room, all persons in the audience shall sit only in designated seating provided by the JPB. Standing is permitted though no person shall stand or sit in the aisles or block the doorways.

B. Disruptions

1. A speaker may be sanctioned as described herein only if the speaker's conduct actually disrupts the orderly conduct of the meeting or interferes with the Board or Committee's ability to conduct its business. For purposes of this Rule, "disruption" of a Board or Committee meeting may include, but is not limited to, speaking beyond the time limits set by these Rules or the Chair, being unduly repetitious, engaging in an extended discussion of irrelevancies, failing to yield to the Chair, or otherwise violating a provision of the Code of Conduct or any reasonable JPB regulation designed to preserve decorum and orderly conduct in public meetings.
2. Each person who addresses the Board or Committee shall not engage in personal attacks, or use loud, threatening, profane, or abusive language that disrupts, disturbs, or otherwise impedes the orderly conduct of the Board or Committee meeting. Any such language or any other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the Board or Committee meeting is prohibited.
3. The Chair may find that a speaker is disrupting the orderly conduct of the meeting if a comment is unrelated to the agenda item under consideration, or if the speaker's conduct violates any other provision in this Code of Conduct. If the Chair finds that a speaker is disrupting the orderly conduct of the meeting, the speaker shall forfeit their remaining time, or the Chair may issue a warning to the attendee of their disruption and order their removal from the meeting should they fail to heed the warning.
4. Meeting attendees shall not engage in conduct that disrupts the orderly conduct of any meeting, including, but not limited to, the utterance of loud or threatening language, whistling, clapping, stomping of feet, speaking over or interrupting the recognized speaker, repeated waving of arms, or other disruptive acts. Whether conduct rises to the level of being disruptive shall be determined by the Chair.
5. The Chair has the authority to issue a warning or remove from a meeting a person violating the Code of Conduct or any lawful order issued by the Chair. Removal must be preceded by a warning that the attendee's behavior violates the Code of Conduct or another reasonable JPB regulation to preserve orderly conduct and that the attendee's failure to promptly comply with the Code of Conduct or other regulation may result in their removal from the public meeting. Cal. Gov. Code § 54957.95. The presiding member or their designee may remove the individual if the individual does not promptly cease their disruptive behavior and comply with

the Code of Conduct or other reasonable regulation. Cal. Gov. Code § 54957.95. If the person does not promptly leave the meeting after an order to do so by the Chair, the Chair may request that security remove the person from the meeting.

6. The Chair or their designee may remove a person from the meeting without any warning when that person engages in behavior that constitutes a threat of force or use of force. Cal. Gov. Code § 54957.95. For purposes of this Rule, a “true threat of force” means a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force. Cal. Gov. Code § 54957.95.
7. Any person removed from a meeting shall be excluded from further attendance at the remainder of the meeting.
8. If any meeting is willfully interrupted or disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting unfeasible, the Chair may recess the meeting or order the person or group of persons willfully interrupting the meeting to leave the meeting or be removed from the meeting.
9. If any meeting is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the person or persons willfully interrupting or disrupting the meeting, the Chair may recess the meeting or order the meeting room cleared and continue in session. Only matters appearing on the posted agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend or remain in the meeting. Cal. Gov. Code § 54957.9. The Chair may also readmit attendees after the room has been cleared. *Id.* In the event the room is cleared, attendees who were not responsible for the disturbance may request staff to readmit them once the meeting has recommenced. The determination of whether an individual, who is not a member of the press or media, seeking readmittance was responsible for the disturbance shall be at the discretion of the Chair or the Chair’s designee.

C. Meetings Held Via Teleconference

1. The prohibitions on disruptive conduct described in Section II(B) of this Code of Conduct also apply to meetings held via teleconferencing.
2. The Chair may issue a warning or remove from the telephonic conference or online forum a person violating the Code of Conduct or any lawful order issued by the Chair. If the person does not promptly exit the conference or forum after an order to do so by the Chair, the Chair may request that the Secretary of the JPB remove the person.
3. Removal must be preceded by a warning that the attendee’s behavior violates the Code of Conduct or another reasonable JPB regulation to preserve orderly conduct and that the attendee’s failure to promptly comply with the Code of Conduct or other regulation may result in their removal from the public meeting. Cal. Gov. Code § 54957.95. The presiding member or their designee may remove the

individual if the individual does not promptly cease their disruptive behavior and comply with the Code of Conduct or other reasonable regulation. Cal. Gov. Code § 54957.95. However, the Chair or their designee may remove a person from the meeting without any warning when that person engages in behavior that constitutes a threat of force or use of force. Cal. Gov. Code § 54957.95.

4. Any person removed from a meeting shall be excluded from further attendance at the remainder of the meeting. The exclusion from the meeting shall be enforced by the Secretary of the JPB upon being so directed by the Chair.

Contact:

Mailing Address

PO Box 3006

San Carlos, CA 94070-1306

Office Address

1250 San Carlos Ave.

San Carlos, CA 94070-1306

Email: board@caltrain.com.

Public comments may be sent via email to publiccomment@caltrain.com. Please indicate in your email the agenda item to which your comment applies. Public comments received will be included in the board's weekly correspondence, which is posted to the Caltrain website.

**PENINSULA CORRIDOR JOINT POWERS BOARD (JPB)
CITIZENS ADVISORY COMMITTEE (CAC)
STAFF REPORT**

TO: JPB CAC

FROM: David Santoro
Acting Chief Operating Officer

SUBJECT: **STAFF REPORT**

On-time Performance (OTP) –

- **November:** The November 2022 OTP was 83.2% compared to 96.4% for November 2021.
 - **Vehicle on Tracks** – There were six days, November 11, 13, 14, 15, 17 and 29 with a vehicle on the tracks, which caused train delays
 - **Mechanical Delays** – In November 2022 there were 1721 minutes of delay due to mechanical issues compared to 592 minutes in November 2021.
 - **Vehicle Strike** – There was one vehicle strike on November 22 at Broadway Crossing, which caused 19 trains delayed
 - **Trespasser Strike** – There were four trespasser strikes on November 4, 23, 26 and 28, resulting in three fatalities. The strike on the 4th was a non-fatality in San Francisco, which caused 1 train annulled, and 15 trains delayed. The strike on the 23rd was a fatality at Bellevue Avenue in San Mateo, which caused 20 trains delayed. The strike on the 26th was a fatality in San Francisco, which caused 1 train terminated, 1 train annulled, 2 trains partially annulled, and 2 additional trains delayed. The strike on the 28th was a fatality in Santa Clara, which caused 8 trains delayed.
- **October:** The October 2022 OTP was 90.8% compared to 93.8% for October 2021.
 - **Trespasser Strikes** – There was one trespasser strike on October 14 in San Francisco, resulting in a NON fatality, which caused 1 train annulled and 21 trains delayed.

Service and Program Updates

Caltrain Corridor Crossing Update

The Corridor Crossings Strategy (CCS) has officially kicked off with a presentation to Caltrain's Work-Program-Legislative-Planning Committee in November and an informational update for the Board in December.

Over the last few months, introductory presentations have been presented to the Local Policy Maker Group (LPMG) focused on the background and importance of this strategy, initial feedback from stakeholder engagement, and discussion of the approach.

The CCS process will include extensive stakeholder engagement through the JPB, LPMG, City/County Staff Coordinating Group (CSCG), General Managers Group, and Project Partner Group which is modeled after the Caltrain Business Plan effort.

The engagement process is as important as the technical components and encourages active participation to help drive the development of a shared corridor vision and improve the project delivery processes.

Previously presented CCS materials for the October LPMG are located here for reference: <https://www.caltrain.com/meetings/2022/10/local-policy-makers-group-0>.

- **Holiday Service** – During the following days and Holidays, Caltrain will operate the following schedules:
 - Christmas Eve – Saturday, December 24, 2022 – **Weekend Schedule**
 - Christmas Day – Sunday, December 25, 2022 – **Weekend Schedule**
 - Christmas Day (Observed) – Monday, December 26, 2022 – **Weekend Schedule**
 - New Year's Eve – Saturday, December 31, 2022 – **Weekend Schedule**
 - New Year's Fireworks service to be determined
 - **Free fare starting at 8 p.m. until the last train**
 - New Year's Day – Sunday, January 1, 2023 – **Weekend Schedule**
 - New Year's Day (Observed) – Monday, January 2, 2023 – **Weekend Schedule**
 - Martin Luther King Jr. Day – Monday, January 16, 2023 – **Modified Schedule** (hourly local service starting in the early morning, including one roundtrip train from Gilroy to San Francisco)
 - President's Day – Monday, February 20, 2023 – **Modified Schedule** (hourly local service starting in the early morning, including one roundtrip train from Gilroy to San Francisco)
 - Memorial Day – Monday, May 29, 2023 – **Weekend Schedule**

Special Services Ridership Report (October)

Giants

- Two home games.
- Total additional ridership boarding and alighting at San Francisco station was 6,809.
- Season total additional ridership was 300,890, a 72% increase compared to 2021, and only a 3% decrease compared to 2019 (308,692).

Warriors

- Three pre-season and four regular season games.
- Total additional post-game ridership boarding at San Francisco station was 1,786, a 13% decrease compared to 2021 and a 66% decrease compared to 2019 (5,316).

Other San Francisco Events

- Fleet Week/ Air Show (10/8-10/9).
 - Total additional ridership boarding and alighting at San Francisco station was 3,787, a 74% increase compared to 2021 (2,174) and a 30% decrease compared to 2019 (5,429).

Sharks

- Five home games in October.
- Total additional ridership boarding at San Jose Diridon station was 347.
- Year-to-date additional ridership was 450, a 1% increase compared to 2021 and a 76% decrease compared to 2019 (1,893).

Other SAP Center Events

- Pepe Aguilar-Total additional ridership boarding at San Jose Diridon station was 18.
- Camilo -Total additional ridership boarding at San Jose Diridon station was 2.
- Gloria Trevi-Total additional ridership boarding at San Jose Diridon station was 2.

Stanford Football

- One game in October (vs. Arizona).
- Total riders, boarding and alighting, at the Stanford station was 326.
- Year-to-date ridership is 1,192, a 39% decrease compared to 2019 (1,953).

49ers

- Two games in October (10/3 and 10/23).
- Total ridership boarding and alighting at Mountain View station was 2,505.
- Year-to-date ridership is 4,469, a 46% increase compared to 2021 (3,066), and a 27% decrease compared to 2019 (6,154).

Stanford Scavenger Hunt

- Total number of tickets sold during the 2022 season was 1,238, which is a 14% decrease compared to 2019 (1,446).

Capital Projects:

The Capital Projects information is current as of October 31, 2022 and is subject to change prior to December 1, 2022 (Board Meeting).

- **South San Francisco Station Improvements:** This project replaces the existing side platforms with a new centerboard platform, construction of a new connecting pedestrian underpass to the two new plazas in downtown South San Francisco to the west and the shuttle area to east.

Processed the final payments associated with all issued field instructions. Contractor submitted a final change request which is being negotiated. Complete negotiation of final change request. Upon final payment, acquire conditional release from PMI and begin work on Final Acceptance. Agency staff to prepare lessons learned session and to revise ADA slopes at ramps and landing design criteria to require industry recommended construction tolerances.

- **Ticket Vending Machine (TVM) Upgrade:** This project will upgrade the existing TVM Server and retrofit and refurbish existing TVM machines to include functions planned for the Clipper program. The new machines will be able to dispense new Clipper cards (excluding discount Clipper cards that require verification of eligibility) and allow customers to add value to existing Clipper cards. In addition, the scope was increased to include upgrades to the credit card reader and database.

Phase 4: There are material and equipment delivery delays. Vendor has been waiting on certain parts and material for the upgrades which are expected to arrive in November 2022 and installed in December 2022.

Phase 5: Executed the Phase 5 option in the contract which is the last phase of the project.

- **Clipper Next Gen Validators Site Preparation:** The scope of the project is to:
 - Prepare all 30 Caltrain stations (excluding Stanford) to be ready for the installation of the next generation Clipper validators. There will be a total of 305 validators installed by MTC/Cubic.
 - Provide conduits and cables for 120 VAC electrical at all the locations where the new Clipper validators will be installed by MTC/Cubic.
 - Install anchor bolts in the platforms where the new Clipper validators will be mounted.
 - Install ground rods or utilize existing electrical grounding for the new Clipper validators.

Contractor continued to prepare the stations for the new Clipper validator by providing electrical power at the new validator locations on the platforms. All stations have been prepared and the new Clipper validators have been installed by MTC/Cubic except for the San Jose Diridon and Tamien stations. Continue weekly construction meetings with the contractor.

Prepare the San Jose Diridon and Tamien stations for the validator installation. MTC/Cubic to finish the validator installations. Conduct a punch list site walk.

- **Mary and Evelyn Avenue Traffic Signal Preemption Project:** This project will perform upgrades to train approach warning systems at Mary Avenue and Evelyn Avenue crossings in Sunnyvale. The project will improve vehicle safety at the at-grade crossings by increasing traffic signal advance warning times for approaching trains in order to clear vehicles at the crossings.

Received approval from Management Committee to turn over the advance signal preemption system to Rail Operations. Continued project closeout activities.

- **Bayshore Station Bridge Painting:** This project will perform rehabilitation of the coatings of the existing steel pedestrian overpass bridge at the Bayshore Station in Brisbane. The bridge's paint coatings are in need of rehabilitation due to surface rust. This work combined with a complete repainting of the bridge will bring the structure to a state of good repair.

Crews mobilized onsite and working to install scaffolding and shrink wrap enclosure systems on the east and west towers and pedestrian bridges.

Continuing weekly meetings with the Contractor Top Line Engineers. Continue review and processing of project submittals.

Delays have occurred from the contractor obtaining approval for installation of the scaffold system in full compliance with some of the Contract requirements. Delay impacts planned substantial completion and final completion dates. Schedule status light shown as yellow while the Contractor evaluates the impact and develops schedule recovery measures.

- **Guadalupe River Bridge Replacement:** JPB will replace the MT-1 railroad bridge and extend and seismically retrofit the MT-2 railroad bridge over the Guadalupe River in the City of San Jose, Santa Clara County, California. The project is located just north of Willow Street and east of State Route (SR) 87 between the Tamien and San Jose Diridon stations.

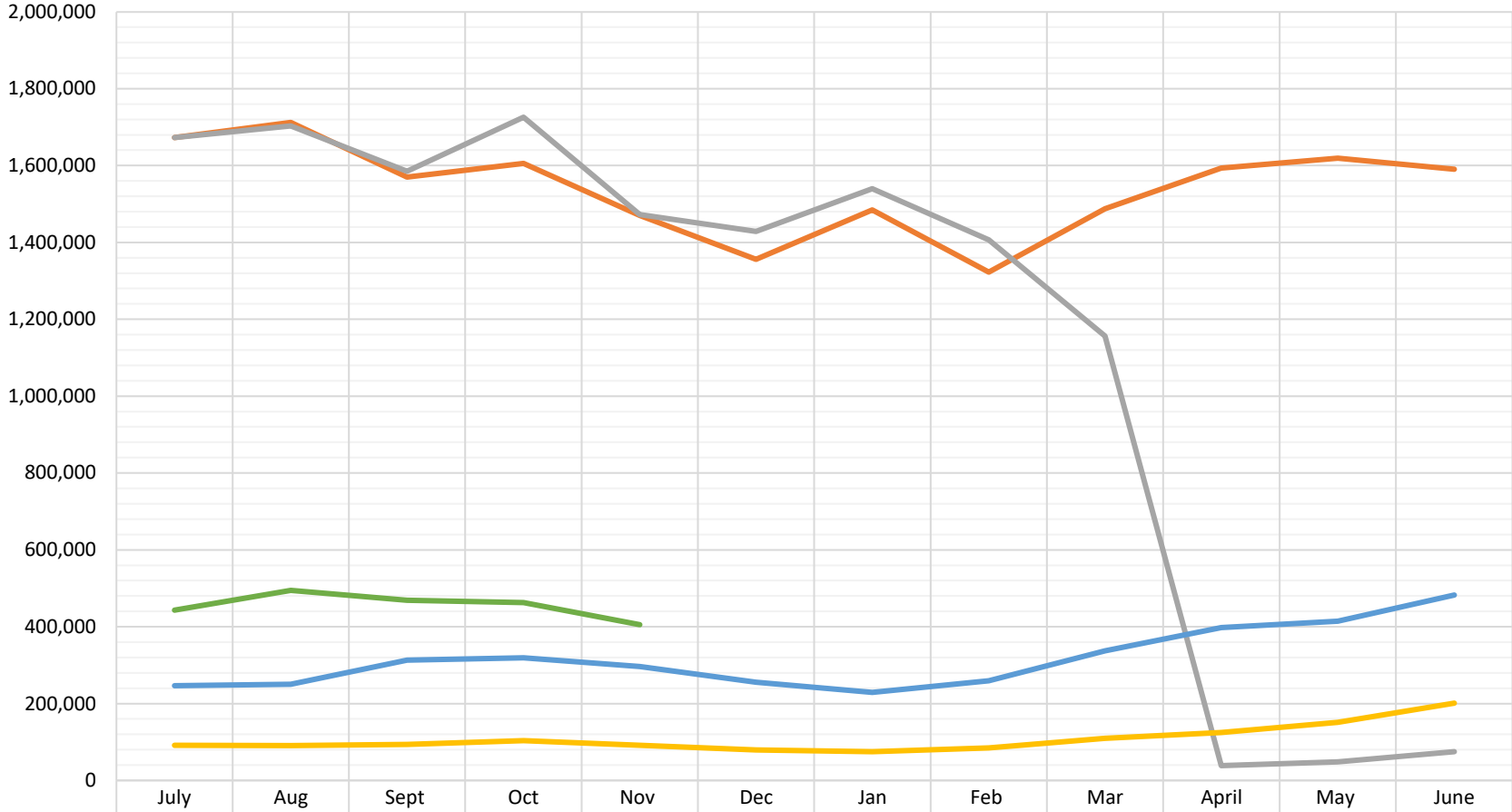
The Guadalupe River Bridge Replacement Project was awarded on 10/6/2022 to Walsh Construction Company II, LLC, for \$29,764,499. The associated contract was executed on

10/28/2022 with an Effective Date of 11/1/2022. The issuance of Limited Notice to Proceed (LNTP) for the construction contract is planned for 11/21/2022.

- **MP-36 Locomotive Mid-Life Overhaul Project:** This project involves performing mid-life overhaul of six MP-36-3C Locomotives. The mid-life overhaul includes complete disassembly of the main diesel engine, overhauling by reconditioning re-usable main frame components and re-assembly with new engine components and replacement of Separate Head-End Power (SEP-HEP) unit and all electrical components of the SEP-HEP compartment. All areas of the locomotive car body, trucks, wheels, and electrical components shall be reconditioned to like-new condition or replaced with new material. The project work is occurring off-site at the contractor's facility location. The 6 locomotives to be overhauled are Locomotive #'s 923, 924, 925, 926, 927 & 928. In order to maintain daily service, only 1 to 2 of these locomotives are released at a time for overhaul work that is expected to take approximately 8 months per locomotive. Due to this restriction, the overall completion of this work is expected to take approximately 4 years.

Unit 927 is in service, and the annual maintenance was completed. Unit 924 was painted and inspected. Unit 925 is still in overhaul - due to ship in January 2023. Vehicles 924 and 925 are at Mare Island undergoing rehabilitation. Most of the static testing is complete for vehicle 924 with a forecasted ship date in November. Caltrain to prepare next unit for overhaul to ship to Alstom. The schedule and budget were re-baselined by the Management Committee in October 2022.

Caltrain Total Ridership *Preliminary November 2022*

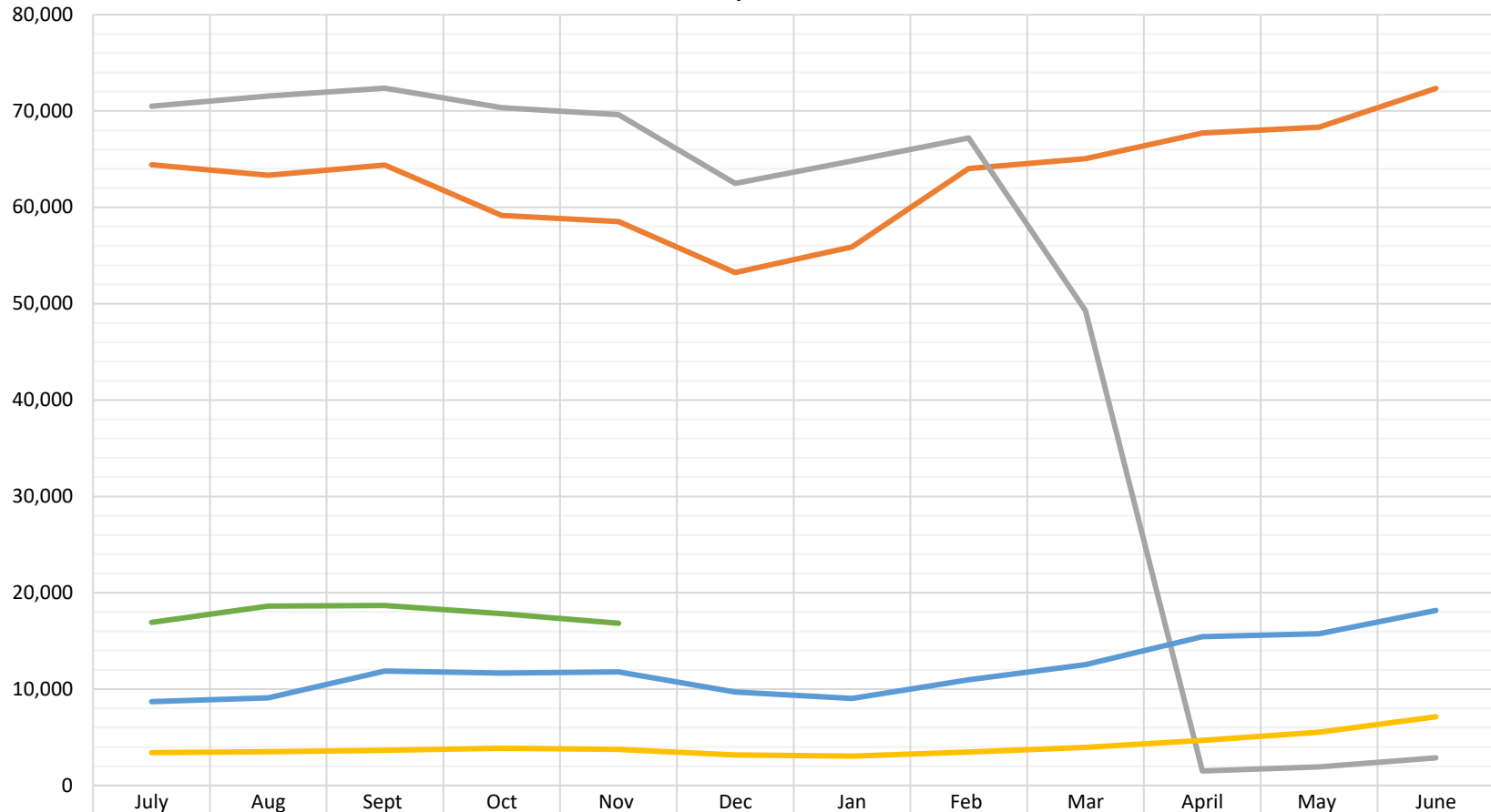


	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
— FY2019	1,673,035	1,712,362	1,570,308	1,605,671	1,470,239	1,356,071	1,484,727	1,323,427	1,487,889	1,593,266	1,618,825	1,590,653
— FY2020	1,672,672	1,703,334	1,584,833	1,726,436	1,472,693	1,428,363	1,539,666	1,406,951	1,156,388	38,584	48,745	74,908
— FY2021	91,703	90,538	93,486	103,686	91,699	79,078	75,485	84,365	109,519	124,522	150,923	201,872
— FY2022	246,902	250,434	313,026	319,258	296,065	255,679	229,746	259,190	337,078	397,753	414,196	482,687
— FY2023	442,955	494,783	468,852	462,674	406,068							

*Source: Prior to April 2022 - Fare Media Sales Based Ridership Model (Note: Values may have been adjusted after thorough review of data)
Starting April 2022 - Due to COVID-19 pandemic, alternative ridership estimate methodology based on limited conductor counts and Clipper data.*

Caltrain Average Weekday Ridership (AWR)

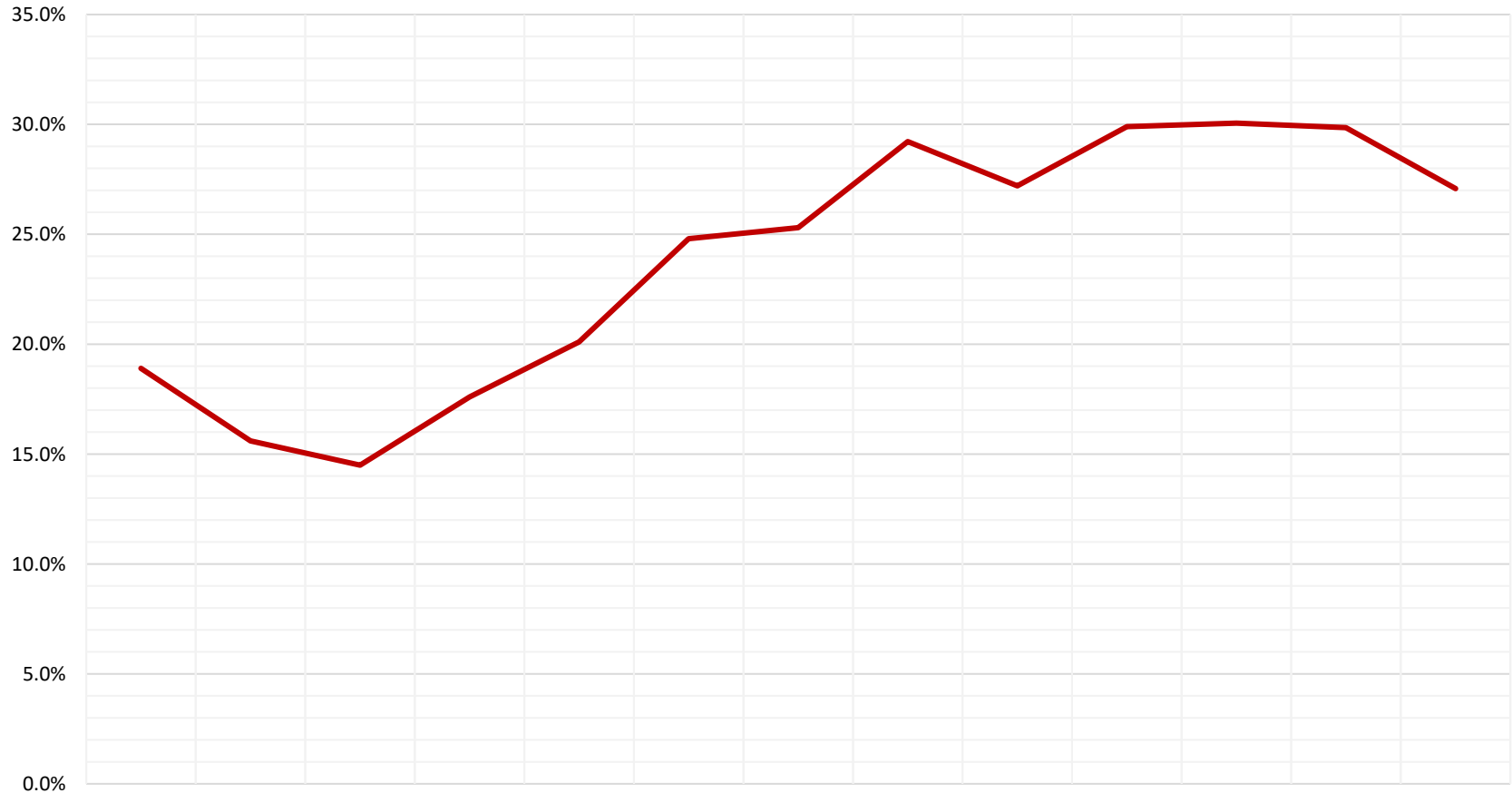
Preliminary November 2022



	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
— FY2019	64,435	63,340	64,405	59,159	58,523	53,258	55,897	64,041	65,057	67,728	68,326	72,370
— FY2020	70,493	71,557	72,387	70,360	69,607	62,480	64,806	67,218	49,276	1,536	1,935	2,871
— FY2021	3,419	3,517	3,654	3,873	3,760	3,162	3,058	3,484	3,965	4,693	5,521	7,143
— FY2022	8,721	9,096	11,881	11,673	11,787	9,687	9,044	10,956	12,539	15,451	15,757	18,187
— FY2023	16,932	18,609	18,709	17,828	16,857							

*Source: Prior to April 2022 - Fare Media Based Ridership Model (Note: Values may have been adjusted after thorough review of data)
Starting April 2022 - Due to COVID-19 pandemic, alternative ridership estimate methodology based on limited conductor counts and Clipper data.*

Caltrain Average Weekday Ridership (AWR)
% of Pre-COVID Baseline
Preliminary November 2022



	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22
— % of Pre-COVID	18.9%	15.6%	14.5%	17.6%	20.1%	24.8%	25.3%	29.2%	27.2%	29.9%	30.1%	29.9%	27.1%

2019 Annual Passenger Count Average Mid-Weekday Ridership (AMWR) = 63,597

2019 Annual Passenger Count Average Weekday Ridership (AWR) = 62,249 (Pre-COVID Baseline)

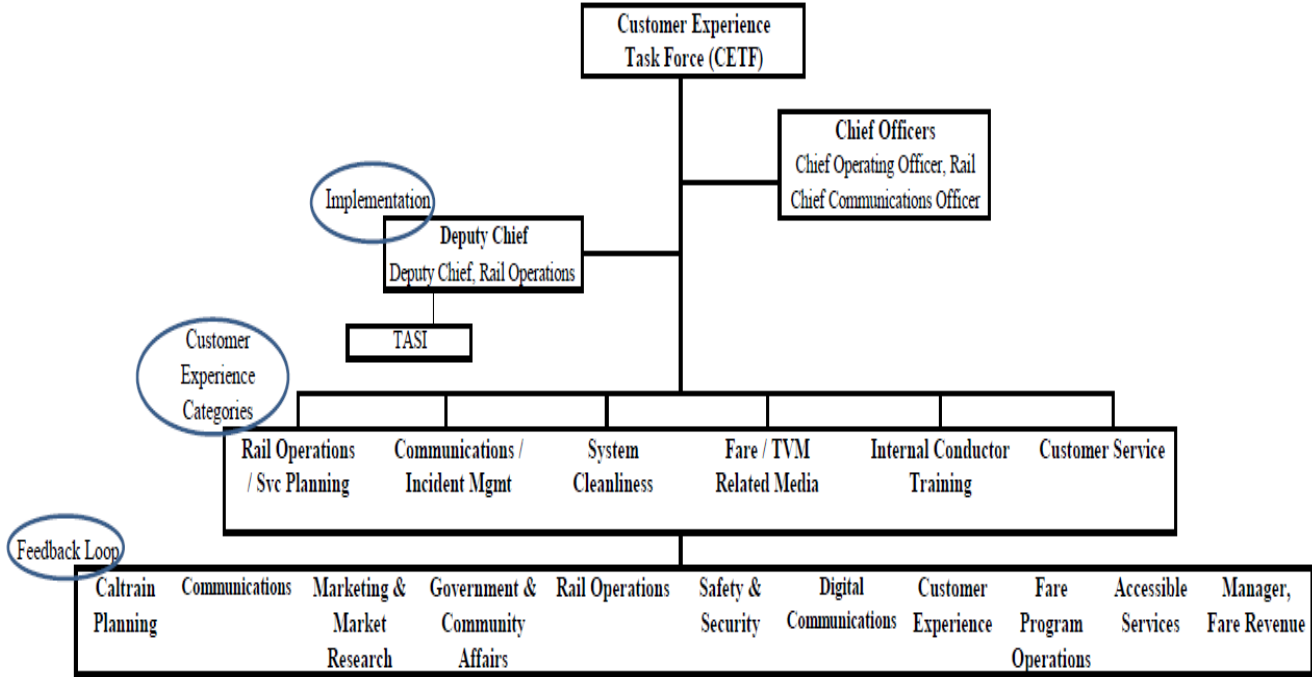
**PENINSULA CORRIDOR JOINT POWERS BOARD (JPB)
CITIZENS ADVISORY COMMITTEE (CAC)
STAFF REPORT**

TO: JPB CAC

FROM: David Santoro
Acting Chief Operating Officer

SUBJECT: **CUSTOMER EXPERIENCE TASKFORCE UPDATE**

The mission of the Customer Experience Taskforce (CETF) is to identify and develop ways to improve the customer experience on Caltrain service. This taskforce is a joint effort between agency departments composed of staff representatives from each department and the current Operations & Maintenance Contractor. The taskforce also considers feedback from several other sources including customer concerns, survey results and Citizen’s / Bicycle Advisory Committees. Considerations may result in public outreach, customer education, short-term, medium-term and/or long-term goals. This item will remain as a standing update through this staff report.



Service Operations

The taskforce is spearheading efforts:

- Caltrain Timetable Monitoring:
 - As part of COVID-19 recovery efforts, Caltrain staff is also monitoring trends in the larger business environment that are outside of the agency's control, such as office space vacancy rates, return to work plans of regional employers, regional trends in travel behavior, Bay Area traffic, transit agency ridership recovery, and development activity along the corridor.
- Caltrain December 2022 Temporary Construction Schedule:
 - Service Changes to support Caltrain electrification signal cutover construction
 - Installation of signal system hardware and software at 16 grade crossings in Redwood City, Atherton, Menlo Park and Palo Alto
 - Effective Dates
 - Weekdays: Monday 12/5/22 – Friday 12/16/22
 - ❖ Work requires trains to single-track between Belmont and California Ave stations
 - ❖ Reduced schedule on weekdays: 68 trains
 - ❖ L1 (Local) trains and L5 (Limited) trains operate hourly (2 trains per hour per direction total)
 - ❖ L3 (Limited) /L4 (Limited) /B7 (Bullet) trains removed from the schedule
 - ❖ Only minor changes to Gilroy and College Park service
 - Weekends: Saturday 12/10/22 & Sunday 12/11/22, Saturday 12/17/22 & Sunday 12/18/22
 - ❖ Trains operate local between Tamien/SJD and Mountain View stations, and between Belmont and San Francisco 4th and King stations.
 - ❖ SamTrans will operate shuttle bus service between Mountain View and Belmont stations, serving all intermediate stations
 - Weeknights & Weekends: Service in both directions end early
 - ❖ Last northbound train departs Tamien at 9:01 p.m.
 - ❖ Last southbound train departs San Francisco at 9:22 p.m.
 - On December 19, 2022, Caltrain will return to its regular revenue schedule
 - Customer Outreach
 - Landing page: www.caltrain.com/Dec2022
 - Organic social (Twitter, Facebook, Instagram, Nextdoor, TikTok)
 - Paid digital and print ads
 - Station ambassadors
 - Email blasts
 - Mobile app alerts
 - Visual messaging signage at stations
 - Onboard and station announcements
 - Press release

- Amplify message via elected officials, cities, counties
 - Updates to key stakeholders, business groups
 - Outreach to event venues
- 2023 Service Changes to support the Peninsula Corridor Electrification Project (PCEP) Construction:
 - Planning & Implementation efforts in-progress based on PCEP Construction needs
 - Establishing Service Change dates, impacted stations and service plans
- Platform Signage:
 - During construction, station platforms may need to be closed within the designated work segment which forces both Northbound and Southbound passengers to board on one side of the platform. Static signs are stationed on the platforms advising passengers to “look up and listen”. The Visual Messaging System and audible station announcements reflect boarding instructions for passenger’s respective train.
 - Please visit <http://calmod.org/construction/> for further work segment and construction details.

Communications/Incident Management (CICS)

The taskforce is spearheading efforts:

- Software upgrade performed to the Predictive Arrival and Departure System and provided fixes to the system. Will continue to monitor.
- Vehicle signage improvements to be implemented with the new EMU’s with electrification.
- Investigate potential of a Global Positioning System application available for train tracking on website.

Conductor Training

The taskforce is spearheading efforts to:

- Continue to identify training opportunities for conductors.
- Train Uniforms improvement in progress.

Customer Service/Experience Department

The taskforce is spearheading efforts to:

- Trend customer complaints to establish patterns for improvements.
- Partner with the Rail Operations and Maintenance department to implement changes to better enhance the customer experience.
- Attend outreach activities
- Participation in Blue Ribbon Task Force Committee Meetings in coordination with MTC & Regional Transit
- Outreach Ambassador Program Update:
 - Holiday Train:
 - Despite the rain on Saturday and better weather Sunday, people turned out to enjoy the annual Holiday Train. Ambassadors stationed:

- ❖ Saturday, December 3rd, at 4th & King, Redwood City, Mt. View, Sunnyvale, and Santa Clara.
- ❖ Sunday, December 4th, at 4th & King, Millbrae, Burlingame, San Mateo, and Menlo Park.
- December 2022 signal cutover:
 - Outreach is under way. Ambassador Program have scheduled weekday and weekend outreach for wayfinding and general information about temporary service changes resulting from signal cutover work, scattered between 11/29/2022 – 12/19/2022. This effort is ongoing.

Caltrain Digital Marketing

- Digital Marketing Highlights:
 - Caltrain began the month of November announcing Michelle Bouchard as the first independent Executive Director for the agency. Caltrain also hosted a public meeting to gather opinions on the upcoming fare change for the Monthly Pass. The social atmosphere was affected when Twitter became acquired, that is our largest account (we saw a drop in numbers when this happened). Caltrain also hosted the first Commuter Rail Summit, alongside Rail Coalition in San Jose.
- Caltrain Digital Marketing Highlights:
 - Michelle Bouchard announced as Executive Director
 - Public Meeting for Monthly Pass
 - Twitter acquired by Elon Musk, leading to a loss in followers
 - Commuter Rail Summit
 - Announced Holiday Train

Fare Systems

The taskforce is spearheading efforts to:

- TVM Upgrade update:
 - The TVM Upgrade for Phase 3, which will upgrade 21 TVMs at the stations, has been completed. Phase 4 has is scheduled to begin in January 2023.
- Clipper Next-Generation
 - Staff has installed the new Clipper Next-Generation Validators at all stations. Removal of the old Clipper validators to be scheduled.

Community Outreach Efforts

- Bike Security Outreach Effort
 - The bike security outreach effort continues to bring the following departments together—Operations, Planning, Outreach, Marketing, social media, Customer Service and Transit Police—to collect and examine data; develop and implement a process to adequately examine and consider the bike community’s concerns and explore potential solutions to improve bike security at stations and onboard. On board outreach efforts continue regarding secure bike parking options now available at Caltrain stations, including the bike valet service at 4th and King, the bike room at Palo Alto, and over 300 e-lockers available throughout the corridor.

- On Demand Electronic Bike Lockers
 - E-lockers are now available at 22 Caltrain stations. Plans are underway to install additional e-lockers early 2023 at select stations that are seeing the largest increases in demand (Hillsdale, Palo Alto, California Avenue, San Antonio, San Jose Diridon). More about the e-lockers is available at www.bikelink.org.
- Caltrain Electrification
 - A section of the new website is dedicated to Caltrain Electrification with project information. www.Caltrain.com/electrification
 - Monthly eNewsletter with the latest electric train manufacturing photos, construction info, and more! Sign up [here](#).
- Bayshore Station Overpass Rehabilitation Project
 - The Bayshore Station Overpass Rehabilitation Project will remove and replace the coating on the station's pedestrian bridge and stairwells. This will ensure the overpass remains safe and fully functional for years to come.
 - During construction, passengers will board and alight on the northernmost cars.
 - A project webpage with more information is at www.caltrain.com/BayshorePedBridge.

System Cleanliness

The taskforce is spearheading efforts to:

- Continue to monitor process improvement procedures to ensure equipment cleanliness.
- Continue to analyze results from customer/passenger survey and Train Ride evaluations to possibly implement processes improvements to enhance the customer experience, both onboard trains and at train stations.
- Implementing Station improvements to maintain a consistent look amongst all Caltrain stations.
- Caltrain continues to conduct quality assurance reviews on the new procedure that focuses on restroom cleanliness.
- Bombardier Fog Jet Extensions to extend then relocate the Bombardier fog jet nozzles on the toilet waste tanks to allow for easier access for a daily fog jetting during servicing.
- Trains are being fog jetted every evening with CDC approved hospital grade cleaners that disinfect against COVID-19.
- During longer lay-overs in SFK and while trains are fueling in CEMOF Caltrain is re-disinfecting high-touch points such as door handles and handrails and re-fog-jetting as many trains during the day as schedules allow with the same CDC approved cleaning products.
- Caltrain is using a MERV-13 rated air filter on our HVAC systems, this level of filtration is commonly used in patient and surgery areas of hospitals.

Station Improvements

The taskforce is spearheading efforts to:

- Coordinate a consistent appearance system wide.

- Station(s) of the Quarter:
 - San Jose Diridon – ON HOLD
 - Tamien - In Progress (Estimated Completion Date: TBD)
 - San Carlos - In Progress (Estimated Completion Date: TBD)
 - Lawrence - In Progress (Final Walk-Thru TBD)
- Next Station(s) of the Quarter:
 - Belmont
- Upcoming Projects:
 - Hayward Park Shelter Replacements
 - Station Shelter Glass Panels Replacements (Metal Mesh)
 - Display Cases to be replaced with Plexi-Glass (Station Varies)

JPB CAC Work Plan

January 18, 2023

- CAC role in Measure RR oversight update
- 2023 Electrification Construction and Temporary Service Plan (Ted Burgwyn)

February 15, 2023

- Measure RR audit report
- Suicide Prevention Initiatives
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March 15, 2023

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April 19, 2023

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May 17, 2023

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Suggested Items:

- Go Pass cost per ride factors – requested by Chair, Brian Shaw on 6/19/19
- San Mateo County Climate Action Plan – requested by Member Rosalind Kutler on 10/16/19
- MTC Means-Based Discount Fare program update
- Caltrain connections with other agencies – requested by Member Rosalind Kutler on 12/18/19 and Alternate Member Rob Jaques on 12/15/21
- Update on grade crossing pilot six months after installation – requested by Member, Patrick Flautt on 12/18/19
- Operating Costs – requested by Member Adrian Brandt on 2/13/20
- Rail Corridor Use Policy – requested by Member Anna Dagum on 10/21/20
- Industry Safe Functionality
- Blue Ribbon Task Force
- Clipper Data Availability

- Construction Obstacles
- Wireless Solution Technology – requested by Member Adrian Brandt on 12/8/21
- Redwood City Station Development - requested by Member Adrian Brandt on 12/8/21
- Dual speed check installation/Constant Warning, Downtown Extension, elevated four track station, future Dumbarton Rail extension and the Google campus being planned at the Diridon station, PCEP project wireless overlay system and level boarding and the status of fully vaccinated staff - requested by Member Adrian Brandt on 12/15/21
- Transit Oriented Development & historic station preservation outreach - requested by Member Patricia Leung on 12/15/21
- Equity evaluation on the most recent schedule change and Go Pass qualification requirements - requested by Member Rosalind Kutler on 12/15/21
- Staffing structure, Governance Update, Visual Messaging Display rollout plan, Equity Plan implementation/update and periodic updates from Government Affairs regarding funding sources and how infrastructure bills may impact Caltrain - requested by Member David Tuzman on 12/15/21
- Caltrain Wayfinding improved, specifically with single tracking - requested by Member Jean-Paul Torres on 12/15/21
- Conductor's communication tools and how they may interface with the public. Regional trip planning and availability for riders that do not have access to mobile devices - requested by Alternate Member Melody Pagee on 12/15/21
- Distance-based fares on Caltrain. Deep dive on it from a practical standpoint - requested by Chair, Brian Shaw on 12/15/21
- iPhones for Conductors
- Constant Warning
- Engineering Standards
- Brainstorming sessions for Conductor iPhone applications
- Fare Enforcement Update – requested by Chair, Brian Shaw on 7/20/22
- Proof of Payment
- Clipper Next Gen Validator Project Update
- Grade Crossing Presentation – requested by Member Adrian Brandt on 9/21/22
- Look into allowing non-service animals on Caltrain with a travel carrier - requested by Vice-Chair David Tuzman on 9/21/22
- Code of Conduct