

Amended to add Item 12 Receive Update on Evaluation of Caltrain's Options for Headquarters Space, pages 194 – 195 on 06/03/2024 at approx. 1:30 pm; Draft minutes for 16.a. Report of the Citizens Advisory Committee (pages 221 – 225) on 06/03/2024 at approx. 8:15 am; and Revised/Amended Item 10 Appointment of the Citizens Advisory Committee Representative for San Francisco County, page 156, on 06/04/2024 at approx. 4:00 pm



**BOARD OF DIRECTORS 2024**

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MICHELLE BOUCHARD  
EXECUTIVE DIRECTOR

## **AGENDA**

### **PENINSULA CORRIDOR JOINT POWERS BOARD**

#### **Board of Directors Meeting**

June 06, 2024, 9:00 am

Bacciocco Auditorium, 2nd Floor  
1250 San Carlos Ave., San Carlos, CA

Members of the public may participate remotely via Zoom at <https://us06web.zoom.us/j/87581188408?pwd=OFNUYTVFdExlOXRkR2tQOENXQUhhUT09> or by entering Webinar ID: **875 8118 8408**, Passcode: **033088** in the Zoom app for audio/visual capability or by calling 1-669-900-6833 (enter webinar ID and press # when prompted for participant ID) for audio only. The video live stream will be available after the meeting at <https://www.caltrain.com/video-board-directors>

Members of the public also may participate in person at: San Mateo County Transit District, Bacciocco Auditorium - Second Floor, 1250 San Carlos Ave., San Carlos, CA, or any other noticed location.

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

Verbal public comments will also be accepted during the meeting in person and 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

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

to speak, and callers should dial \*6 to unmute themselves when recognized to speak.

Each public comment is limited to two minutes. The Board Chair has the discretion to manage the Public Comment process in a manner that achieves the purpose of public communication and assures the orderly conduct of the meeting.

**June 06, 2024 - Thursday**

**9:00 am**

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

*A double asterisk indicates that one or more Directors of the JPB serve on the governing board of a public agency with which the JPB proposes to contract. Under Government code section 1091(a)(9), this relationship is considered to be a noninterest but it must be disclosed.*

**PART I OF MEETING (CALL TO ORDER): 9:00 am**

1. Call to Order / Pledge of Allegiance
2. Roll Call
3. Consideration of requests, if any, of Directors to participate remotely due to Emergency Circumstances

**PART II OF MEETING (CLOSED SESSION): 9:05 am estimated**

4. Conference with Legal Counsel – Pending Litigation (§ 54956.9(d)(1)) [Rogers v. Peninsula Corridor Joint Powers Board, San Mateo County Superior Court, Case No. 23-CIV-03335]

**PART III OF MEETING (REGULAR SESSION): 9:35 am estimated**

5. General Counsel Report – Report Out from Above Closed Session
6. Public Comment for Items Not on the Agenda  
Comments by each individual speaker shall be limited to two (2) minutes. Items raised that require a response will be deferred for staff reply.
7. Report of the Executive Director Informational
8. Consent Calendar  
Members of the Board may request that an item under the Consent Calendar be considered separately.
  - 8.a. Meeting Minutes of May 2, 2024 Motion

**Approved by the Finance Committee**

- 8.b. Accept Statement of Revenues and Expenses for the Period Motion  
Ending April 30, 2024

- |      |  |            |
|------|--|------------|
| 8.c. | Accept Financial Audit and Citizens Advisory Committee’s Report of Measure RR Tax Revenues and Expenditures for the Fiscal Year Ended June 30, 2023                | Resolution |
| 8.d. | Renew Findings of an Emergency Regarding the North Channel Embankment of the San Francisquito Creek Bridge Due to Erosion Pursuant to Public Contract Code §22050* | Resolution |
| 8.e. | Fiscal Year 2025 Capital Budget Amendment (Authorizing use of PCEP Reimbursements for Eligible Capital Projects)   | Resolution |

**Approved by the Technology, Operations, Planning, and Safety (TOPS) Committee**

- |      |  |            |
|------|--|------------|
| 8.f. | Authorize the Executive Director to Execute a Memorandum of Understanding (MOU) With the City of Menlo Park for Activities Undertaken in Support of the Middle Avenue Undercrossing Project* | Resolution |
| 8.g. | Authorize the Fourth Amendment of the Use, Operating and Maintenance (UOM) Agreement for the Millbrae Intermodal Station (with BART)*  | Resolution |

**Approved by the Advocacy and Major Projects (AMP) Committee**

- |      |   |            |
|------|---|------------|
| 8.h. | Approve Title VI Analysis for September 2024 JPB Electrification Service Changes  | Resolution |
| 8.i. | Authorize Execution of Funding Agreements with VTA for Use of Measure B and Regional Measure 3 Funds for Phase 2 of the Diridon Station Business Case* ** | Resolution |
| 8.j. | Award of Contract for Federal Legislative Advocacy Services*  | Resolution |
| 8.k. | Award of Contract for State Legislative Advocacy Services*  | Resolution |
| 9.   | Appointment of the Citizens Advisory Committee Representative and Alternate for San Mateo County  | Motion     |
| 10.  | Appointment of the Citizens Advisory Committee Representative and Alternate for San Francisco County  | Motion     |
| 11.  | State and Federal Legislative Update and Consideration of Position on SB 1031: The Connect Bay Area Act of 2024   | Motion     |

- |   |               |
|---|---------------|
| 12. Receive Update on Evaluation of Caltrain's Options for Headquarters Space   | Informational |
| 13. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report   | Informational |
| 14. Receive Update on Rail Activation Management Program  | Informational |
| 15. Receive Update on Customer Experience and Retention Strategy  | Informational |
| 16. Reports   |               |
| 16.a. Report of the Citizens Advisory Committee   | Informational |
| 16.b. Report of the Chair   | Informational |
| 16.c. Report of the Local Policy Maker Group (LPMG)   | Informational |
| 16.d. Report of the Transbay Joint Powers Authority (TJPA)  | Informational |
| 17. Correspondence  |               |
| 18. Board Member Requests   |               |
| 19. Date/Time of Next Regular Meeting: Thursday, August 1, 2024 at 9:00 am.<br>The meeting will be accessible via Zoom and in person at the San Mateo County Transit District, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA. |               |
| 20. Adjourn   |               |



## Information for the Public

All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board. If you have questions on the agenda, please contact the JPB Secretary at 650.508.6242. Agendas are available on the Caltrain website at [www.caltrain.com](http://www.caltrain.com). Communications to the Board of Directors can be e-mailed to [board@caltrain.com](mailto:board@caltrain.com).

*Free translation is available; Para traducción llama al 1.800.660.4287; 如需翻译 请电 1.800.660.4287*

### **Date and Time of Board and Committee Meetings**

JPB Board: First Thursday of the month, 9:00 am; JPB TOPS and AMP Committee: Two Wednesdays before the Board meeting, 1:30 pm and 3:30 pm respectively. The date, time, and location of meetings may be changed as necessary. Meeting schedules for the Board and committees are available on the website.

### **Location of Meeting**

Members of the Public may attend this meeting in person or remotely via Zoom. \*Should Zoom not be operational, please check online at <https://www.caltrain.com/about-caltrain/meetings> for any updates or further instruction.

### **Public Comment\***

Members of the public are encouraged to participate remotely or in person. Public comments may be submitted by comment card in person and given to the JPB Secretary. Prior to the meeting's call to order, public comment may be sent to [publiccomment@caltrain.com](mailto:publiccomment@caltrain.com) so that they can be sent to the Board as soon as possible, while those received during or after an agenda item is heard will be included into the Board's weekly correspondence and posted online at: <https://www.caltrain.com/about-caltrain/meetings>.

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

### **Accessible Public Meetings/Translation**

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

### **Availability of Public Records**

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



# Executive Director's Monthly Report: May 2024

Executive Director Michelle Bouchard

*Report prepared for June Board meeting; data current through April 2024.*






## Who We Are and What We Do

**Caltrain Mission:** Caltrain is a customer-focused rail system offering safe, reliable, accessible, and sustainable transportation service that enhances quality of life for all.

**Caltrain Vision:** To be a vital link in the statewide rail network by improving connectivity to other transit systems, contributing to the region's economic vitality, and partnering with local communities to ensure that diverse constituencies receive a world-class travel experience.



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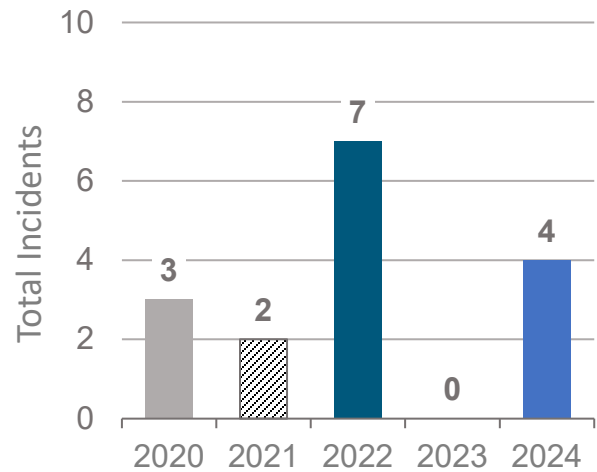


# Safety Updates – Injuries and Incidents

## Reportable Injury Trends



## Reportable Rail Equipment Incidents



Reportable Injury Rates (RIR) are based on the number of railroad worker on duty injuries and illnesses per 200,000 employee-hours annually (equivalent of 100 full time employees). The national average RIR is 3.0 across all industries, per the U.S. Bureau of Labor Statistics. Caltrain’s cumulative RIR for calendar year 2024 is 2.23.

Strains or sprains constitute the majority (51%) of reportable injuries for Caltrain’s operator.

Reportable railroad accidents/incidents are divided into three groups: (1) Highway-Rail Grade Crossing; (2) Rail Equipment; (3) Death, Injury and Occupational Illness.

Reportable Rail Equipment Incidents from recent years peaked in 2022. There were no reportable incidents in 2023 but there have been 4 incidents thus far in 2024.

## Days without a Reportable Injury as of 5/28/2024

Department	Days Without Injury	Date of Last Injury
Dispatch	1,462	5/27/2020
Operations	36	4/12/2024
Maintenance of Equipment	100	2/18/2024
Maintenance of Way	104	2/14/2024
Other	1,462	5/27/2020





# Safety Culture Engagement Efforts

## Ongoing Safety Culture Transformation

- Caltrain recently onboarded a new cohort of Safety Champion volunteers to partner with the Safety Department and executives on the Safety Culture Steering Committee to promote, improve, and sustain a proactive safety culture. Safety Champions help create safety messaging, encourage safety concern reporting, model safe behaviors, and obtain feedback from peers.
- Chief Safety Officer issues regular correspondence to Caltrain employees about the importance of continuing to put Safety First and Always. Recent messages covered topics such as learning culture and safety moments.
- Caltrain recently launched a “Safety Leaders of the Quarter” recognition program to acknowledge and celebrate employees who are actively contributing to a positive safety culture. The inaugural Safety Leaders were recognized at Caltrain’s most recent All Hands Meeting. A new group of 9 Safety Leaders was selected and recognized in March 2024.

## Recent Engagement Activities

- Attended APTA Mid-Year Safety and Risk Seminar
- Participated in Commuter Rail Safety Committee – presented Caltrain efforts on Roadway Worker Protection, Safety Culture and Grade Crossings
- Engaging cities along corridor to advance tree mitigation efforts
- Attended safety symposium in Pittsburgh, PA to present on Caltrain’s safety culture transformation and discuss best practices with industry peers
- Met with technology companies to discuss GPS navigation safety enhancements for grade crossing areas
- Launched internal “Safety First and Always” campaign for employees to share at least one photo and story demonstrating the importance of Going Home Safely, Every Day

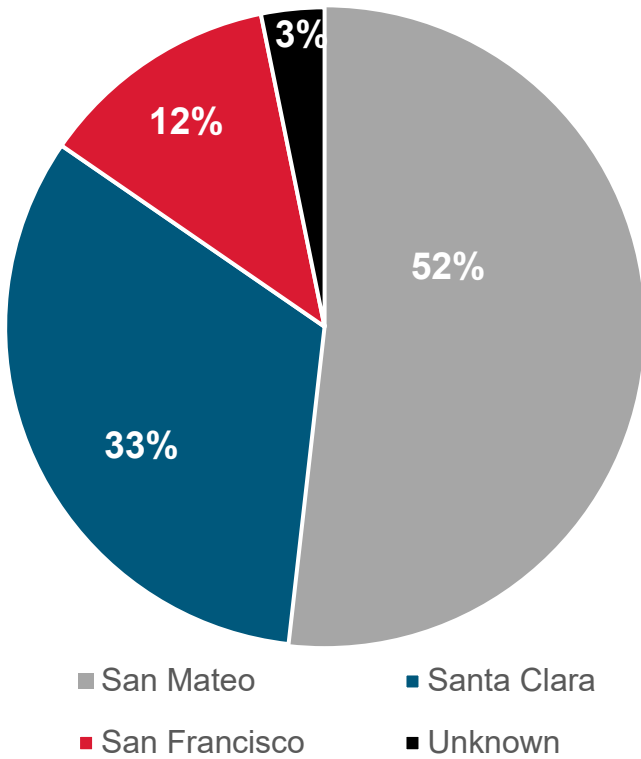




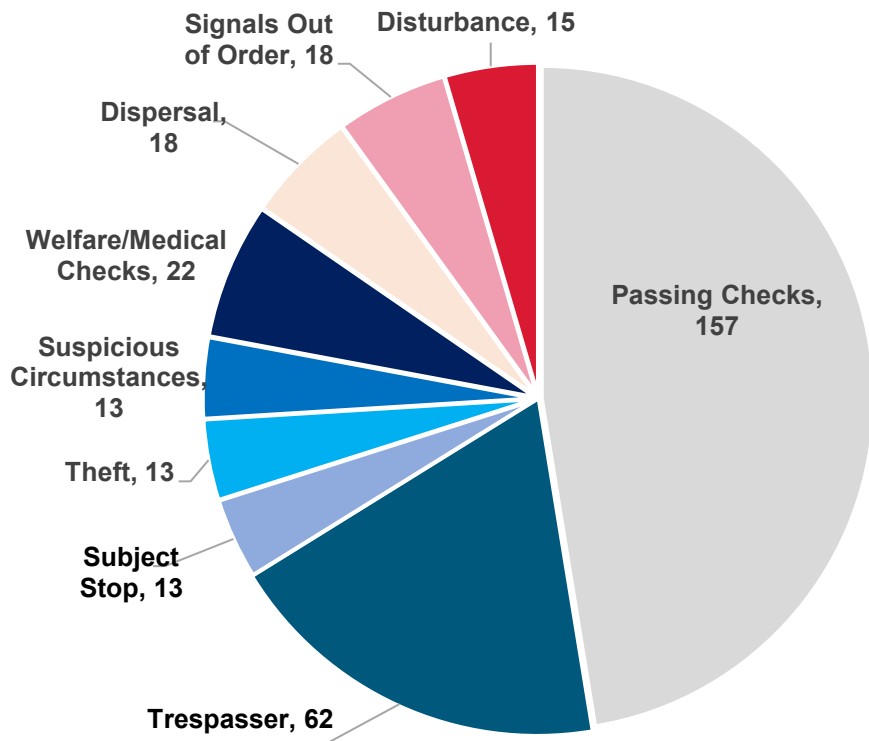
# Security Update

The San Mateo County Sheriff's Office Transit Police Bureau is Caltrain's contracted law enforcement provider. The bureau is responsible for policing all Caltrain rail equipment, stations, right-of-ways and facilities throughout San Francisco, San Mateo, and Santa Clara counties.

### Calls for Service by County April 2024



### Number of Calls by Category April 2024<sup>1</sup>



### April 2024 Service Call Data

Overall Average Response Time: **19:40**  
 Average Response Time for **Priority 1\***: **16:39**  
 Average Response Time for **Priority 2\*\***: **15:06**

\*Priority 1 Calls: *In Progress – Crimes Against Persons*  
 \*\*Priority 2 Calls: *Just Occurred – Crimes Against Persons/ In Progress – Property Crimes*

Footnote 1: Total calls for service totaled 462 in April across 17 categories. The pie chart shows the top 9 categories representing 331 calls or 72% of the total.

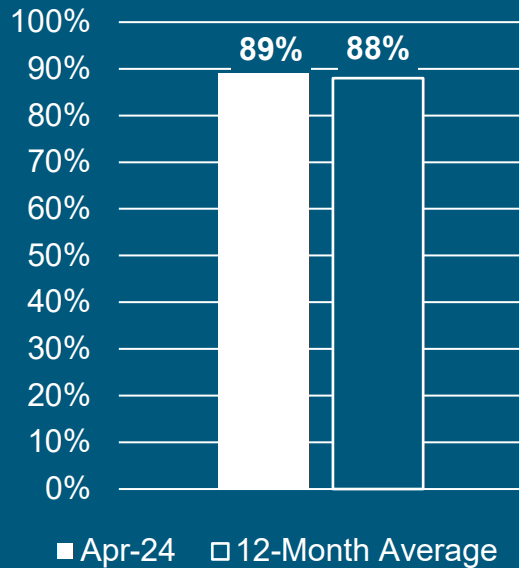




# Performance at a Glance

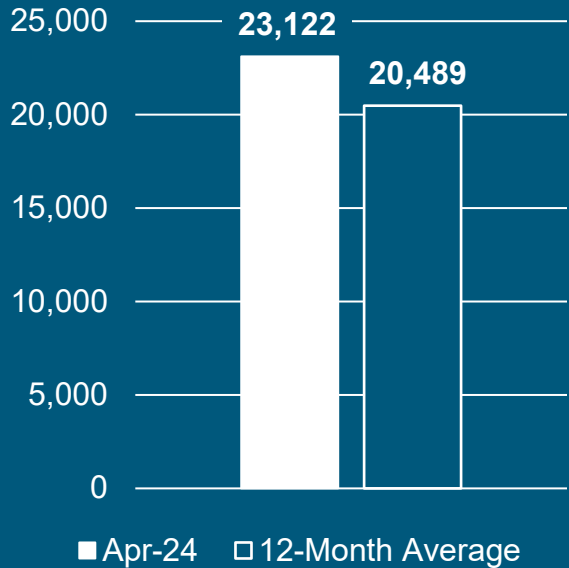
## On-Time Performance

Percentage of trains arriving within six minutes of the scheduled time



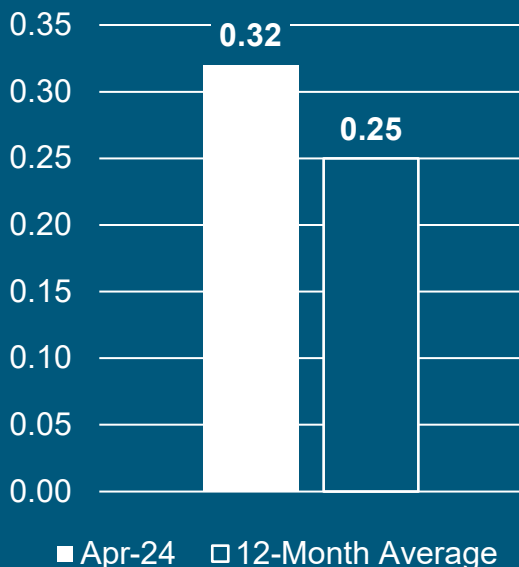
## Average Daily Ridership

Average estimated weekday ridership



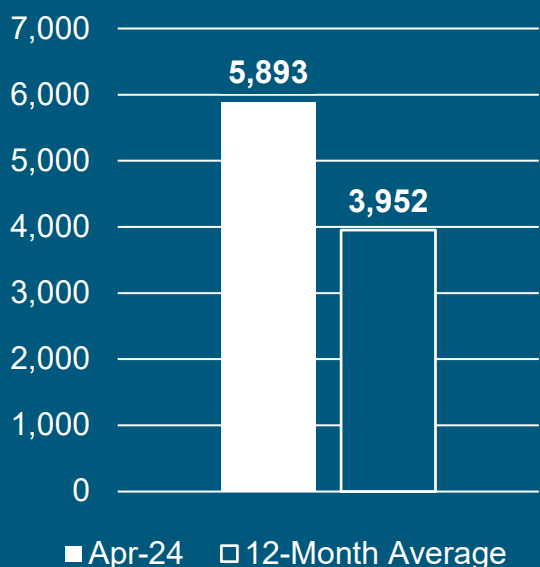
## Farebox Recovery Ratio

Ratio of fare revenue to operating costs



## Mean Distance Between Failures

Average miles travelled by locomotives before maintenance/repair is required

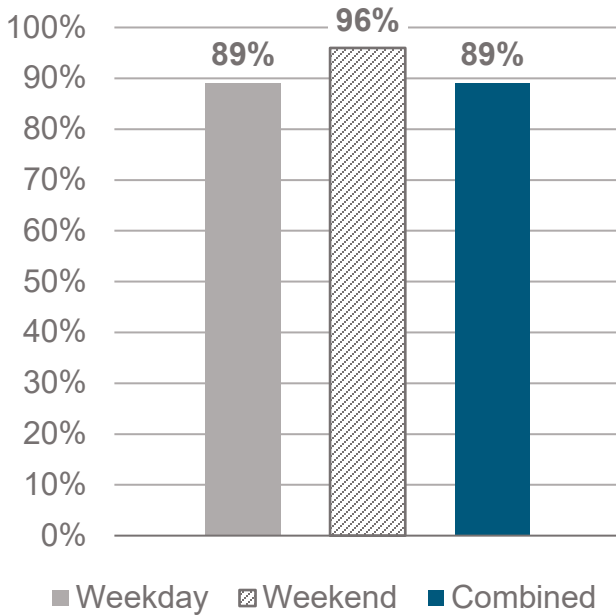






# On-Time Performance

## Performance This Month (Apr-24)

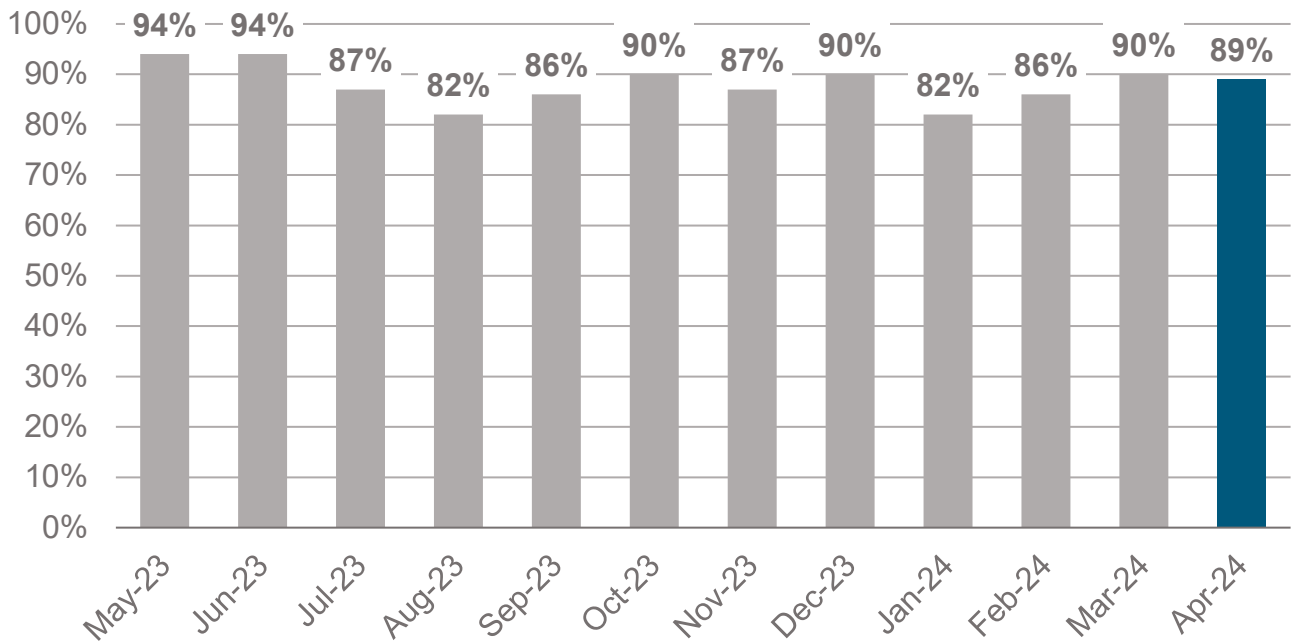


Trains are considered on-time if they arrive within six minutes of the scheduled arrival time at end-line locations (i.e. San Francisco, San Jose Diridon, Tamien, and Gilroy).

The on-time performance (OTP) goal for Caltrain is 95 percent. Combined OTP for the month of March was 89%.

Note that weekend OTP includes holidays.

## Monthly On-Time Performance in the Past Year





# Delays and Cancellations

Feb-24

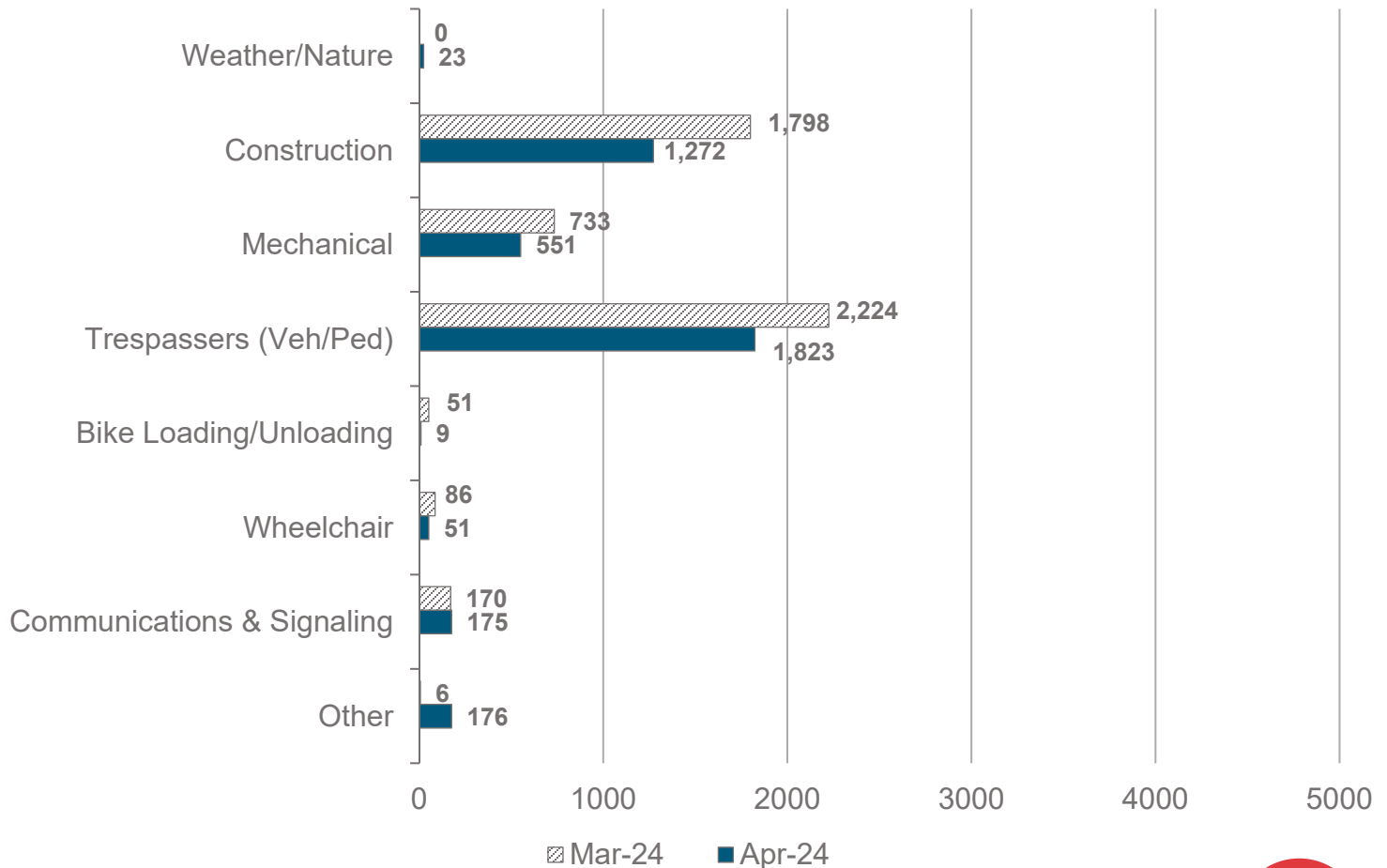
Mar-24

Apr-24

<b>Number of Late Trains</b>	335	257	270
<b>Average Minutes Late for Late Trains</b>	21	19	18
<b>Number of Cancelled Trains</b>	18	13	16

Trains are considered late if they arrive at their end-line destination six minutes or more after the scheduled time. Average Minutes Late represents the average difference in actual arrival time from the scheduled arrival time for late trains. Cancelled Trains includes trains forced to terminate mid-run, as well as those that are annulled before they begin to operate.

## Reasons for Train Delays, by Minutes of Delay



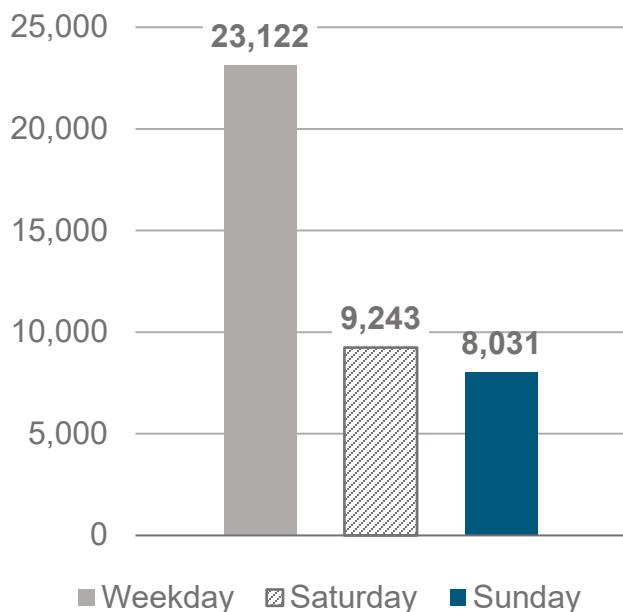
Note: "Other" includes special events and track defects.





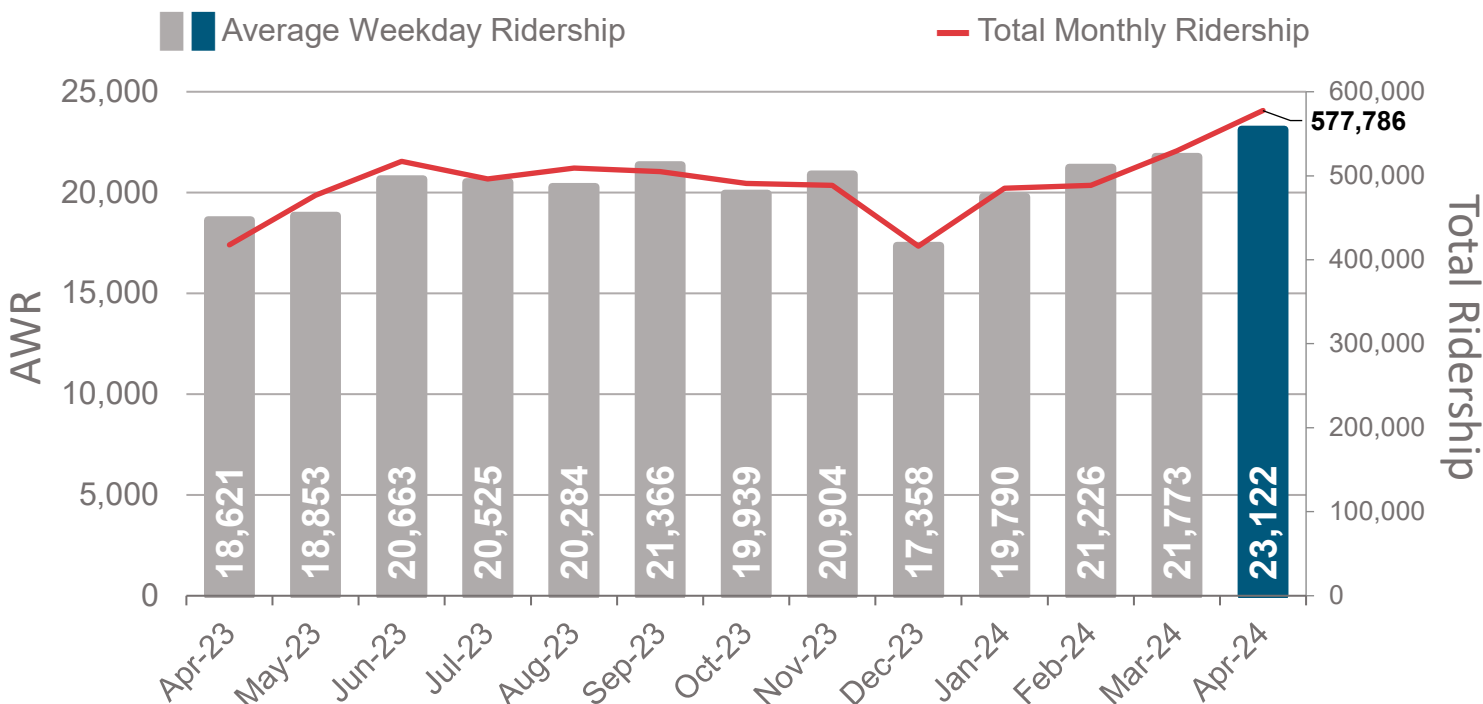
# Ridership and Revenue

## Average Daily Ridership (Apr-24)



Average weekday ridership (AWR) increased by approximately 24 percent compared to the same month in the prior year as riders continue to return to the Caltrain system for increased work and leisure travel.

## Ridership in the Past Year



April 2020 through October 2023: Due to pandemic-induced changes in travel patterns, ridership estimates were calculated using a combination of Clipper tap data and limited conductor counts.

November 2023 on: Caltrain implemented a ridership estimation model that is based entirely on fare media sales data.

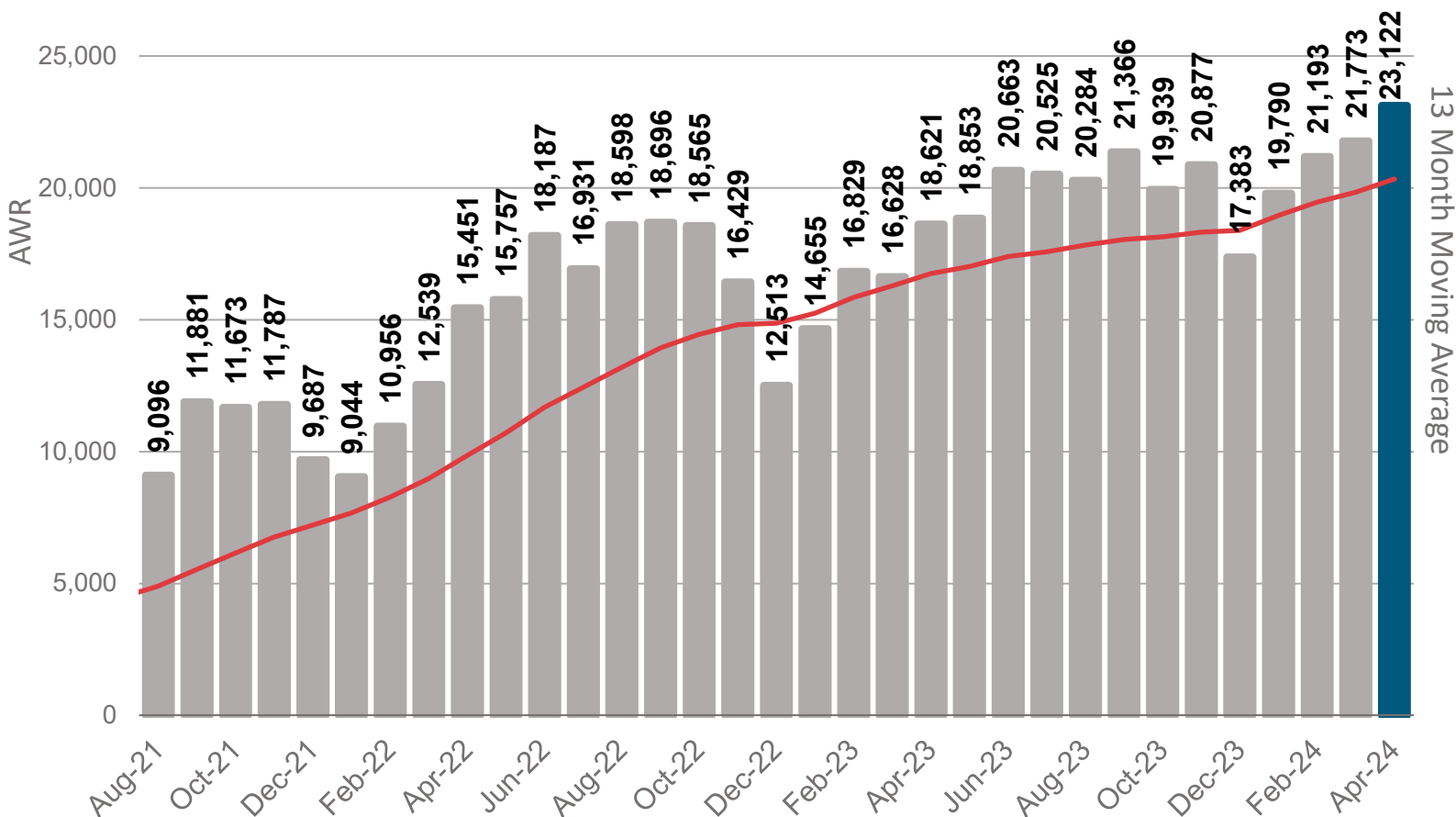




# Ridership and Revenue

**Average Weekday Ridership & 13 Month Moving Average:  
Fiscal Year 2022 to Present**

■ Average Weekday Ridership      — Total Monthly Ridership



**Year Over Year AWR Increase  
(April 2023 vs. April 2024) : 24%**





# Ridership and Revenue

## Special Service Ridership Report

### San Francisco Station

- San Francisco Giants
  - 16 regular season games in April.
  - Season-to-date ridership at San Francisco station was 80,255, a 19.4% increase compared to 2023 (67,221) and a 63.1% decrease from 2019 (128,613).
- Golden State Warriors
  - Four regular season home games in April with post-game ridership boarding at San Francisco station of 1,909.
  - Total season ridership boarding at San Francisco station was 17,671, an 11% increase compared to 2022 (15,922) and a 37.6% decrease compared to 2019 (32,556).

### Santa Clara Station

- San Jose Earthquakes
  - One regular season game in April
  - Season-to-date ridership at Santa Clara station was 805.
- Bay FC
  - One regular season game in April.
  - Season-to-date ridership at Santa Clara station was 966.

### San Jose Diridon Station

- San Jose Sharks
  - Four regular season home games in April with post-game ridership boarding at San Jose Diridon station of 723.
  - Total season ridership is 7,224, a 74.1% increase compared to 2022/23 season (4,150) and a 26.9% decrease compared to 2019/20 season (9,878).

\* Methodology Change: Prior to November 2023, special event ridership was reported in terms of “additional riders.” With the rollout of a new fare media sales-based estimation methodology, special event ridership is now reported in terms of total (gross) ridership on trains before and/or after special events. Gross ridership estimates are available for special events for which additional ridership was previously reported.

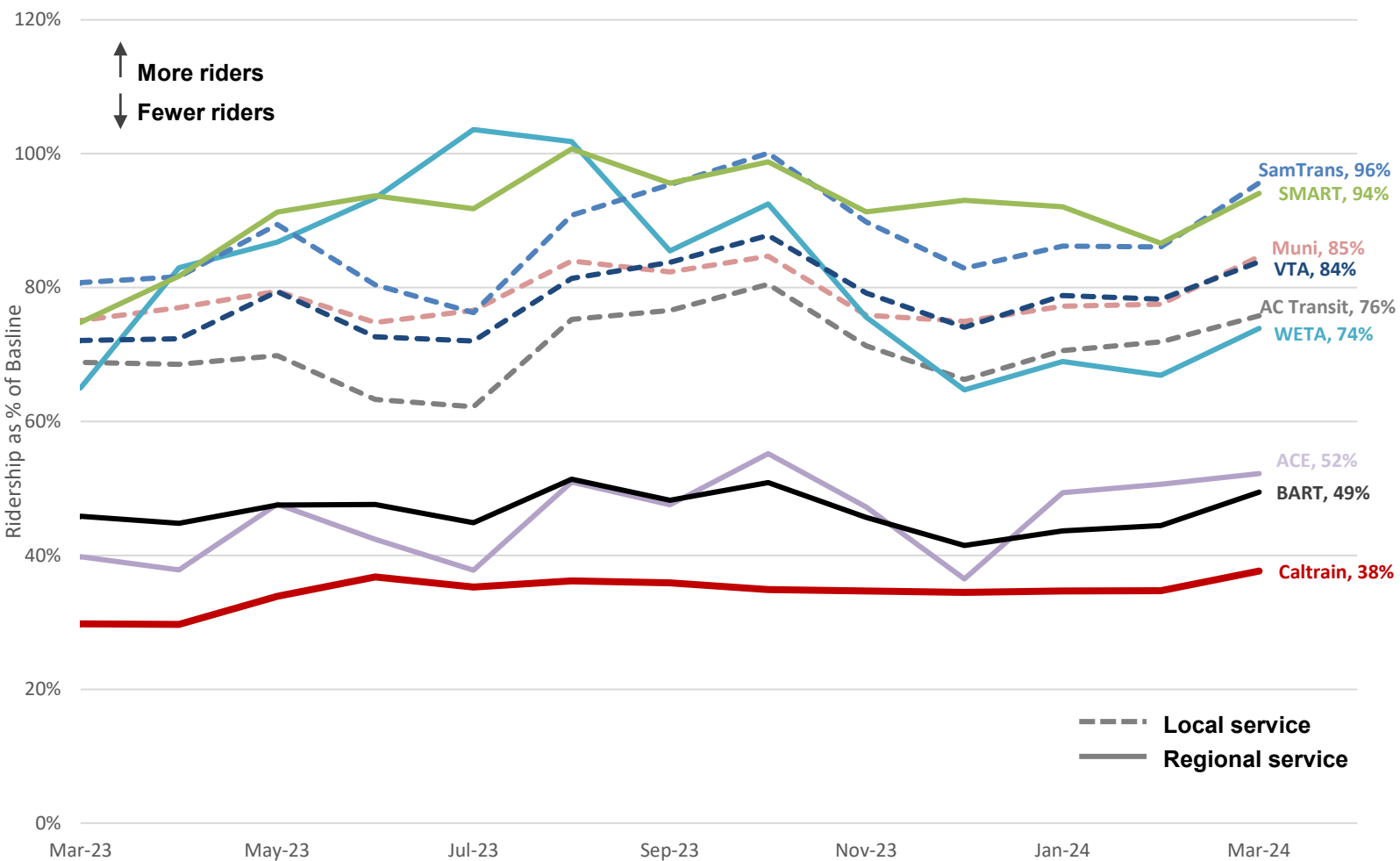




# Public Transit Ridership Recovery in the Bay Area

The below chart represents total monthly ridership as a percentage of baseline (defined as total monthly ridership reported in February 2020).

## Total Monthly Ridership as a Share of Pre-Pandemic Levels



### Sources:

- Starting in November 2023, Caltrain ridership estimates use a fare media sales-based model. Prior to then, Caltrain ridership estimates were based on a combination of conductor counts & Clipper data
- Ridership data for all other agencies retrieved from the National Transit Database

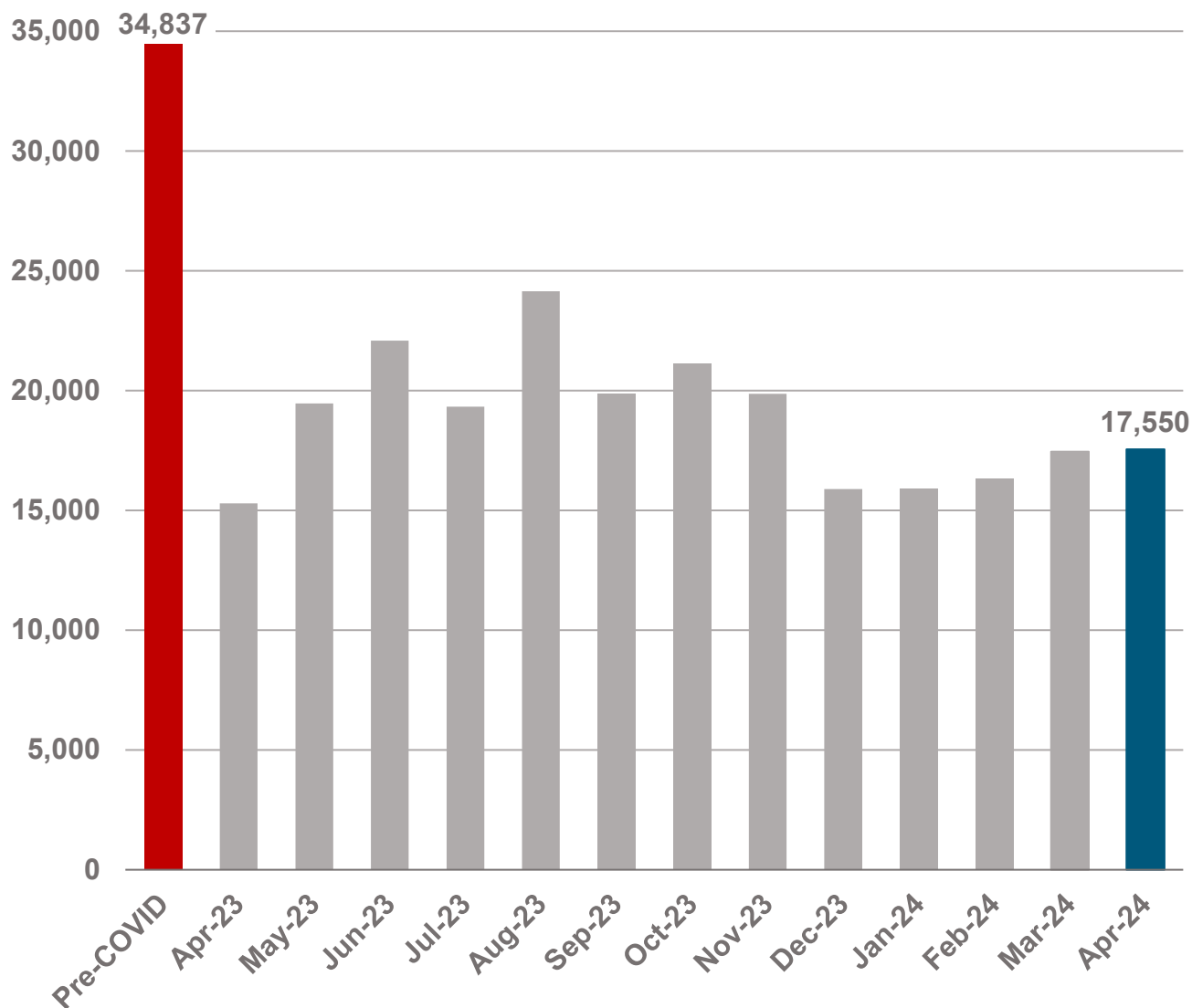
## Total Monthly Ridership Estimates (in thousands)

Transit Operator	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24
Muni	12,363	12,678	13,078	12,316	12,611	13,824	13,554	13,942	12,492	12,344	12,716	12,764	13,939
BART	4,470	4,371	4,635	4,645	4,376	5,010	4,706	4,963	4,456	4,046	4,258	4,338	4,825
AC Transit	3,164	3,150	3,209	2,909	2,859	3,458	3,521	3,699	3,278	3,045	3,245	3,303	3,484
VTA	2,061	2,069	2,270	2,077	2,060	2,326	2,395	2,511	2,264	2,118	2,253	2,238	2,398
SamTrans	765	774	848	762	723	861	904	949	851	786	817	816	906
Caltrain	365	419	418	477	517	496	509	505	491	488	485	488	489
WETA	139	151	192	201	216	240	236	198	214	175	150	160	155
SMART	54	59	65	67	66	72	69	71	65	67	66	62	67
ACE	46	43	55	49	43	59	55	63	54	42	57	58	60



# Ridership and Revenue

## Monthly BART Transfers at Millbrae in the Past Year



BART Transfers at Millbrae represents the total number of BART-to-Caltrain and Caltrain-to-BART transfers, as measured by Clipper Card data.

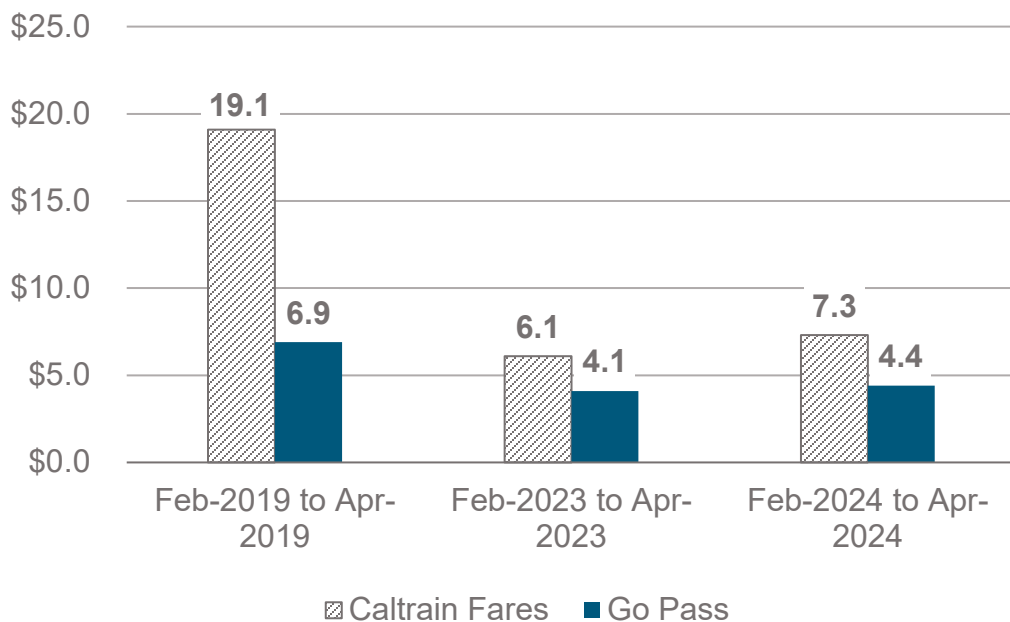
Pre-COVID data is provided for comparison purposes and represents average monthly transfers during the one-year period from March 2019 to February 2020.





# Ridership and Revenue

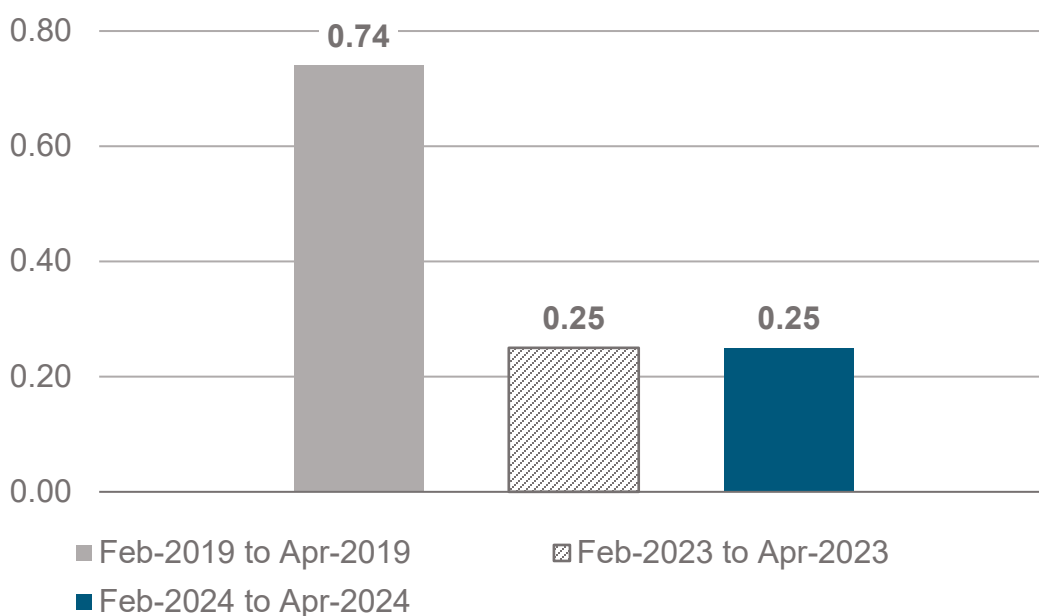
## Total Fare Revenues (\$M) - Past 3 Months Comparison



Fare revenue comes in the form of one-way tickets, daily or monthly passes (“Caltrain Fares”), and the Go Pass program.

Fare revenue is generally more stable than ridership due to many riders paying for monthly passes, which provide consistent revenue regardless of usage.

## Farebox Recovery Ratio (3-Month Rolling Average)



Farebox Recovery Ratio represents how much of the cost of providing service is covered by customer fares. A higher ratio indicates that a greater share of costs are covered by riders.

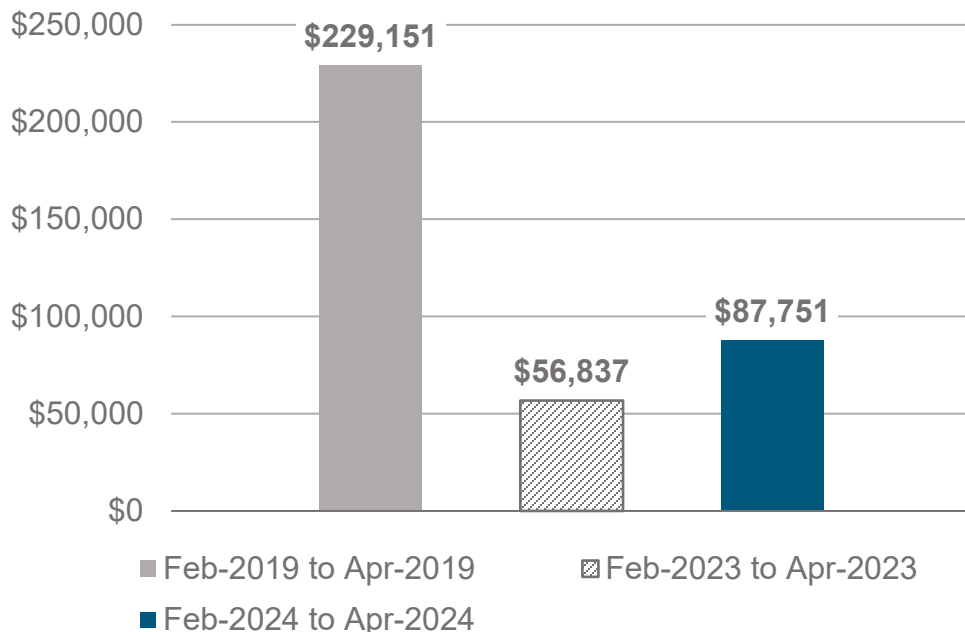






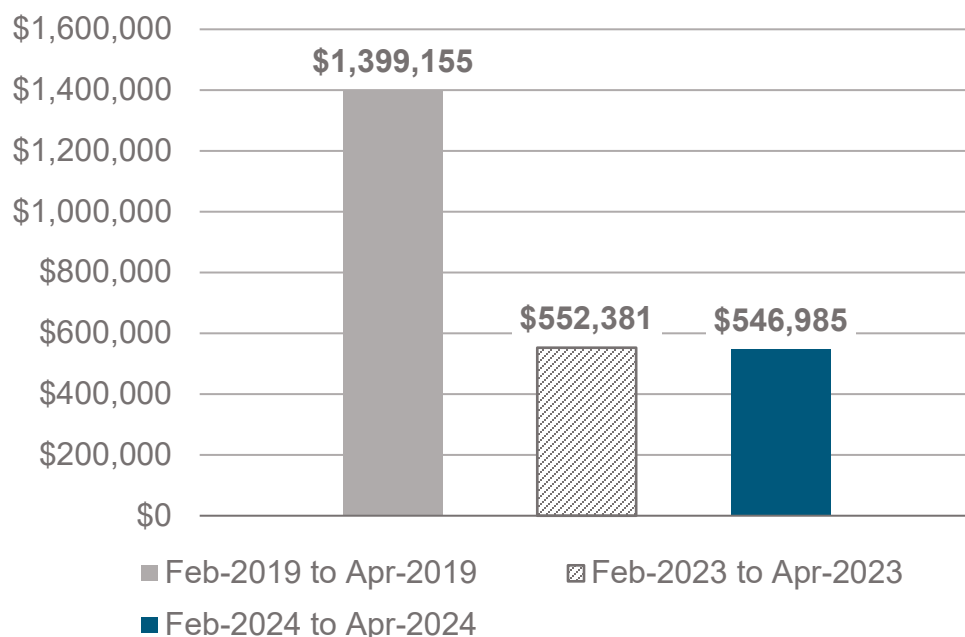
# Ridership and Revenue

## Advertising Revenue (3-Month Rolling Average)



Advertising Revenue declined substantially for transit agencies throughout the country with the onset of the COVID-19 pandemic.

## Parking Revenue (3-Month Rolling Average)



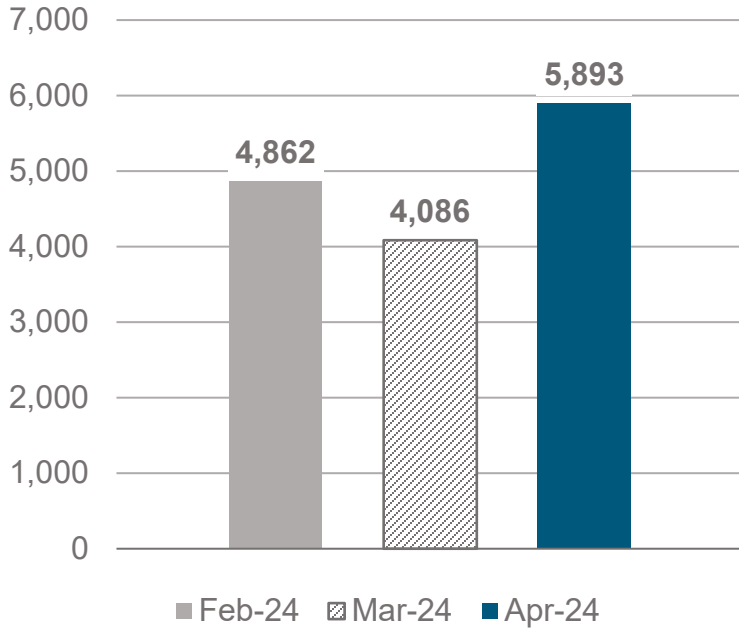
Parking Revenue is generated by purchases of daily and monthly parking permits for parking at Caltrain-owned lots.





# Maintenance Performance

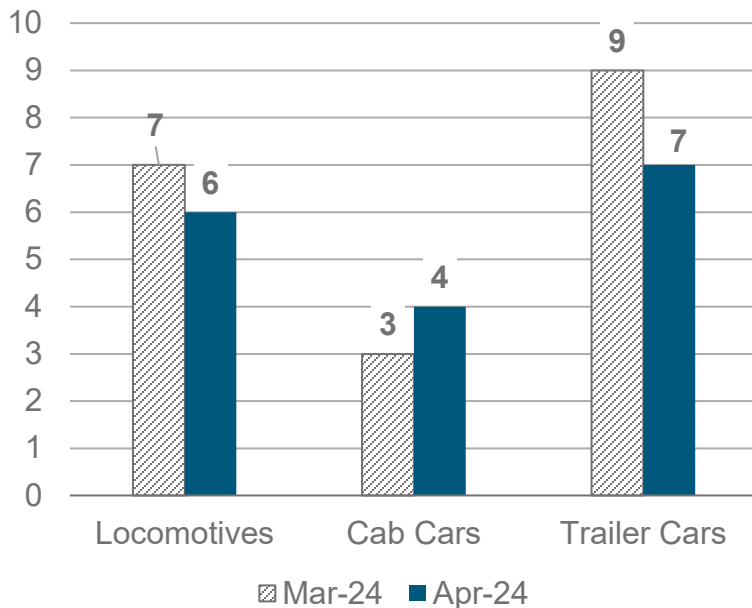
## Mean Distance Between Failure (Locomotives)



Mean Distance Between Failure (MDBF) is a measure of fleet reliability that represents the average distance traveled by train cars before maintenance or repair is required. A higher value indicates an improvement in reliability. Data is measured in miles.

The graph to the left represents MDBF for all passenger locomotives in Caltrain’s fleet.

## Equipment in Maintenance/Repair



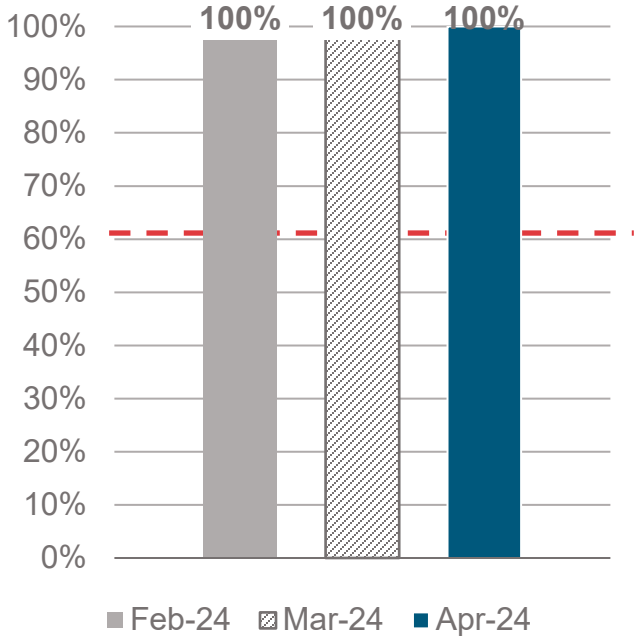
Equipment in Maintenance/Repair represents the number of locomotives and cars that are out of service on an average day each month due to routine and preventative maintenance or other repairs.





# Maintenance Performance

## Equipment Availability (Locomotives)

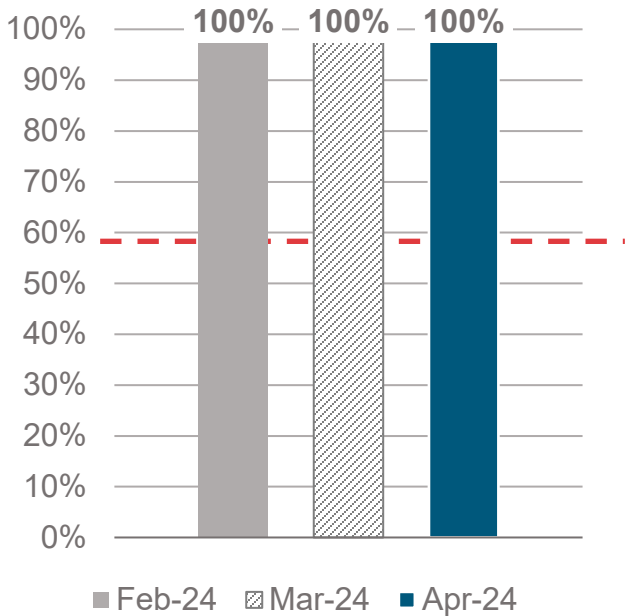


Equipment Availability is the number of cars or locomotives available for service on an average day each month as a percentage of the daily equipment required to run base service.

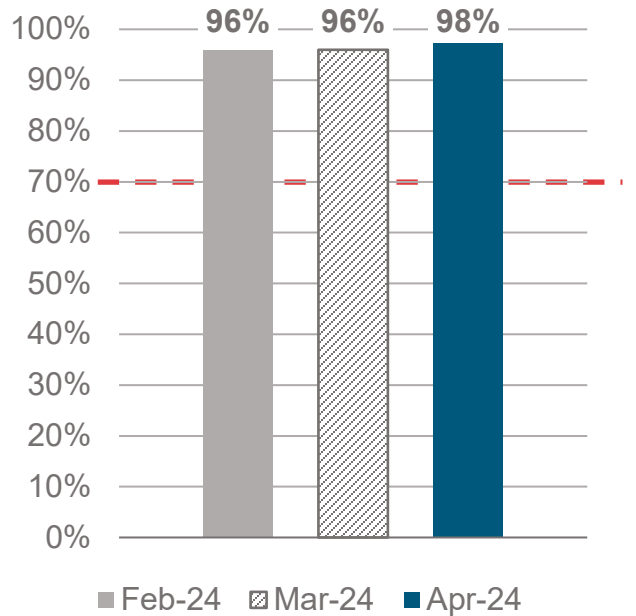
Caltrain currently owns 29 passenger locomotives, with 18 required daily; 36 cab cars, with 21 required daily; and 98 trailer cars, with 69 required daily.

The high average age of Caltrain’s current fleet, with around two-thirds being at the end of its useful life, significantly affects availability.

## Equipment Availability (Cab Cars)



## Equipment Availability (Trailer Cars)



Note: The dotted red line ( - - - - ) on each graph represents the target line (i.e., the percentage of each equipment type required to run base service on an average weekday).





## Service and Program Updates

### **Caltrain Launches Bay Area Transit Discord Server**

On Saturday, May 11, Caltrain launched the Bay Area Transit Discord Server, a social media outlet to help keep both current and potential riders informed and engaged.

The Discord Project will be housing service alerts from all the major Bay Area Transit Agencies - BART, VTA, AC Transit, WETA, Caltrain, and SamTrans. All of the participating agencies will have representatives active on the platform to engage with their respective riders.

An events tab will list both in-person and virtual events from each agency so people can ask questions and coordinate with other transit agencies. People can learn about and RSVP for events, staying abreast of developments throughout the Bay Area's many transit systems. Additionally, the server allows transit users to interact with one another, share photos and discuss transit policy.

Later this year, the server will introduce a feature which auto-populates press releases and blog posts, so riders can stay up to date with what's currently going on at each participating agency.

### **Electrified Corridor Substantial Completion**

The Caltrain Electrification project reached substantial completion in May. This milestone signifies the successful turnover of the electrified, 51-mile corridor between San Francisco and San Jose, as Caltrain prepares to transform the system into a faster, more efficient and sustainable service for commuters throughout the Bay Area.

Post-substantial completion, Caltrain is continuing to work with Balfour Beatty and other partners to deliver operations and maintenance training, conduct pre-revenue service testing, and complete punch list items. Official revenue service with faster and more frequent service will begin in September 2024.





# Communications and Marketing Update

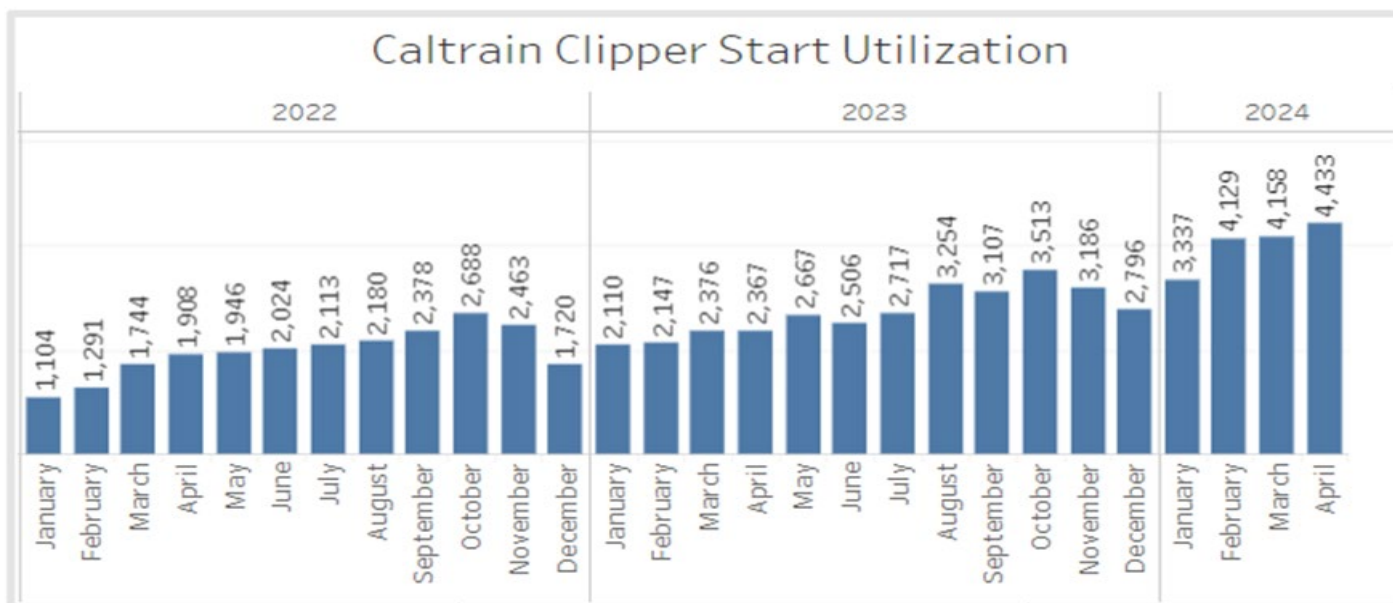
## Press Releases & Earned Media

### Press Releases:

- Caltrain, Balfour Beatty and PG&E Celebrate Major Milestone of Electrification Project with Successful Energization and Testing of Full 51-Mile Corridor.
- Caltrain Completed Integrated Testing between San Francisco and San Jose.
- Take Caltrain to See the Giants Home Opener and all Season Long.
- Caltrain Suspends Morning and Late-Night Train Service on Weekends of April 13-14 & 20-21 to Expedite Electrification Project.
- Caltrain Seeks Volunteers for Citizens Advisory Committee.

## Current Marketing Campaigns

**Clipper START:** On January 1, MTC launched a new awareness campaign to promote Clipper START, highlighting an across-the-board 50% discount. MTC is continuing the new Clipper START advertising campaign and outreach efforts until July 2024. Caltrain is participating with media buys across digital and traditional platforms.

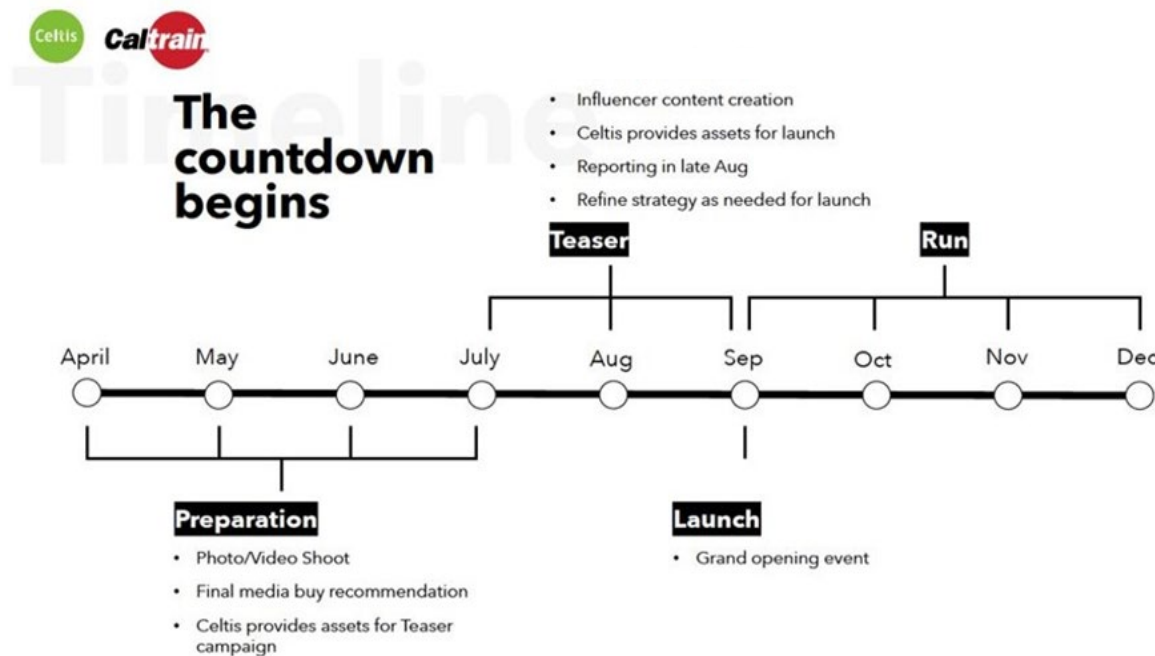




# Communications and Marketing Update

## Future Marketing Campaigns Timeline

### Caltrain Electrification:



## Digital Communications Activities

### Electrification Updates:

- Electric trains tested at full speed the weekends of April 13-14 & 20-21; this included a bus bridge. These closures allowed Caltrain to reach an important milestone in its Electrification Project by successfully completing integrated testing between San Francisco and San Jose.
- 32 Gallery cars completed their journey to Petaluma with the assistance of SMART and Union Pacific.
- Sports were a large focus for Caltrain ridership in April. Caltrain celebrated the return of Giants’ homestand games with home opener on April 5<sup>th</sup> and a Bay FC soccer game on April 14<sup>th</sup>.





# Communications and Marketing Update

## Social Media Messaging Highlights:

- Launched invitation to electric train public tour for May 11
- Electric trains tested at full speed, weekends of April 13-14 & 20-21
- Giants baseball season returns – Opening Day on April 5
- Hosted representatives from San Jose and the South Bay at Diridon on April 5
- April 12 through July 5, 2024, City of Menlo Park Government Station Historical Building under renovations
- Throwback Thursday Series – leading to Caltrain 160th Anniversary
- Sponsored the Sustainable San Mateo County’s 25th Annual Awards Celebration
- Teasing new ways to communicate delays – Discord
- Earth Day – celebrated at TikTok HQ for their transportation fair
- Gallery cars completed journey off Caltrain property
- Teased bike month events for May 16
- Members of the MTC/BATA toured the new electric train

## Social Metrics: (Year to Year)

Metric	April 2024	April 2023
Impressions	1,186,350	794,414
Engagements	72,265	18,756
Post Link Clicks	3,099	4,403





# Capital Projects Update

## Project: Guadalupe River Bridge Replacement

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
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.				
<b>Project Phase: 6 – Construction/Implementation</b>				
Project Costs (in thousands of dollars)				Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals	
Totals	63,699	32,376	28,649	02/16/25
Percentages	100.00%	50.8%	45.0%	
<b>Project Highlights – Recent and Upcoming Work</b>				
<p>In April 2024, the project successfully completed the relocation of third-party fiber optic cables and positive train control cables from the MT1 bridge to the MT2 bridge, clearing the way for the upcoming demolition of the MT1 bridge. The project team met with the Federal Transit Administration, the US Army Corps of Engineers, the Regional Water Quality Control Board, the National Marine Fisheries Service, and Valley Water in pursuit of concurrence to commence demolition of the MT1 bridge from above the tops of the riverbanks.</p> <p>In May 2024, pending concurrence from the agencies listed above, the project will cut and remove portions of the existing MT1 track, excavate the existing track bed south of the Guadalupe River, and begin to install large-diameter cast-in-drilled-hole pile foundations for abutment 5 of the future MT1 bridge. The project will continue to pursue an encroachment permit from Caltrans to access the project site from State Route 87.</p> <p>The "Funding" status light will remain "Red" until FY24 funding appropriated by the Board in June 2023 is made available to the project.</p>				

**Note:** The Capital Projects information is current as of April 30, 2024, and is subject to change prior to the June 2024 Board meeting.

**Statuses:** – Green – Yellow – Red







# Capital Projects Update

## Project: MP-36 Locomotive Mid-Life Overhaul Project

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
<p>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 &amp; 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.</p>	●	●	●	●

### Project Phase: 6 – Construction/Implementation

Project Costs (in thousands of dollars)				Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals	
Totals	14,769	12,842	11,007	12/30/24
Percentages	100%	87.0%	74.5%	

### Project Highlights – Recent and Upcoming Work

April: The hatches were blasted and primed, continued rust repairs, and fuel tank cleaning for 923. For 928, completed air tank battery box, wiring testing, and built cap interior.

May: The hatches were blasted and primed, continued rust repairs, and fuel tank cleaning for 923. For 928, completed air tank battery box, wiring testing, and built cap interior.

The schedule has been delayed due to part availability. Alstom is working with multiple vendors to procure the parts needed.

A potential budget shortfall has been identified. Requested supplemental funding as part of the FY25 budget amendment.

**Note:** The Capital Projects information is current as of April 30, 2024, and is subject to change prior to the June 2024 Board meeting.

**Statuses:** ● – Green    ● – Yellow    ● – Red





# Capital Projects Update

## Project: Bayshore Station Bridge Painting

Project Description		Status Summary			
		Safety	Schedule	Budget	Funding
<p>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 need 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.</p>		●	●	●	●
<b>Project Phase: 6 – Construction/Implementation</b>					
Project Costs (in thousands of dollars)					Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals		
Totals	6,870	5,833	5,632		12/31/2024
Percentages	100.00%	84.9%	82.0%		
<b>Project Highlights – Recent and Upcoming Work</b>					
<p>April: Continued to work with the team in completing final punch list items. In addition, continued to work with legal team to identify next steps and schedule for close-out phase.</p> <p>May: Continue to work with the team in completing final punch list items. In addition, continue to work with legal team to identify next steps and schedule for close-out phase.</p>					

**Note:** The Capital Projects information is current as of April 30, 2024, and is subject to change prior to the June 2024 Board meeting.

**Statuses:** ● – Green    ● – Yellow    ● – Red



## Project: Broadband Wireless Communications

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
The project will design a broadband wireless communications system along the Caltrain corridor for the wayside train maintenance diagnostics and passenger Wi-Fi service. The project will investigate leveraging the existing infrastructure such as the Overhead Contact System (OCS) poles and JPB fiber network to communicate with passing trains. Wayside antennas may be mounted on the OCS poles at a constant interval to communicate with moving trains that will be equipped with radios and antennas.	●	●	●	●
<b>Project Phase: 6 – Construction/Implementation</b>				
<b>Project Costs (in thousands of dollars)</b>				<b>Estimated Completion</b>
	Current Budget	Committed to Date	Expended + Accruals	
Totals	30,441	20,818	19,791	
Percentages	100.00%	68.4%	65.0%	
9/30/24				
<b>Project Highlights – Recent and Upcoming Work</b>				
<p>April: Stadler continued the installation of the Wi-Fi equipment in the EMU trains in Salt Lake City and in the San Jose CEMOF. A total of 7 EMU trains have been equipped with the Broadband equipment to date. Completed the trenching and antenna installation in Segments 3 and 4. Continued construction in Segments 1 and 2. Continued the fiber splicing for the Control Points and wayside radios. Work is 80% completed with the Wayside radio installations. Conducted a segment test in Segment 3 with a EMU train. Awaiting test results from the segment test.</p> <p>May: Complete the construction in Segment 2 and continue the construction in Segment 1. Continue fiber splicing and testing of the fiber network. Analyze the test results from the Segment test and make corrections if necessary.</p> <p>Delay in availability of remaining funds: The remaining activated funds are insufficient to cover the entire construction phase. The "Funding" status light will remain "Red" until the remaining funds are available to the project.</p>				

**Note:** The Capital Projects information is current as of April 30, 2024, and is subject to change prior to the June 2024 Board meeting.

**Statuses:** ● – Green    ● – Yellow    ● – Red





# Capital Projects Update

## Project: San Mateo Grade Crossing Improvements

Project Description		Status Summary			
		Safety	Schedule	Budget	Funding
<p>This project will design and implement safety improvements including quad gates or exit gates at the 4th and 5th Ave grade crossings in San Mateo. This project will make the two grade crossings safer for the train, motorist and pedestrians.</p>		●	●	●	●
<p><b>Project Phase: 6 – Construction/Implementation</b></p>					
Project Costs (in thousands of dollars)					Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals		
Totals	5,471	4,304	1,492		09/08/2024
Percentages	100.00%	78.7%	27.2%		
<p><b>Project Highlights – Recent and Upcoming Work</b></p> <p>In April 2024, TASI mobilized on site to perform predecessor work required for Stacy and Witbeck (SWI) to remobilize . TASI progress has been impacted by weather and other high priorities on the railroad. Bi-Weekly progress meetings are being held with TASI. CM staff continue to support the project, on an as-needed basis and continue to hold weekly progress meetings with SWI to work through administrative and planning items. Worked with SWI and Caltrain Operations to schedule track related work for the weekend of June 1st &amp; 2nd.</p> <p>In May 2024, TASI and SWI will coordinate work and continue construction work in May. Continuing to meet bi-weekly with TASI to discuss status of the signal scope.</p>					

**Note:** The Capital Projects information is current as of April 30, 2024, and is subject to change prior to the June 2024 Board meeting.

**Statuses:** ● – Green    ● – Yellow    ● – Red





# Capital Projects Update

## Project: Churchill Avenue Grade Crossing

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
The scope includes the widening of the sidewalk to accommodate heavy bike and pedestrian traffic from local schools; relocate the pedestrian crossing gates due to the widened sidewalk; install new pavement marking and markers for vehicular traffic at the Churchill Avenue grade crossing in Palo Alto. Implement a total of 17 seconds of advance signal preemption time.	●	●	●	●
<b>Project Phase: 6 – Construction/Implementation</b>				
<b>Project Costs (in thousands of dollars)</b>				<b>Estimated Completion</b>
	Current Budget	Committed to Date	Expended + Accruals	
Totals	2,520	1,585	941	10/24/2024
Percentages	100.00%	62.9%	37.3%	
<b>Project Highlights – Recent and Upcoming Work</b>				
<p>April: Stacy and Witbeck, Inc. work is currently on hold awaiting completion of City of Palo Alto work that is a predecessor to JPB work. Ongoing bi-weekly progress meetings being held with TASI for signal construction scope. Worked with SWI and Caltrain Operations to schedule track related work for weekend August 17th/18th to assure completion ahead of PCEP revenue service.</p> <p>May: Stacy and Witbeck, Inc. work is currently on hold awaiting completion of City of Palo Alto work that is a predecessor to JPB work. Work is not likely to resume until late July or early August of 2024, pending further updates from the City of Palo Alto.</p> <p>The Schedule status light is red as the schedule has been delayed due to delays with City of Palo Alto work, which is impacting JPB's contractor from completing work as initially scheduled. The Project Manager will request approval of a revised schedule from the Management Committee in May 2024.</p>				

**Note:** The Capital Projects information is current as of April 30, 2024, and is subject to change prior to the June 2024 Board meeting.

**Statuses:** ● – Green    ● – Yellow    ● – Red





# Capital Projects Update

## Project: Next Generation Visual Messaging Sign (VMS)

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
Full replacement of existing obsolete VMS at 22 selected stations between San Francisco and Tamien. The current VMS signs are no longer supported by the manufacturer and the predictive arrival and departure system (PADS) is becoming obsolete. Research will be done to determine whether it's best to replace the signs that will work with the current predictive arrival and departure system (PADS) or replace signs for the next generation passenger information system.	●	●	●	●
<b>Project Phase: 6 – Construction/Implementation</b>				
<b>Project Costs (in thousands of dollars)</b>				<b>Estimated Completion</b>
	Current Budget	Committed to Date	Expended + Accruals	
Totals	6,800	2,779	1,905	06/15/2025
Percentages	100.00%	40.9%	28.0%	
<b>Project Highlights – Recent and Upcoming Work</b>				
<p>April: Site Specific Work Plan (SSWP) for Santa Clara, Mountain View and Palo Alto were approved. VMS delivery status was updated. Bench test for material was started. Path verification has been completed . Supplier continues with their preparation to start the site work.</p> <p>May: Start site work with VMS replacement.</p> <p>The “Funding” status light is yellow as there are insufficient activated funds to cover the entire construction phase. Activate the FY25 approved budget.</p>				

**Note:** The Capital Projects information is current as of April 30, 2024, and is subject to change prior to the June 2024 Board meeting.

**Statuses:** ● – Green    ● – Yellow    ● – Red





# Capital Projects Update

## Project: San Francisquito Creek Emergency Bank Stabilization

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
Stabilize and protect the northern bank of the San Francisquito Creek to prevent erosion from undermining the northern abutment of Caltrain's existing San Francisquito Creek Bridge, the northern foundations of the Alma Street Bicycle Bridge owned by the City of Palo Alto, and an existing drainage outfall owned by the City of Menlo Park.	●	●	●	●
<b>Project Phase: 6 – Construction/Implementation</b>				
<b>Project Costs (in thousands of dollars)</b>				<b>Estimated Completion</b>
	Current Budget	Committed to Date	Expended + Accruals	
Totals	8,988	3,444	1,404	05/30/2025
Percentages	100.00%	38.3%	15.6%	
<b>Project Highlights – Recent and Upcoming Work</b>				
<p>In the month of April 2024, the JPB team monitored the performance of the temporary stabilization measures during multiple rain events, continued pursuit of a Section 404 Permit from the US Army Corps of Engineers and performed archaeological coring's at the request of the US Army Corps of Engineers.</p> <p>In the month of May 2024, the JPB team plans to monitor the performance of the temporary stabilization measures, analyze archaeological coring samples from the permanent stabilization site, prepare a report concluding the results of the archaeological corings, and continue to pursue a Section 404 Permit from the US Army Corps of Engineers. Delays to archaeological corings and the potential need for a formal Section 7 consultation have increased the risk that the Section 404 Permit will not be obtained in time to construct the permanent stabilization during the 2024 dry season.</p>				

**Note:** The Capital Projects information is current as of April 30, 2024, and is subject to change prior to the June 2024 Board meeting.

**Statuses:** ● – Green    ● – Yellow    ● – Red







# Capital Projects Update

## Project: San Mateo Replacement Parking Track

Project Description	Status Summary			
	Safety	Schedule	Budget	Funding
<p>The project involves the preparation of an amendment to the previously-obtained environmental clearance report and final design of a "set out track" to replace the one that was removed in the Bay Meadows area to facilitate the construction of the 25th Ave. Grade Separation Project. The track, which will be located between 10th and 14th Aves., will be accessed from 9th Ave., approximately 1,000 feet in length and have a single switch.</p> <p>Electrification is not part of the base funding plan. Supplemental funding will be needed to electrify the replacement parking track.</p>	●	●	●	●

### Project Phase: 6 – Construction/Implementation

Project Costs (in thousands of dollars)				Estimated Completion
	Current Budget	Committed to Date	Expended + Accruals	
Totals	10,128	1,913	1,497	05/31/2025
Percentages	100.00%	18.9%	14.8%	

### Project Highlights – Recent and Upcoming Work

April: SWI mobilized to site and began heritage tree removals. Bird nesting in one tree prevented completion of this activity and other site work as scheduled. Bird fledged nest at end of April so delays to project were limited to 3 weeks. Budgets/Grants continues to work with Caltrans on Program Supplement (PS) for \$3.77M in LPP funds, will proceed with requesting Pre-approval spending authority (PASA) if PS is not executed. 54 Hour single tracking outage was coordinated with PCEP schedule and is planned for final weekend of August 2024.

May: Grants team will continue to work with Caltrans to execute Program Supplement agreement for LPP funds. SWI will complete removal of remaining trees and proceed with site grading activities.

Additional funding is required to be activated to cover construction phase of the project. \$3.77M in LPP funds still need to be activated. Grants staff are working on the Program Supplement with Caltrans, will proceed with requesting Pre-approval Spending Authority (PASA).

**Note:** The Capital Projects information is current as of April 30, 2024, and is subject to change prior to the June 2024 Board meeting.

**Statuses:** ● – Green    ● – Yellow    ● – Red





# Acknowledgements

This report is made possible by contributions from the following groups and individuals.

## Caltrain Planning

Dahlia Chazan, Chief  
Ted Burgwyn, Director, Rail Network and Operations Planning  
Catherine David, Manager, Operations Planning  
Nick Atchison, Planning Analyst III

## Communications Division

Tasha Bartholomew, Manager, Media Relations  
Robert Casumbal, Director, Marketing & Research  
Jeremy Lipps, Manager, Digital Communications  
Stephanie Torres, Social Media Specialist

## Finance Administration

Bruce Thompson, Manager, Fare Program Operations  
Don Esse, Senior Operations Financial Analyst  
Dapri Hong, Budget Analyst III

## Rail Administration / Rail Operations & Maintenance

John Hogan, Chief Operating Officer  
Patrice Givens, Administrative Analyst II  
Graham Rogers, Project Manager SOGR  
Sam Sargent, Director, Strategy & Policy  
Henry Flores, Director, Rail Vehicle Maintenance

## Rail Design & Construction

Rob Barnard, Chief  
Jonathan Tillman, Director Capital Programs Management  
Robert Cheung, Project Controls Deputy Director  
Sowmya Karipe, Project Controls Specialist

## Additional Support

Mike Meader, Caltrain Safety Chief  
Elizabeth Araujo, TASI  
Margie Godinez, TASI  
Sarah Doggett, MTC  
Victoria Moe, San Mateo County Sheriff's Office



**Peninsula Corridor Joint Powers Board  
Board of Directors Meeting  
1250 San Carlos Avenue, San Carlos, CA 94070**

**DRAFT Minutes of May 2, 2024**

**Members Present:** Margaret Abe-Koga, Pat Burt, Jeff Gee, Rico E. Medina, Ray Mueller, Shamann Walton, Monique Zmuda, Steve Heminger (Vice Chair), Devora “Dev” Davis (Chair)

**Staff Present:** J. Baker, M. Bouchard, A. Brandt, A. Burnett (Bell Burnett & Associates), D. Chazan, C. Fromson, S. Graham (BART), J. Harrison, K. McCoy (Balfour Beatty Infrastructure, Inc.), D. Seamans, P. Shrestha, A. To, C. Tsao (Capitol Corridor), M. Tseng

**1. Call to Order/Pledge of Allegiance**

Chair Davis called the meeting to order at 9:01 am and led the Pledge of Allegiance.

**2. Roll Call**

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

**3. Public Comment on Items not on the Agenda** – There were none.

**4. Closed Session: Conference with Legal Counsel – Pending Litigation (§ 54956.9(d)(1)) [Rogers v. Peninsula Corridor Joint Powers Board, San Mateo County Superior Court, Case No. 23-CIV-03335]**

*Director Abe-Koga left the meeting at 10:17 am*

**5. General Counsel Report – Report Out from Above Closed Session**

Legal Counsel James Harrison noted that there were no reportable actions.

**6. Public Comment for Items Not on the Agenda** – Chair Davis reduced public comment time to one minute for each speaker.

Vaughn Wolffe commented on funding concerns and suggested to be more concerned with moving people rather than spending money.

Jeff Carter agreed with Mr. Wolff and commented on seeing electric trains being tested.

Marie Blankley, Mayor of Gilroy, commented on seeing ridership increase to Gilroy since the fourth train was added - 38 percent increase and 138 trips since September 25<sup>th</sup>.

## 7. Report of the Executive Director

Michelle Bouchard, Executive Director, provided updates, which included the following:

- Two major electrification milestones completed last month: Successful integrated testing along the right of way and end-to-end corridor runs, as well as testing of timetable times
- Celebration event in San Carlos on May 11<sup>th</sup>
- Appreciated Mayor Blankley's comments. Great response to fourth train addition in September 2023. Getting ridership back one person at a time. Trips from Gilroy to North San Jose will also see reduced travel times
- Bike to Wherever – sponsoring two energizer stations on May 16<sup>th</sup> at San Mateo and Mountain View. Hosting an informative online event on May 6<sup>th</sup> to explore the best ways people can integrate biking with Caltrain for commuting or leisure destinations
- Regional transit revenue measure – gratitude for Board support, ongoing engagement, and leadership
- Caltrain headquarters – continue to explore possibilities, including co-locating with SamTrans in Millbrae. Completed RFI (request for information) for available locations

### Public comments

Aleta Dupree commented on the event in San Carlos, good progress with electrification, support for the bike community, and bike share and storage are essential.

Jeff Carter commented that co-locating with SamTrans is in the best interest to keep costs down and provide better service and amenities to riders.

## 8. Consent Calendar

**8.a. Meeting Minutes of April 4, 2024**

**8.b. Accept Statement of Revenues and Expenses for the Period Ending March 31, 2024**

**8.c. Renew Findings of an Emergency Regarding the North Channel Embankment of the San Francisquito Creek Bridge Due to Erosion Pursuant to Public Contract Code §22050\***

**8.d. Authorizing the Application for and Receipt of Low Carbon Transportation Operations Program Funds for Ridership Recovery Service Enhancement**

Motion/Second: Medina/Zmuda

Ayes: Burt, Gee, Medina, Mueller, Walton, Zmuda, Heminger, Davis

Noes: None

Absent: Abe-Koga

## 9. Receive Energy Procurement Strategy Update and Authorize Application to California's Low Carbon Fuel Standard Program

Alex Burnett, Bell Burnett & Associates, provided the presentation, which included the following:

- Active discussions with two CCAs (Community Choice Aggregators): Peninsula Clean Energy (PCE) and San Jose Clean Energy (SJCE). They are the default providers based on location of traction power stations in San Jose and South San Francisco
- PCE offers two products, ECOPlus and Eco100, and both are 100 percent renewable
- PCE is made up of Eco100 of 50 percent solar and 50 percent wind, whereas San Jose has a total green product, which is 100 percent wind
- PCE authorized a new tariff as of April 25th. PCE is taking to CARB (California Air Resources Board) to get certified. Will charge no incremental premium and getting at the same price as ECOPlus. SJCE is working to create this too
- PG&E (Pacific Gas and Electric Company) is responsible for delivery of energy. Discussing two strategies to reduce costs. Looking at combining the two meters at each substation to measure regenerative braking and enter into an interconnection agreement
- Do not have legal authority to enter wholesale market
- LCFS (Low Carbon Fuel Standard) program – need to register. Credits generated are market based and can fluctuate. Program currently undergoing rulemaking process so the State can change rules at any time
- Authorized to hire two positions: Manager of Energy and Senior Energy Analyst

#### Public comments

Vaughn Wolff suggested asking the CCAs to start considering floating solar on the bay and they should have batteries at stations to allow plugin for diesel locomotives.

Aleta Dupree commented on future electricity will price more favorably than diesel.

Jeff Carter commented on the importance of getting the best price and policy for electrification.

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

- Clarified fiscal year (FY) budget has \$25 million, but unsure how much electricity will be used until in revenue service
- Confirmed low carbon credits and LCFS assumptions and credits
- Not seeking authority to enter into the wholesale market as it comes with a list of considerations, such CCAs manages portfolio in terms of energy procurement, resource adequacy, and regulatory compliance
- New energy load is subject to Power Charge Indifference Adjustment (PCIA), which is regulated and a non-bypassable charge. It is supposed to compensate or otherwise help PG&E offset for departing load, not new load

Motion/Second: Gee/Heminger

Ayes: Burt, Gee, Medina, Mueller, Walton, Zmuda, Heminger, Davis

Noes: None

Absent: Abe-Koga

**10. State and Federal Legislative Update and Consideration of Positions on Legislation:**

**HR 7039 (Johnson), AB 1837 (Papan), AB 2053 (Lee), SB 1031 (Wiener and Wahab)**

Casey Fromson, Chief of Staff, introduced Jason Baker, Director of Government and Communication Affairs, and Devon Ryan, Government Affairs Officer, provided the presentation that included the following information and staff recommendations for support:

- H.R. 7039, the Stronger Communities Through Better Transit Act, provides \$20 billion a year for four years for a total of \$80 billion for transit operations funding. Based on Federal Transit Administration (FTA) formulas
- AB (Assembly Bill) 2503 – CEQA (California Environmental Quality Act) Exemption for Passenger Rail Projects Bill would exempt rail electrification projects from CEQA
- AB 1837 codify the existing Regional Network Management Council to promote coordination of regional transit priorities

Staff provided further clarification in response to Director Zmuda's question regarding the funding source for H.R. 7039.

- SB (Senate Bill) 1031 presentation included the following:
  - Senate Transportation Committee Hearing term sheet was outlined. Notable item included sales tax not limited to more than half a cent, which would drop the bill down to \$1 billion, but goal being \$1.5 billion to help cover operating deficit
  - Whole Measure RR was a huge benefit, additional funds are needed to control and keep costs down
  - Guarantee at least \$25 million annually for large operators
  - Consolidation has progressed. More focused on a study with no predetermined outcomes. Senator Wahab's office open to amendments
  - TDM (transportation demand management) – another pass would interfere with Go Pass. New language coming along with some hold harmless language
  - Enhanced MTC (Metropolitan Transportation Commission) authority – new guardrails in place provides some restrictions on MTC. May continue to have refinements with continued conversations shaping the bill
  - Board position remains – Opposed unless amended

Public comment

Ian Griffiths, Seamless Bay Area, commented on the funding measure that addresses the biggest need and it is appropriate for Caltrain to change its position to support if amended.

Jeff Carter supported the recommended amendments, transit should be funded to the same extent as highways, freeways, and airports.

Katherine Dumont, Menlo Park resident, expressed support and commented on need to keep transportation systems healthy and operational, and coordination is important.

Dylan Finch, member of SamTrans Citizens Advisory Committee, commented on compromising on SB1031.

Adrian Brandt opined that legislation is the best and only chance to get to seamless world class transit and urged support for the CEQA (California Environmental Quality Act) electrification exemption.

Anthony Montes, Silicon Valley Bicycle Coalition, commented on the need to ensure that Bay Area transit is reliable, well-coordinated, and well-funded, and encouraged working with the authors to refine the bill.

Anthony Lazarus commented on having a broad view and the need to move forward.

Adina Levin, Friends of Caltrain and Seamless Bay Area, urged continuing to work on bill and commented that stable funding is absolutely essential and having better coordination over time is something helpful for people who use Caltrain along with other agencies.

Don Cecil, SAMCEDA (San Mateo County Economic Development Association), noted having no position yet and the current position or staff recommendation has brought people to the table to talk and reaching out to seek thoughts on amendments.

Jordan Moldow, City of San Jose, urged to move to a support if amended position and bill should be amended to be open to all kinds of different revenue measures.

Ken Kershner, Menlo Park resident, commented on SB1031 being the only shot at funding a regional coordinated transit system and to find a way forward to support if amended.

Eleni Jacobson encouraged to move to a support if amended position.

Chance Boreczky commented that SB1031 is the right way to address the new economic realities and urged to continue to engage closely on pursuing amendments to move to a support if amended position.

Paul Wendt, Belmont, commented that he strongly supports better coordinated schedules and urged support with amendments.

Chair Davis thanked the public speakers for their time and comments and following the bills closely.

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

- Defined large operators as agencies with five million in ridership and with mileage minimums
- Concerns with authority and process for return to source percentages and qualifications as a source
- Bill contemplates four different types of revenue measures: payroll tax, parcel tax, sales tax, and vehicle registration

- Current amendments limits MTC (Metropolitan Transportation Commission) bond authority to capital funds
- Clarified existing transit operation shortfalls include post electrification shortfalls and not current shortfalls
- Concerned large operators will not be covered in the outer years and authorizing a nine-county payroll tax
- Start discussing a plan B with Member agencies as contingency to get Caltrain needed funding as there are a lot of potential failure points for this legislation and beyond
- Next set of amendments will be available on May 8<sup>th</sup>

The Board approved the staff recommendations to support H.R. 7039, AB 1837, and AB 2053.

Motion/Second: Gee/Medina

Ayes: Burt, Gee, Medina, Mueller, Walton, Zmuda, Heminger, Davis

Noes: None

Absent: Abe-Koga

*Chair Davis took the agenda item #11 to Receive Link21 Program Update out of order prior to PCEP Monthly Progress Report.*

#### **11. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report**

Pranaya Shrestha, Chief Officer of CalMOD, Casey Fromson, Chief of Staff, and Keith McCoy, Project Director for BBI (Balfour Beatty Infrastructure) provided the presentation that included the following information:

- On schedule, no changes to budget, and on target with substantial completion for May 8<sup>th</sup>
- Finished construction activities along with integrated testing
- Six train electric train sets have completed 1,000 miles. On target for the needed eight train sets for the power contingency test
- Top risk remains theft of impedance bonds. \$2.35 million taken out of shared risk with BBI funding half
- Date for last weekend shutdown is June 8<sup>th</sup> – 9<sup>th</sup> throughout the whole corridor. Bus bridges to Millbrae, Palo Alto, and San Jose - No service anywhere else
- 2,500 RSVPs received for May 11<sup>th</sup> Electric Train Tour event – also celebrating 160 years of service. Next event on June 1<sup>st</sup> at Palo Alto station with Stanford University and City of Palo Alto
- Continued focus on safety. Successful end-to-end test over the weekend. Wrapping up traction power training in May
- 72 percent complete with punch list and will be completed in July. On target for final acceptance for September 8<sup>th</sup>
- Focusing on identifying items after revenue service, such as corrosion equipment and



will be done after start of revenue service - not safety related

Public comments

Aleta Dupree commented that she would like to see details about bus bridge and the need for a deep dive on impedance bonds.

Adrian Brandt commented that the best practice to reduce energy use is to run shorter trains.

Adina Levin commented that it was great to hear the words finished construction.

**12. Receive Link21 Program Update**

Dahlia Chazan, Chief of Planning, Sadie Graham, BART (Bay Area Rapid Transit) Link21 Director, Camille Tsao, Capitol Corridor Link21 Lead, provided the presentation that included the following information:

- Advanced in partnership with BART and Capital Corridor since 2020
- Transit ridership has not returned to pre-COVID levels. Forecasted for increased ridership over time and expect to see back at pre-COVID levels at or before 2040
- Developing service plan building on Caltrain's adopted service plan
- Crossing is not the only thing included in program - will include improvements using existing rail corridors. Opportunity to provide better passenger experience or improve connections to communities across the region and mega region
- Provided differences between BART, wide gauge versus regional rail, and standard gauge crossings. Regardless of what track piece is used, the new crossing would meet overarching goals of program. Improvements in addition to the new crossing would help improve the passenger experience

*Director Walton left the meeting at 12:19 pm*

Public comments

Vaughn Wolff commented that making long range plans with agencies that have never been able to deliver anything on time is slated.

Jeff Carter commented about funding sources for the project that is going to be extremely expensive.

Adrian Brandt favored the technology choice for standard gauge.

Aleta Dupree advocated for dual gauge and dual power systems.

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

- Concerns for more rail operators on the corridor and more land for the passing tracks

- Management Team should include Caltrain if moving forward with standard gauge crossing, which would require additional staffing resources
- Concerns for existing capital infrastructure along with infrastructure expansion
- Need to review new technologies that would offer better alternatives than the two gauges

**13. Monthly Reports were provided on the following items:**

13.a. Report of the Citizens Advisory Committee – Adrian Brandt, Vice Chair, provided an update on CAC discussions, which included the following:

- Member Torres (San Francisco Member) resigning
- South County Gilroy service update received. Discussed disparity between AM and PM ridership. Technical issues delayed new service out of Gilroy in the morning
- Discussed cross platform transform planned at Diridon Station
- Had Station Access Policy Update. Ongoing issues with elevators being available and standardizing designs
- Had Quarterly Safety Update that touched on tree issues
- Requested information on ongoing issues with vehicle incursions and trespasser strikes

*Director Mueller left the meeting at 12:55 pm*

13.b. Report of the Chair – Chair Davis skipped her report due to time constraints

13.c. Report of the Local Policy Maker Group (LPMG) – Chair Burt reported on receiving the Station Access Plan and a discussion around the critical partnership role that cities need to and could benefit from in being full partners in the program.

13.d. Report of the Transbay Joint Powers Authority (TJPA) - Chair Gee reported still waiting on approval to enter into engineering.

**14. Correspondence** – Available online.

**15. Board Member Requests** – There were none.

**16. Date/Time of Next Regular Meeting: Thursday, June 6, 2024 at 9:00 am.**

**17. Adjourn** - The meeting adjourned at 12:57 pm

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Kate Jordan Steiner, Chief Financial Officer  
Subject: **Accept Statement of Revenues and Expenses for the Period Ending April 30, 2024**

Finance Committee Recommendation       Technology, Operations, Planning, and Safety Committee Recommendation       Advocacy and Major Projects Committee Recommendation

**Purpose and Recommended Action**

Staff proposes that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) accepts and enters into the record the Statement of Revenues and Expenses for the Period Ending April 30, 2024.

This staff report provides a brief discussion of significant items and trends in the attached Statement of Revenues and Expenses through April 30, 2024. The statement has been designed to follow the Agency-wide line-item rollup as included in the approved budget. The columns have been designed to provide an easy comparison of year-to-date actuals to the budget including dollar and percentage variances.

**Year-to-Date Revenues:** As of April year-to-date actual, the Grand Total Revenue (page 1, line 17) is \$1.4 million higher than the adopted budget. This is primarily driven by the increase in Measure RR (page 1, line 11), Rental Income (page 1, line 4), which is partially offset by Other Income (page 1, line 5).

**Year-to-Date Expenses:** As of April year-to-date actual, the Grand Total Expense (page 2, line 51) is \$2.8 million lower than the adopted budget. This is primarily driven by the decrease in Other Office Expenses and Services (page 2, line 41), Wages and Benefits (page 2, line 36), Professional Services (page 2, line 39), and Maintenance & Services-Building & Other (page 2, line 31), which is partially offset by the increases in Claims, Payments, and Reserves (page 2, line 28).

**Annual Forecast:** The annual forecast was derived by examining actual revenue and expense trends through March 2024, and then analyzing trends and reviewing details with business unit divisions and cost centers. Overall, a surplus of \$1.0 million is projected for FY 2024, compared to a surplus of \$2.0 million projected in the FY 2024 Adopted Budget. The most significant component in the negative change of \$1.1 million from budget is related to the above-budget Claims expense due to recent large losses.

**Forecast Revenues:** Total Revenue (page 1, line 17) is forecasted to be \$0.1 million above budget. The significant components that drive the forecast and budget variances are summarized below:

1. \$0.9 million favorable Measure RR sales tax revenue (page 1, line 11), driven by above budget inflation and consumer spending.

2. \$0.8 million favorable Rental Income (page 1, line 4), driven by back rents and new leases.

The above revenue increases are partially offset by:

1. \$1.0 million unfavorable Go Pass revenue (page 1, line 2), driven by clients leaving the program.
2. \$0.5 million unfavorable Other Income (page 1, line 5), driven by below budget interest and advertising revenue.

**Forecast Expenses:** Total Expense (page 2, line 51) is forecasted to be \$1.2 million above budget, mainly driven by the following cost increases in several line items:

1. \$2.9 million unfavorable Claims, Payments, and Reserves (page 2, line 28), due to recent large losses.
2. \$1.0 million unfavorable Professional Services (page 2, line 39), due to increasing needs in consulting services and legal support for major projects.

The above cost increases are partially offset by:

1. \$1.9 million favorable Wages and Benefits (page 2, line 36), due to vacancy cost saving.
2. \$0.8 million favorable Other Office Expenses and Services (page 2, line 41), mainly driven by savings in bank fees with earning credit rates.
3. \$0.4 million favorable Rail Operator Services (page 2, line 22), due to vacancy cost saving.

### **Budget Impact**

There is no budget impact for the acceptance of the April 2024 Statement of Revenues and Expenses.

Prepared By:	Li Saunders	Accountant II	650.622.7848
	Danny Susantin	Financial Reporting, Manager	650.622.8073

<b>PENINSULA CORRIDOR JOINT POWERS BOARD</b>								
<b>STATEMENT OF REVENUE AND EXPENSE</b>								
<b>Fiscal Year 2024</b>								
<b>April 2024</b>								
<b>% OF YEAR ELAPSED 83.3%</b>								
	<b>JULY TO APRIL</b>				<b>ANNUAL</b>			
	<b>ADOPTED BUDGET</b>	<b>CURRENT ACTUAL</b>	<b>\$ VARIANCE</b>	<b>% VARIANCE</b>	<b>APPROVED BUDGET</b>	<b>FORECAST</b>	<b>\$ VARIANCE</b>	
<b>REVENUE</b>								
<b>OPERATIONS:</b>								
1 Caltrain Fares	24,404,723	24,257,287	(147,436)	(0.6%)	29,936,000	29,936,000	-	1
2 Go Pass	13,970,000	13,919,651	(50,349)	(0.4%)	16,764,000	15,800,000	(964,000)	2
3 Parking Revenue	1,587,510	1,619,430	31,920	2.0%	1,905,015	1,829,440	(75,575)	3
4 Rental Income	855,410	1,610,499	755,089	88.3%	1,026,489	1,800,000	773,511	4
5 Other Income	5,451,050	4,715,171	(735,879)	(13.5%)	6,541,260	5,996,400	(544,860)	5
6								6
7 TOTAL OPERATING REVENUE	46,268,693	46,122,039	(146,654)	(0.3%)	56,172,764	55,361,840	(810,924)	7
8								8
<b>CONTRIBUTIONS:</b>								
9								9
10 Operating Grants	10,667,450	10,810,367	142,917	1.3%	12,800,936	12,800,936	-	10
11 Measure RR	97,902,000	99,270,717	1,368,717	1.4%	118,400,000	119,300,000	900,000	11
12 Member Agency (VTA - Gilroy)	391,670	391,667	(3)	(0.0%)	470,000	470,000	-	12
13 LCTOP/SRA	5,757,080	5,757,253	173	0.0%	6,908,503	6,908,503	-	13
14								14
15 TOTAL CONTRIBUTED REVENUE	114,718,200	116,230,003	1,511,803	1.3%	138,579,439	139,479,439	900,000	15
16								16
17 <b>GRAND TOTAL REVENUE</b>	<b>160,986,893</b>	<b>162,352,042</b>	<b>1,365,149</b>	<b>0.8%</b>	<b>194,752,203</b>	<b>194,841,279</b>	<b>89,076</b>	17
18								18

<b>PENINSULA CORRIDOR JOINT POWERS BOARD</b>									
<b>STATEMENT OF REVENUE AND EXPENSE</b>									
<b>Fiscal Year 2024</b>									
<b>April 2024</b>									
<b>% OF YEAR ELAPSED 83.3%</b>									
	<b>JULY TO APRIL</b>				<b>ANNUAL</b>				
	<b>ADOPTED BUDGET</b>	<b>CURRENT ACTUAL</b>	<b>\$ VARIANCE</b>	<b>% VARIANCE</b>	<b>APPROVED BUDGET</b>	<b>FORECAST</b>	<b>\$ VARIANCE</b>		
19	<b>EXPENSE</b>							19	
20								20	
21	<b>DIRECT EXPENSE:</b>							21	
22	Rail Operator Service	87,154,954	87,070,600	84,354	0.1%	104,889,704	104,456,834	432,870	22
23	Security Services	6,906,159	6,753,835	152,324	2.2%	8,287,745	8,287,745	-	23
24	Shuttle Services	66,670	55,973	10,697	16.0%	80,000	80,000	-	24
25	Fuel and Lubricants*	12,676,090	12,500,161	175,929	1.4%	15,211,316	15,211,316	-	25
26	Timetables and Tickets	79,160	15,076	64,084	81.0%	95,000	117,725	(22,725)	26
27	Insurance	8,524,750	8,572,119	(47,369)	(0.6%)	10,229,703	10,225,000	4,703	27
28	Claims, Payments, and Reserves	1,100,000	3,522,736	(2,422,736)	(220.2%)	1,320,000	4,248,000	(2,928,000)	28
29	Facilities and Equipment Maintenance	6,792,893	7,192,402	(399,509)	(5.9%)	8,186,535	8,338,759	(152,224)	29
30	Utilities	2,257,420	2,286,087	(28,667)	(1.3%)	2,708,900	2,823,345	(114,445)	30
31	Maint & Services-Bldg & Other	1,487,170	613,390	873,780	58.8%	1,784,600	1,802,118	(17,518)	31
32								32	
33	<b>TOTAL DIRECT EXPENSE</b>	<b>127,045,266</b>	<b>128,582,378</b>	<b>(1,537,112)</b>	<b>(1.2%)</b>	<b>152,793,503</b>	<b>155,590,842</b>	<b>(2,797,339)</b>	33
34								34	
35	<b>ADMINISTRATIVE EXPENSE</b>							35	
36	Wages and Benefits	14,927,851	13,804,754	1,123,097	7.5%	17,315,281	15,451,065	1,864,216	36
37	Managing Agency Admin OH Cost	2,971,220	2,856,420	114,800	3.9%	3,565,453	3,565,453	-	37
38	Board of Directors	52,390	14,599	37,791	72.1%	62,875	62,875	-	38
39	Professional Services	8,489,122	7,437,325	1,051,797	12.4%	10,554,391	11,560,114	(1,005,723)	39
40	Communications and Marketing	364,017	264,636	99,381	27.3%	427,961	465,141	(37,180)	40
41	Other Office Expenses and Services	3,583,834	2,399,280	1,184,554	33.1%	4,307,066	3,463,850	843,216	41
42								42	
43	<b>TOTAL ADMINISTRATIVE EXPENSE</b>	<b>30,388,434</b>	<b>26,777,015</b>	<b>3,611,419</b>	<b>11.9%</b>	<b>36,233,027</b>	<b>34,568,498</b>	<b>1,664,529</b>	43
44								44	
45	<b>TOTAL OPERATING EXPENSE</b>	<b>157,433,700</b>	<b>155,359,394</b>	<b>2,074,306</b>	<b>1.3%</b>	<b>189,026,530</b>	<b>190,159,339</b>	<b>(1,132,809)</b>	45
46								46	
47	Governance	187,500	166,785	20,715	11.0%	225,000	225,000	-	47
48								48	
49	Debt Service Expense	2,892,600	2,190,093	702,507	24.3%	3,471,125	3,502,000	(30,875)	49
50								50	
51	<b>GRAND TOTAL EXPENSE</b>	<b>160,513,800</b>	<b>157,716,271</b>	<b>2,797,529</b>	<b>1.7%</b>	<b>192,722,655</b>	<b>193,886,339</b>	<b>(1,163,684)</b>	51
52								52	
53	Projected Contribution to Reserve					2,029,548	-	(2,029,548)	53
54								54	
55	<b>NET SURPLUS / (DEFICIT)</b>	<b>473,093</b>	<b>4,635,770</b>	<b>4,162,677</b>	<b>879.9%</b>	<b>-</b>	<b>954,940</b>	<b>954,940</b>	55
56								56	
57	Reserve, Beginning Balance		26,878,850			26,878,850			57
58	Projected Contribution to Reserve		-			2,029,548			58
59	Reserve, Ending Balance		<u>26,878,850</u>			<u>28,908,398</u>			59
60								60	
61	* Fuel and Lubricants costs were decreased by a realized gain of \$734,937 from the fuel hedge program.							61	
62								62	





Farebox Revenues by Ticket Type	PENINSULA CORRIDOR JOINT POWERS BOARD															
	Previous Years					FY2024										
	FY2019	FY2020	FY2021	FY2022	FY2023	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	FY2024 Total YTD
<b>OPERATIONS:</b>																
401400 (TVM)	18,431,265	11,165,620	2,458,837	6,836,440	6,838,317	701,507	580,909	427,973	542,427	429,650	414,419	409,800	398,044	482,837	474,370	4,861,936
401410 (Clipper)	54,621,910	37,970,696	2,924,987	7,764,755	15,493,238	1,584,242	1,688,849	1,283,054	1,964,018	1,537,081	1,331,257	1,526,512	1,563,600	1,574,020	1,697,477	15,750,109
401420 (Central)	64,908	20,799	309,748	39,911	58,267	1,068	-	7,861	8,407	2,619	251	2,732	4,123	4,327	3,520	34,908
401430 (Mobile App)	4,716,955	5,689,776	830,051	2,808,795	3,501,791	289,934	353,887	285,899	332,212	307,863	242,542	278,638	278,385	258,148	317,034	2,944,543
401500 (Gilroy)	1,903,941	1,542,171	178,759	449,281	706,203	58,850	58,850	75,084	64,261	64,261	64,261	64,261	61,705	79,096	75,160	665,791
401700 (Go-Pass)	22,929,136	19,705,372	25,737,533	15,337,175	16,728,021	1,362,537	1,337,709	1,370,632	1,375,408	1,349,604	1,426,899	1,256,768	1,264,651	1,267,045	1,908,398	13,919,651
total Farebox Revenue	102,668,114	76,094,433	32,439,915	33,236,357	43,325,839	3,998,139	4,020,204	3,450,502	4,286,733	3,691,078	3,479,630	3,538,712	3,570,507	3,665,474	4,475,959	38,176,938
Less: Go-Pass																
401700 (Go-Pass)	22,929,136	19,705,372	25,737,533	15,337,175	16,728,021	1,362,537	1,337,709	1,370,632	1,375,408	1,349,604	1,426,899	1,256,768	1,264,651	1,267,045	1,908,398	13,919,651
Revenues without Go-Pass	79,738,978	56,389,061	6,702,382	17,899,182	26,597,817	2,635,602	2,682,496	2,079,870	2,911,325	2,341,474	2,052,731	2,281,944	2,305,856	2,398,429	2,567,561	24,257,287
<b>Tickets Sold</b>						Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	Total
TVM	2,354,393	1,465,876	315,378	755,674	802,158	78,363	74,658	69,149	55,296	52,840	51,726	52,299	47,968	53,472	65,236	601,007
Clipper	3,521,066	2,620,816	339,753	1,227,757	1,975,206	194,041	214,425	208,775	207,849	191,852	165,395	195,218	197,154	216,465	223,413	2,014,587
Central	9,167	5,044	-	4,032	6,440	100	231	484	717	-	478	231	349	756	581	3,927
Mobile	543,920	661,515	111,394	381,441	428,741	40,439	41,483	39,565	37,168	33,606	29,903	33,356	34,991	39,217	45,461	375,189
# of tickets sold (without go-pass)	6,428,546	4,753,251	766,525	2,368,904	3,212,545	312,943	330,797	317,973	301,030	278,298	247,502	281,104	280,462	309,910	334,691	2,994,710
<b>AVG Revenue Per Ticket</b>						Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-23	Feb-23	Mar-23	Apr-23	Total
TVM	\$ 7.83	\$ 9.05	\$ 7.80	\$ 9.05	\$ 8.52	\$ 8.95	\$ 7.78	\$ 6.19	\$ 9.81	\$ 8.13	\$ 8.01	\$ 7.84	\$ 8.30	\$ 9.03	\$ 7.27	\$ 8.09
Clipper	\$ 15.51	\$ 6.32	\$ 8.61	\$ 6.32	\$ 7.84	\$ 8.16	\$ 7.88	\$ 6.15	\$ 9.45	\$ 8.01	\$ 8.05	\$ 7.82	\$ 7.93	\$ 7.27	\$ 7.60	\$ 7.82
Central	\$ 7.08	\$ 9.90	\$ -	\$ 9.90	\$ 9.05	\$ 10.68	\$ -	\$ 16.24	\$ 11.72	\$ -	\$ 0.53	\$ 11.83	\$ -	\$ 5.72	\$ 6.06	\$ 8.89
Mobile	\$ 8.67	\$ 7.36	\$ 7.45	\$ 7.36	\$ 8.17	\$ 7.17	\$ 8.53	\$ 7.23	\$ 8.94	\$ 9.16	\$ 8.11	\$ 8.35	\$ 7.96	\$ 6.58	\$ 6.97	\$ 7.85
Total	\$ 12.40	\$ 11.86	\$ 8.74	\$ 7.56	\$ 8.28	\$ 8.42	\$ 8.11	\$ 6.54	\$ 9.67	\$ 8.41	\$ 8.29	\$ 8.12	\$ 8.22	\$ 7.74	\$ 7.67	\$ 8.10

Farebox Revenues by Ticket Type	PENINSULA CORRIDOR JOINT POWERS BOARD								
	July to April						Annual Budget		
REVENUE	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	FY2024	% of Budget	
401400 (TVM)	14,998,781	10,523,208	1,671,775	5,027,021	5,253,534	4,861,936			
401410 (Clipper)	45,334,179	39,488,086	2,180,394	5,632,260	12,953,836	15,750,109			
401420 (Central)	40,434	42,569	-	28,774	44,752	34,908			
401430 (Mobile App)	3,595,395	5,608,048	541,196	2,049,193	2,766,288	2,944,543			
401500 (Gilroy)	1,589,911	1,522,365	135,167	338,355	578,885	665,791			
401700 (Go-Pass)	19,234,851	18,444,142	23,613,685	12,888,764	14,144,344	13,919,651			
total Farebox Revenue	84,793,550	75,628,419	28,142,218	25,964,368	35,741,641	38,176,938	46,700,000		82%
Less: Go-Pass									
401700 (Go-Pass)	19,234,851	18,654,468	23,487,193	12,940,666	13,987,605	13,919,651	16,764,000		83%
Revenues without Go-Pass	65,558,700	56,973,951	4,655,025	13,023,702	21,754,036	24,257,287	29,936,000		81%
<b>Tickets Sold</b>									
TVM	1,948,831	1,431,714	229,051	583,348	655,755	601,007			
Clipper	2,898,611	2,592,875	234,459	925,638	1,586,843	2,014,587			
Central	5,882	5,044	-	2,981	4,673	3,927			
Mobile	405,510	652,947	76,418	293,551	346,750	375,189			
# of tickets sold (without go-pass)	5,258,834	4,682,580	539,928	1,805,518	2,594,021	2,994,710			
<b>AVG Revenue Per Ticket</b>									
TVM	\$ 7.70	\$ 7.35	\$ 7.30	\$ 8.62	\$ 8.01	\$ 8.09			
Clipper	\$ 15.64	\$ 15.23	\$ 9.30	\$ 6.08	\$ 8.16	\$ 7.82			
Central	\$ 6.87	\$ 8.44	\$ -	\$ 9.65	\$ 9.58	\$ 8.89			
Mobile	\$ 8.87	\$ 8.59	\$ 7.08	\$ 6.98	\$ 7.98	\$ 7.85			
Total	\$ 12.47	\$ 12.17	\$ 8.62	\$ 7.21	\$ 8.39	\$ 8.10			

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Kate Jordan Steiner, Chief Financial Officer  
Subject: **Accept Financial Audit and Citizens Advisory Committee's Report of Measure RR Tax Revenues and Expenditures for the Fiscal Year Ended June 30, 2023**



Finance Committee  
Recommendation

Technology, Operations, Planning, and  
Safety Committee Recommendation



Advocacy and Major Projects  
Committee Recommendation

**Purpose and Recommended Action**

The Citizens Advisory Committee (CAC) is the independent oversight committee for the Measure RR sales tax. The CAC held a public hearing on Wednesday, March 20, 2024, to receive public comments on the Annual Audit of Measure RR Revenues and Expenditures for the Fiscal Year Ended June 30, 2023 (Measure RR 2023 Audit). After the conclusion of the hearing, the CAC voted to accept the FY2022-23 Measure RR Audit and to issue its report, as required by the terms of Measure RR.

Given the CAC's oversight role and its approval of the Measure RR audit, staff recommends that the Peninsula Corridor Joint Powers Board (JPB) Board of Directors (Board) accept the Measure RR 2023 Audit and corresponding report.

**Discussion**

On August 6, 2020, the JPB and its member agencies adopted and sought voter approval to implement a resolution imposing a one-eighth of one percent retail transactions and use tax to fund operating and capital expenses of the JPB's rail service (Measure RR Resolution). The voters in the City and County of San Francisco, and the Counties of San Mateo and Santa Clara approved Measure RR on November 3, 2020. The Measure RR Resolution, Resolution 2020-40 requires the JPB to have an independent auditor annually audit the receipts and expenditures of Measure RR tax proceeds, and under the express terms of Measure RR, the CAC services as the independent oversight committee for the Measure RR sales tax.

In its capacity as the independent oversight committee, the CAC is responsible for verifying that the tax proceeds are invested in a way that is consistent with the purpose of the tax by:

1. Receiving the annual independent audit of the receipt and expenditure of tax proceeds;
2. Holding a public hearing; and
3. Issuing an annual report to provide the public with information regarding how the tax proceeds have been spent.

The CAC received the audit on March 6, 2024, held a public hearing on the audit on March 20, 2024, and voted to accept the FY2022-23 Financial Statement, which confirm that the Measure RR revenues and expenditures were handled appropriately as contemplated by the ballot language, for the fiscal year ended June 30, 2023.

**Budget Impact**

There is no budget impact for accepting this Measure RR 2023 Audit.

Prepared by: Annie To

Director, Accounting

655-622-7890



Peninsula Corridor Joint Powers Board

**Citizens Advisory Committee**

**Report on Measure RR Tax Revenues and Expenses**

Fiscal Year 2023 (July 2022 – June 2023)

The Citizens Advisory Committee (CAC) of the Peninsula Corridor Joint Powers Board (JPB) is pleased to provide its annual report on the expenditure of tax proceeds from the Measure RR Funds. This report covers the Fiscal Year 2023, from July 1, 2022, through June 30, 2023. With regards to Measure RR, the principal duties of the CAC are to ensure that the tax proceeds have been expended for the purpose set forth in the Measure RR ballot language and to provide a report on the independent audit conducted pursuant to the ballot language and the JPB Resolution which placed Measure RR on the ballot.

The CAC is composed of nine members representing the City and County of San Francisco and the Counties of San Mateo and Santa Clara. Under the CAC's charter, as amended by the JPB through Resolution No. 2022-03, the CAC serves as the independent oversight committee for the Measure RR sales tax. In its capacity as the independent oversight committee, the CAC is responsible for providing information to the taxpayers of the three counties in the following ways:

- Receive the JPB's annual audit report on receipts and expenditures of Measure RR tax proceeds
- Hold an annual public hearing on the audit report
- Issue an annual report of the CAC on the audit results to provide the public with information regarding how the tax proceeds are being spent.

The Board of Directors of the JPB is responsible for the prioritization and distribution of funds received pursuant to the provisions of Measure RR. The independent audit conducted by the JPB and the CAC's report are intended to provide additional accountability with respect to the expenditure of these proceeds by the JPB.

The JPB's annual audit report on receipts and expenditures of Measure RR tax proceeds for the Fiscal Year ended June 30, 2023, was conducted by Brown Armstrong, CPAs, an independent accounting firm. This firm has several years of experience in conducting independent audits of the financial statements of the JPB. In its audit, Brown Armstrong, CPAs provided what is known as an unmodified opinion (often referred to as a "clean" opinion) on the Measure RR financial statements as prepared by the JPB staff. The CAC held a public hearing on the audit report on March 20, 2024. A copy of the audit report is attached as Appendix A.

## Section 1. Measure RR Funding Priorities

In 2020, voters in the City and County of San Francisco, County of San Mateo, and County of Santa Clara approved Measure RR, which levies a one-eighth (1/8) of one percent (0.125%) retail transactions and use tax for a period of thirty (30) years in all three areas. This tax provides the first and only dedicated funding source for Caltrain. The purpose of Measure RR is to fund the operating and capital expenses of the JPB rail service and to support the operating and capital needs required to implement the Service Vision adopted by the JPB on October 3, 2019, as part of the Caltrain Business Plan.

In accordance with the Board of Directors of the JPB's Resolution No. 2020-41, the tax revenues from Measure RR will be prioritized as follows:

- To support the operation of Caltrain service levels throughout the corridor from San Francisco to Gilroy as necessary to sustain and expand the service.
- To support the infrastructure, rolling stock, and capital projects necessary to advance the expansion of the Caltrain peak hour service.
- To develop and implement programs to expand access to the Caltrain service and facilitate the use of the system by passengers of all income levels.
- To help leverage other local, regional, state, and federal investments to advance capital projects necessary to implement the Caltrain Business Plan's 2040 Service Vision, adopted by the JPB on October 3, 2019.
- To provide the JPB with a steady stream of funding to support the annual operating, maintenance, and capital needs of an electrified Caltrain service with increased frequency and capacity.

## Section 2. Overview of Caltrain Funding Sources

In Fiscal Year 2019, prior to the pandemic, Caltrain received \$103 million from fare revenue, roughly 72% of its total revenue base. This marked Caltrain one of the nation's transit systems with the highest farebox recovery. In the past, farebox revenue, though affected by downturns in the economy, was a more stable revenue source for transit agencies than sales tax, which is a major revenue source for many transit agencies in the Bay Area. However, during and since the pandemic, transit systems that used to rely heavily on ridership and fare revenues have been hit the hardest in the Bay Area and have yet to see their revenue base return.

Caltrain's farebox revenue in Fiscal Year 2023 was \$43 million, less than 30% of total expenses. Pandemic-era federal funding for transit operations ceased after Fiscal Year 2022, leaving a significant financial gap. For Caltrain, the passage of Measure RR, while not originally intended as the primary source of operating funds, has replaced fare revenue as the largest revenue component. Without Measure RR, the system could not operate even lifeline service. Since many office jobs have not yet returned to in-person work at pre-pandemic levels many people riding Caltrain rely on the system as their only means of transportation to jobs, school, and appointments.

While this audit focuses on Fiscal Year 2023, the ongoing trend of reduced farebox revenue underscores the necessity of continued reliance on Measure RR funding to sustain Caltrain's operations in the coming years.



### Section 3. Fiscal Year 2023 Revenues and Expenses

#### A. Measure RR Revenues

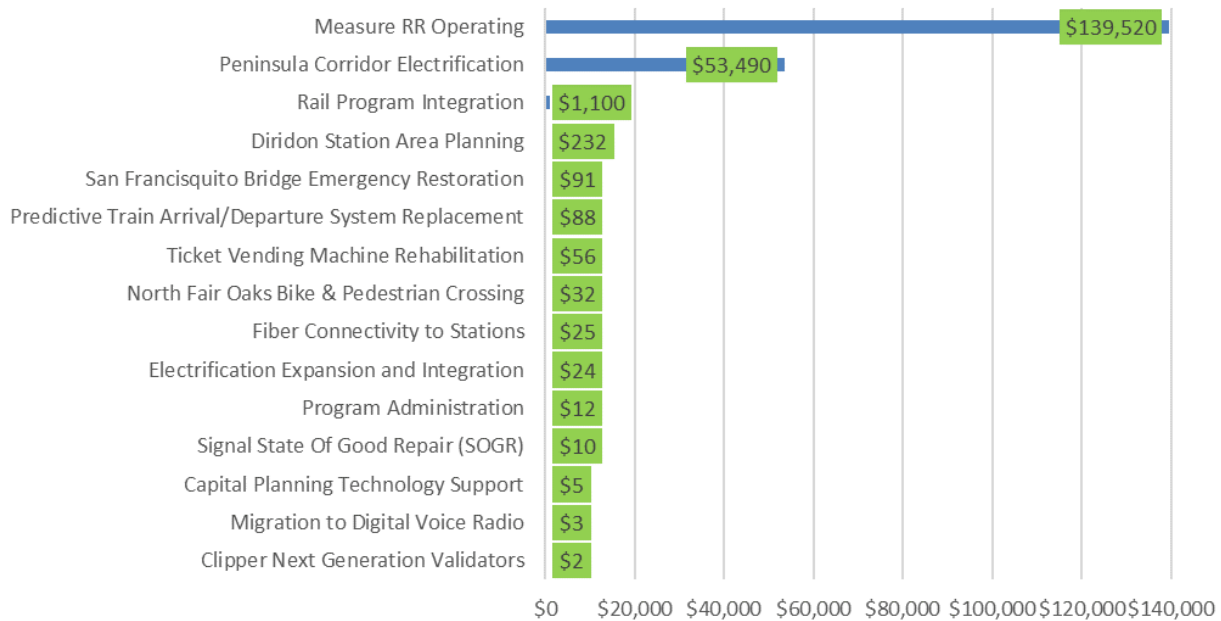
A total of \$121.6 million in Measure RR transaction and use tax was realized and recorded in Fiscal Year 2023. Of that, \$100.7 million was received prior to June 30, 2023, and \$20.9 million was received in July and August of 2023.

#### B. Measure RR Allocations and Expenses

A total of \$194.7 million was spent primarily on the operating expenses and critical agency initiatives, as shown in figure 1. The excess (\$73.1 million) of the FY23 expenses (\$194.7 million) over the FY23 revenue (\$121.6 million) was funded by the FY22 unused reserves. The Measure RR funds recorded in Fiscal Year 2023 were used as follows:

1. No new funds were allocated in FY23 for capital programs. All FY23 capital programs expenses were funded by FY22 unused reserves.
2. \$139.5 million was spent on operating expenses.
3. \$53.5 million was spent for the Peninsula Corridor Electrification Project (PCEP).
4. \$1.1 million was spent for Rail Program Integration activities.
5. \$0.6 million was spent for various capital programs as shown in figure 1 below.

**Figure 1: Measure RR Expenditures (in thousand)**



### **C. Expenditure Detail and Consistency with Measure RR Core Principles**

The expenditures listed below adhere to the principles of Measure RR.

1. Operating Expenses (\$139.5 million). These funds allowed Caltrain to continue to run its highest ever level of service, with 104 trains operating every weekday.
2. Peninsula Corridor Electrification (\$53.5 million). These funds were applied to the Peninsula Corridor Electrification Project (PCEP), while waiting for the state to allocate additional funding to complete the project. On January 31, 2023, Caltrain received \$367 million from the state's Transit and Intercity Rail Capital Program (TIRCP) which, together with \$43 million from the federal omnibus spending bill signed in December 2022, fully covered the \$410 million PCEP funding shortfall identified in late 2021.
3. Rail Program Integration and Transition (\$1.1 million). The objective of this program is to focus on identifying, defining, and implementing the integration of work necessary to support Caltrain's transition to electrified service. As part of the Program Integration, the Rail Activation effort will ensure that each element of the activation work is accomplished in accordance with the following phases: commissioning, acceptance, pre-revenue service, safety certification, and overall Electrified Revenue Service plan and objectives.
4. Diridon Station Area Planning (\$0.2 million). This funding supported efforts to advance planning for future transit-oriented development (TOD) on Caltrain property adjacent to Diridon Station, which will help to expand access to Caltrain service and generate funding to support ongoing operations.
5. San Francisquito Bridge Emergency Restoration (\$91k). The project will stabilize the north bank of the San Francisquito Creek and prevent scour and erosion from undermining Caltrain's San Francisquito Creek Rail Bridge. The project includes a temporary phase (implemented in November 2023) and a permanent phase to be implemented upon receipt of applicable approvals from resource agencies.
6. PADS Gap Coverage (\$88k). The objectives of this project are to: 1) create functional requirement for PADS (Predictive Arrival and Departure System) phase 2 request for proposals; 2) add Stadler EMU into existing PADS; and 3) modernize and visualize Xgate virtual server to provide server redundancy between San Jose Control Center and Menlo Park Control Center.
7. Ticket Vending Machine Rehabilitation (\$56k). This project upgraded all the Caltrain Ticket Vending Machines (TVM) at all the stations to include Clipper functionalities such as buying a new Clipper card and adding value and products to existing Clipper cards. The project also replaced components of the TVM which are obsolete and no longer supported by the manufacturer.

8. North Fair Oaks Bike & Pedestrian Crossing Planning Support (\$32k). Caltrain entered into a service agreement with the County of San Mateo to perform a technical review of the County's conceptual design for a bicycle and pedestrian connection across the Caltrain corridor in the priority equity community of North Fair Oaks. As part of the adopted Framework for Equity, Connectivity, Recovery and Growth, it has been agreed that Caltrain will use its own funds to pay for this service agreement. Caltrain provided technical support for the review of three alternatives and developed a preliminary constructability analysis for the two overcrossings.
9. Fiber Connectivity to Stations (\$25k). The project planned to build design to connect the JPB fiber backbone to the stations from 4th and King to Tamien, Caltrain digital voice radio base stations located at Positive Train Control (PTC) sites, existing Very High Frequency (VHF) Sites at tunnel and the Central Control Facility/Back-Up Central Control Facility. The project has been closed with 95% design, and the design gap to 100% has been recorded. The project has been shelved due to insufficient funding, and its scope will be now covered under a separate project. Unused Measure RR funds allocated to this item will instead be used for other projects.
10. Electrification Expansion and Integration (\$24k). In preparation for the Fall 2024 launch of electrified service, Caltrain undertook a comprehensive service analysis and public engagement process with the primary purpose of developing an electrified service schedule with faster trips, improved frequency, and enhanced comfort.
11. Program Administration (\$12k) - A small amount of funds was spent for the Measure RR annual audit fees.
12. Signal State of Good Repair (\$10k). This project supports the purchase of Dual Tone Module Frequency (DTMF) for grade crossings throughout the Caltrain corridor. This is a radio activated crossing system that allows a hyrail operator to send a signal to the crossing gates which activates the gates and allows the hyrail operator to cross busy intersections. These were installed at nine (9) grade crossing on Caltrain's right of way.
13. Capital Planning Technical Support (\$5k). This program supports technical expertise necessary to advance individual capital projects in the conceptual planning phase in collaboration with partner agencies, local jurisdictions, and internal stakeholders.
14. Migration to Digital Voice Radio (\$3k). This project will update existing VHF voice communication system by co-locating VHF sites with PTC sites that already have JPB fiber backhaul services.
15. Clipper Next Generation Validators (2k). This project prepared all the Caltrain stations to have the Next Generation Clipper Validators installed by the Metropolitan Transportation Commission (MTC). Caltrain installed electrical wires to the locations where the wire will be terminated inside the new validators. Caltrain also installed

mounting bolts in the platform so MTC can mount and bolt down the validators. The new validators were tested by MTC and Caltrain. The old Clipper validators were removed after successfully testing the new validators.

#### Section 4. Future Measure RR Allocations

As mentioned previously, for the next two fiscal years, likely through FY25, Caltrain anticipates that nearly all Measure RR proceeds will be needed to subsidize the operating costs of the railroad. Without passage of Measure RR and the ability to use the funds for operating service, the agency would not be able to continue to operate its current service levels or transition to electrification in Fall 2024, given the increased costs associated with procuring electricity and maintaining the new traction electrification system. Using the funds to subsidize the operating budget, at least in the short-term, will allow Caltrain to continue to provide much needed service for essential workers, and to meet the changing needs of commuters who come back to the service as in-person work policies evolve and commute traffic increases. It will also enable Caltrain to offer half hourly weekend frequency under the new electrified service schedule, further strengthening the growth of weekend ridership, which has recovered at a faster rate than weekday ridership. Like other Bay Area operators, Caltrain staff continues to advocate for external funding from the state and to consider other potential regional solutions.

#### Attachments:

1. FY23 Measure RR Funds Financial Statements (Appendix A)
2. JPB Resolution No. 2020-40 (Appendix B) – *see Section 16 for Ballot Measure language*

Appendix A  
FY23 Measure RR Funds  
Financial Statements

**PENINSULA CORRIDOR JOINT POWERS BOARD**  
**MEASURE RR FUNDS**  
**FINANCIAL STATEMENTS**  
**JUNE 30, 2023**

**PENINSULA CORRIDOR JOINT POWERS BOARD**

**MEASURE RR FUNDS**

**JUNE 30, 2023**

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## INDEPENDENT AUDITOR'S REPORT

Board of Directors  
Peninsula Corridor Joint Powers Board  
San Carlos, California

### Opinion

We have audited the accompanying financial statements of Peninsula Corridor Joint Powers Board's (the JPB) Measure RR Funds, as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Measure RR Funds' basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Measure RR Funds as of June 30, 2023, and the respective changes in financial position, and where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the JPB and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Measure RR Funds' ability to continue as a going concern within one year after the date that the financial statements are available to be issued.



## **Auditor's Responsibilities for the Audit of the Financial Statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the JPB's internal control relating to the Measure RR Funds. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Measure RR Funds' ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.

### **Emphasis of Matter**

As discussed in Note 1, the financial statements of the Measure RR Funds are intended to present the financial position and the changes in financial position attributable to the transactions of those funds. They do not purport to, and do not, present fairly the financial position of the JPB as of June 30, 2023, or the results of its operations for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

### **Required Supplementary Information**

Management has omitted management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

**Other Reporting Required by Government Auditing Standards**

In accordance with *Government Auditing Standards*, we have also issued our report dated January 5, 2024, on our consideration of the JPB's internal control over financial reporting relating to the Measure RR Funds and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance relating to the Measure RR Funds and the results of that testing, and not to provide an opinion on the effectiveness of the JPB's internal control over financial reporting or on compliance relating to the Measure RR Funds. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the JPB's internal control over financial reporting and compliance relating to the Measure RR Funds.

BROWN ARMSTRONG  
ACCOUNTANCY CORPORATION

*Brown Armstrong*  
*Accountancy Corporation*

Bakersfield, California  
January 5, 2024

**PENINSULA CORRIDOR JOINT POWERS BOARD  
MEASURE RR FUNDS  
STATEMENT OF NET POSITION  
JUNE 30, 2023**

**ASSETS**

Cash and Cash Equivalents	\$ 16,508,792
Receivables - Transaction and Use Tax	20,886,440
Prepaid Items	<u>679,082</u>
Total Assets	<u><u>\$ 38,074,314</u></u>

**LIABILITIES AND NET POSITION**

Liabilities	
Accounts Payable and Accrued Liabilities	<u>\$ 624,153</u>
Total Liabilities	<u>624,153</u>
Net Position	
Restricted for Measure RR Projects	<u>37,450,161</u>
Total Net Position	<u>37,450,161</u>
Total Liabilities and Net Position	<u><u>\$ 38,074,314</u></u>

The accompanying notes are an integral part of the financial statements.

**PENINSULA CORRIDOR JOINT POWERS BOARD  
MEASURE RR FUNDS  
STATEMENT OF REVENUES, EXPENSES, AND  
CHANGES IN NET POSITION  
FOR THE YEAR ENDED JUNE 30, 2023**

Revenues	
Measure RR Transaction and Use Tax	<u>\$ 121,645,143</u>
Total Revenues	<u>121,645,143</u>
Expenses	
Peninsula Corridor Electrification	53,489,868
Ticket Vending Machine Rehabilitation	55,938
Migration to Digital Voice Radio	3,189
Clipper Next Gen Validators	2,219
Diridon Station Area Planning	231,664
Signal SOGR FY22	9,646
Rail Program Integration	1,099,867
PADS Gap Coverage	87,677
Fiber Connectivity to Stations	24,932
Electrification Expansion and Integration	23,868
Capital Planning Tech Support	4,627
North Fair Oaks Bike & Pedestrian Crossing	32,068
San Francisquito Bridge Emergency Restoration	91,269
Measure RR Operating	139,519,729
Program Administration	<u>12,340</u>
Total Expenses	<u>194,688,901</u>
Operating Loss	(73,043,758)
Nonoperating Revenues	
Interest Income	<u>355,571</u>
Total Nonoperating Revenues	<u>355,571</u>
Change in Net Position	(72,688,187)
Net Position - Beginning of Year	<u>110,138,348</u>
Net Position - End of Year	<u><u>\$ 37,450,161</u></u>

The accompanying notes are an integral part of the financial statements.

**PENINSULA CORRIDOR JOINT POWERS BOARD  
MEASURE RR FUNDS  
STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED JUNE 30, 2023**

<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>	
Cash Received from California Department of Tax and Fee Administration	\$ 122,377,249
Payments to Vendors for Goods and Services	(195,203,153)
Payments to Employees	<u>(74,825)</u>
Net Cash Used by Operating Activities	<u>(72,900,729)</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>	
Investment Income Received	<u>355,571</u>
Net Cash Provided by Investing Activities	<u>355,571</u>
Net Change in Cash and Cash Equivalents	(72,545,158)
Cash and Cash Equivalents, Beginning of Year	<u>89,053,950</u>
Cash and Cash Equivalents, End of Year	<u><u>\$ 16,508,792</u></u>
 <b>Reconciliation of Operating Loss to Net Cash Used by Operating Activities</b>	
Operating Loss	\$ (73,043,758)
Adjustments to Reconcile Operating Loss to Net Cash Used by Operating Activities	
Accounts Receivable	732,106
Prepaid Items	(679,082)
Accounts Payable and Accrued Liabilities	<u>90,005</u>
Net Cash Used by Operating Activities	<u><u>\$ (72,900,729)</u></u>

The accompanying notes are an integral part of the financial statements.

**PENINSULA CORRIDOR JOINT POWERS BOARD  
MEASURE RR FUNDS  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2023**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

A. Financial Reporting Entity

Under Measure RR, approved by the voters in the City and County of San Francisco, and the Counties of San Mateo and Santa Clara in November 2020, Peninsula Corridor Joint Powers Board (JPB) receives a share of the sales tax of 0.125% to fund operating and capital expenses of the JPB's rail service. The duration of the sales tax is for a period of 30 years, beginning on July 1, 2021, and ending June 30, 2051.

The financial statements of the Measure RR Funds do not purport to, and do not, present the financial position of the JPB as of June 30, 2023, or the changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America. The activities of the Measure RR Funds are reported within the JPB's enterprise fund. The projects funded by Measure RR Funds represent a portion of the activities of the JPB and, as such, are included in the JPB's financial statements.

B. Basis of Accounting

The accompanying financial statements have been prepared on the accrual basis of accounting. Under the accrual basis of accounting, revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of the related cash flows.

C. Net Position

Net position is reported on the statement of net position as "restricted net position." This category represents net position that may only be used to support activities and costs allowable per the Measure RR Funds enabling legislation.

D. Spending Order

The accounting policy is to first consume the most restricted resources when multiple resources are available for the same purpose.

E. Cash and Cash Equivalents

For purpose of the statement of cash flows, the JPB considers all highly liquid investments with an initial maturity of 90 days or less when purchased to be cash equivalents.

F. Investments

The JPB's investments are generally carried at fair value, as required by accounting principles generally accepted in the United States of America. The JPB adjusts the carrying value of its investments to reflect their fair value at each fiscal year end and includes the effects of these adjustments as a component of interest and investment income for that fiscal year.

G. Use of Estimates

The preparation of financial statements requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Actual results could differ from those estimates.

**NOTE 2 – CASH AND INVESTMENTS**

A. Policies

All of the Measure RR Funds' cash and investments are deposited in the JPB's Treasury pool managed by the JPB staff. The pool is unrated. Investments in the pool are made in accordance with the JPB's investment policy as approved by the Board of Directors. Investments are stated at fair value. However, the value of the pool shares in the JPB's Treasury pool that may be withdrawn is determined on an amortized cost basis, which is different from the fair value of the Measure RR Funds' position in the pool.

B. Investments Authorized by the California Government Code and the JPB's Investment Policy

The table below identifies the investment types that are authorized for the JPB by the California Government Code or the JPB's investment policy, whichever is more restrictive, that addresses interest rate risk and concentration of credit risk. This table does not address investments of debt proceeds held by bond trustees that are governed by the provisions of debt agreements of the JPB, rather than the general provisions of the JPB's investment policy.

<u>Authorized Investment Type</u>	<u>Minimum Credit Rating</u>	<u>Maximum Maturity</u>	<u>Maximum Percentage of Portfolio</u>	<u>Maximum Investment in One Issuer</u>
U.S. Treasury Obligations	None	15 years	100%	N/A
U.S. Agency Securities	None	15 years	100%	N/A
Bankers' Acceptances	None	180 days	40%	30%
Commercial Paper (\$500 Mil. Min. Assets)				
Local agencies with less than \$100M of investment assets under management may invest no more than 25% of the agency's money in eligible commercial paper	A1/P1/F1	270 days	40%	10%
Negotiable Certificates of Deposit	None	5 years	30%	N/A
Repurchase Agreements	None	1 year	100%	N/A
Reverse Repurchase Agreements	None	92 days	20%	N/A
Medium-Term Notes	A	5 years	30%	10%
Shares of Beneficial Interest Issued by Diversified Management Companies	None	N/A	20%	10%
Local Government Investment Pools	None	N/A	100%	N/A
Asset-Backed and Mortgage-Backed Securities	AA	5 years	20%	N/A
Municipal Obligations	None	10 years	100%	N/A
Supranational Obligations	AA	5 years	30%	N/A
Local Agency Investment Fund (LAIF)	None	N/A	None	\$75M
			Up to the current state limit	
San Mateo County Investment Pool	None	N/A		N/A

C. Interest Rate Risk

Interest rate risk is the risk incurred when market interest rates adversely affect the fair value of an investment. Generally, the longer the maturity of an investment the greater the sensitivity of its fair value to changes in market interest rates. One of the ways that the JPB manages its exposure to interest rate risk is by purchasing a combination of short-term and long-term investments and by timing cash flows from maturities so that a portion of the portfolio is maturing or coming close to maturity evenly over time as necessary to provide the cash flow and liquidity needed for operations.

**NOTE 3 – SUBSEQUENT EVENTS**

Subsequent events were evaluated by management through January 5, 2024, which is the date of issuance.



**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER  
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS  
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN  
ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

Board of Directors  
Peninsula Corridor Joint Powers Board  
San Carlos, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Peninsula Corridor Joint Powers Board's (the JPB) Measure RR Funds, as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Measure RR Funds' basic financial statements, and have issued our report thereon dated January 5, 2024.

**Report on Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the JPB's internal control over financial reporting (internal control) relating to the Measure RR Funds as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the JPB's internal control relating to the Measure RR Funds. Accordingly, we do not express an opinion on the effectiveness of the JPB's internal control relating to the Measure RR Funds.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Measure RR Funds' financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

## Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Measure RR Funds' financial statements are free from material misstatement, we performed tests of the JPB's compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the JPB's internal control or on compliance relating to the Measure RR Funds. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the JPB's internal control and compliance relating to the Measure RR Funds. Accordingly, this communication is not suitable for any other purpose.

BROWN ARMSTRONG  
ACCOUNTANCY CORPORATION

A handwritten signature in blue ink that reads "Brown Armstrong Accountancy Corporation". The signature is written in a cursive style and is positioned below the printed name of the firm.

Bakersfield, California  
January 5, 2024

**PENINSULA CORRIDOR JOINT POWERS BOARD  
MEASURE RR FUNDS  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
FOR THE YEAR ENDED JUNE 30, 2023**

None reported.

Appendix B  
JPB Resolution No. 2020-40

RESOLUTION NO. 2020 - 40

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

\* \* \*

**IMPOSING A ONE-EIGHTH OF ONE PERCENT  
RETAIL TRANSACTIONS AND USE TAX TO BE USED FOR  
OPERATING AND CAPITAL PURPOSES OF THE CALTRAIN RAIL SERVICE**

**WHEREAS**, the Peninsula Corridor Joint Powers Board (hereinafter referred to as the "JPB") is a joint exercise of powers authority duly formed pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code of the State of California (the "Joint Exercise of Powers Act") and the joint powers agreement by and between the City and County of San Francisco ("CCSF"), the San Mateo County Transit District ("SMCTD"), and the Santa Clara Valley Transportation Authority ("VTA"), restated and dated October 3, 1996; and

**WHEREAS**, the JPB operates passenger rail service between San Francisco, California and Gilroy, California currently serving 32 stations along the 77-mile corridor, operating approximately 90 weekday trains, which include express, limited, and local trains ("Caltrain rail service"); and

**WHEREAS**, effective January 1, 2018, Part 1.7 (commencing with Section 7286.65) of Division 2 of the Revenue and Taxation Code of the State of California was amended by California Senate Bill No. 797 to authorize the JPB to submit to the voters of the City and County of San Francisco, and the Counties of San Mateo and Santa Clara (together, the "Counties"), a regional measure proposing to impose a retail transactions and use tax of not more than 0.125 percent to be used for the operating and capital purposes of the Caltrain rail service; and

**WHEREAS**, the measure may only be submitted to the voters upon (a) a two-thirds vote of the JPB Board of Directors, (b) approval of the Boards of Supervisors of the

Counties, and (c) approval of the governing boards of the San Francisco Municipal Transportation Agency, SMCTD, and VTA; and

**WHEREAS**, the JPB has proposed approval of this Resolution that has as its special purpose to authorize the JPB to impose a one-eighth of one percent (0.125%) retail transactions and use tax for a period of thirty (30) years, throughout the three Counties, to fund operating and capital expenses of the Caltrain rail service, and to support the operating and capital needs required to implement the Service Vision adopted by the JPB on October 3, 2019 as part of the Caltrain Business Plan.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

**Section 1. Title; Summary**

- a. This Resolution shall be known as the "2020 Peninsula Corridor Joint Powers Board Retail Transactions and Use Tax Resolution" and may also be referred to herein as the "Resolution."
- b. This Resolution imposes a retail transactions and use tax at the rate of one-eighth of one percent (0.125%) within the City and County of San Francisco, and the Counties of San Mateo and Santa Clara (together, the "Counties") to be operative on the first day of the first calendar quarter commencing not less than 110 days after the adoption of this Resolution by the voters, the authority to levy such tax to remain in effect for thirty (30) years, for the operating and capital purposes of the Caltrain rail service.
- c. The JPB or a successor agency, if any, will administer proceeds of the retail transactions and use tax imposed by this Resolution ("2020 Sales Tax").
- d. The JPB shall develop guidelines to administer the tax proceeds received from the enactment of the retail transactions and use tax, and shall allocate the tax proceeds to the operating and capital expenses of the Caltrain rail service. Administration of the 2020 Sales Tax proceeds will be subject to review by an

independent citizens' oversight committee to verify compliance with the purpose of the tax.

- e. The provisions in this Resolution shall apply solely to the retail transactions and use tax adopted pursuant to this Resolution. Nothing in this Resolution is intended to modify, repeal or alter any resolutions previously adopted by the JPB.

**Section 2. Definitions.**

- a. "Board" means the Board of Directors of the Peninsula Corridor Joint Powers Board or its successor agency.
- b. "Boards of Supervisors" means the Boards of Supervisors in each of the Counties.
- c. "Caltrain" means the passenger rail service on the rail line operated by the Peninsula Corridor Joint Powers Board (or its successor agency) between Gilroy and San Francisco.
- d. "CCSF" means the City and County of San Francisco
- e. "Counties" means the City and County of San Francisco and the Counties of San Mateo and Santa Clara. The singular term "County" may also be used to mean any of the Counties.
- f. "Department of Tax and Fee Administration" means the California Department of Tax and Fee Administration or any successor thereto.
- g. "Government Code" means the Government Code of the State of California, as amended and supplemented from time to time pursuant to its terms.
- h. "Member Agencies of the JPB" means CCSF, SMCTD and VTA.
- i. "Operative Date" means the date determined as described in Section 5 herein, July 1, 2021.

- j. "JPB" means the Peninsula Corridor Joint Powers Board (or its successor agency).
- k. "Public Utilities Code" means the Public Utilities Code of the State of California, as amended and supplemented from time to time pursuant to its terms.
- l. "Revenue and Taxation Code" means the Revenue and Taxation Code of the State of California, as amended and supplemented from time to time pursuant to its terms.
- m. "Sales and Use Tax Law" means Part 1 of Division 2 of the Revenue and Taxation Code of the State of California, commencing with Section 6001 thereof, as amended and supplemented from time to time pursuant to its terms.
- n. "SMCTD" means the San Mateo County Transit District.
- o. "Tax Proceeds" means amounts received by the JPB from the Department of Tax and Fee Administration from the imposition of the 2020 Sales Tax imposed pursuant to this Resolution.
- p. "Tax" or "2020 Sales Tax" means the one-eighth of one percent (0.125%) retail transactions and use tax imposed by this Resolution upon approval of two-thirds (2/3) of the electors voting on the ballot measure set forth in Section 16 hereof, to be used for the operating and capital purposes of the Caltrain rail service.
- q. "Transactions and Use Tax Law" means Part 1.6 of Division 2 of the Revenue and Taxation Code of the State of California, commencing with Section 7251 thereof, as amended and supplemented from time to time pursuant to its terms.
- r. "Vehicle Code" means the Vehicle Code of the State of California, as amended and supplemented from time to time pursuant to its terms.
- s. "VTA" means the Santa Clara Valley Transportation Authority.



### Section 3. Findings.

The Board hereby finds and determines that the recitals set forth above and incorporated herein by reference are true and correct. In addition, the Board hereby finds:

- a. The JPB is facing significant and ever increasing structural funding shortfalls which impact its ability to meet its operational needs, address its state of good repair requirements and undertake necessary capital improvements to sustain the Caltrain service.
- b. Since its inception pursuant to the Joint Powers Agreement by and between CCSF, SMCTD, and VTA, dated October 3, 1996, the JPB has had no dedicated source of funding other than passenger fares. Instead, the JPB relies on contributions from its Member Agencies to fulfill minimum financial requirements in its operating and capital budgets under two different funding formulas. For capital costs, each of the Member Agencies contributes an equal amount of capital funding each year. The Member Agencies also supplement operating funding based on the percentage of system ridership originating in each County. The levels of both capital and operating funding are determined by the funding capacity of the Member Agency with the least ability to provide its share of funding in any given year, and the amount that Member Agency can make available then becomes the standard against which the contributions of the other Member Agencies are calculated. This approach fosters an uncertain financial and planning environment for the JPB.
- c. In an environment of continual escalation in operating, maintenance and repair costs, the JPB does not have the capacity to operate service levels that meet the rising passenger demands for Caltrain service.
- d. The JPB's farebox recovery rate of over 70%, which reflects the proportion of operating costs funded by passenger fares, exceeds all other rail commute services nationwide.

- e. The Caltrain service is the seventh largest commuter rail service in the nation and it operates the most efficient such service based on costs per passenger mile.
- f. To provide a means to address the JPB's financial challenges, in 2017 the Governor signed Senate Bill No. 797, introduced by Senator Jerry Hill, authorizing the JPB to implement a new retail transactions and use tax of up to 0.125 percent if (i) the Board of Directors of the JPB adopts, by a two-thirds vote, a resolution submitting the measure to the voters, (ii) the measure is approved by the Boards of Supervisors of each of the Counties, (iii) the measure is approved by the governing boards of the San Francisco Municipal Transportation Agency, the SMCTD, and VTA, and (iv) the tax is adopted by a two-thirds vote of the Counties' voters.
- g. The JPB has embarked upon a project to electrify its right of way between San Francisco and San Jose which will transform the Caltrain service into a more environmentally sustainable, quiet and nimble operation commencing in 2022.
- h. Although the electrified Caltrain service will eliminate the costs of diesel fuel, Caltrain will confront new system and technological costs for operation and maintenance of the electrified system, the electrical multiple unit rail cars, and the positive train control system.
- i. The revenues derived from the 0.125 percent sales tax in the Counties is forecast to be sufficient to cover the operational needs of the Caltrain rail service, which, in turn, will reduce the pressure on the JPB to continually raise passenger fares and will reduce the need for the Member Agencies to contribute funding for operations.
- j. Approval of this Resolution will place before the voters of the three Counties the opportunity to provide the JPB with a steady stream of funding to support the annual operating and maintenance needs of an electrified Caltrain service with increased frequency and capacity, which in turn will reduce traffic congestion and air pollution in the three Counties.

**Section 4. Imposition of Retail Transactions and Use Tax; Special Purpose; Use of Proceeds.**

Subject to the limits imposed by this Resolution and the provisions of Section 7286.65 of the Revenue and Taxation Code, which took effect January 1, 2018, the JPB hereby imposes, in the incorporated and unincorporated territory of the City and County of San Francisco County, County of San Mateo, and County of Santa Clara, an additional retail transactions and use tax at the rate of one-eighth of one percent (0.125%), such tax (i) to be imposed beginning on the first day of the first calendar quarter commencing not less than 110 days after the approval of the retail transactions and use tax by the electors voting on the ballot measure set forth in Section 17 hereof, (ii) to remain in effect for a period of thirty (30) years, and (iii) to be for the operating and capital purposes of the Caltrain rail service.

More specifically, this Resolution, if adopted, should be interpreted so as to:

- a. impose a new one-eighth of one percent (0.125%) retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and consistent with Article XIII C of the California Constitution;
- b. set a maximum term of thirty (30) years during which time the retail transactions and use tax shall be imposed;
- c. incorporate provisions identical to those of the Sales and Use Tax Law insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code;
- d. establish that the retail transactions and use tax be administered and collected by the Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the Department of

Tax and Fee Administration in administering and collecting state transactions and use taxes as such terms are defined in the Sales and Use Tax Law;

- e. authorize the administration of the retail transactions and use tax in a manner that will, to the degree possible, be consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the retail transactions and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this Resolution;
- f. require that proceeds of the Tax imposed by this Resolution be for the operating and capital purposes of the Caltrain rail service and that the tax revenues from this measure will be prioritized:
  - 1. To support the operation of Caltrain service levels throughout the corridor from San Francisco to Gilroy, including, but not limited to, expanded service and increased capacity realized through the operation of an electrified system. The required support includes the maintenance of equipment, infrastructure and systems necessary to sustain and expand the service;
  - 2. To support the infrastructure, rolling stock, and capital projects necessary to advance the expansion of the Caltrain peak hour service from six trains per hour per direction to eight trains per hour per direction, as well as the expansion of the Gilroy service to a minimum of five morning and five afternoon trains;
  - 3. To develop and implement programs to expand access to the Caltrain service and facilitate use of the system by passengers of all income levels, including establishing an affordability program with consideration of discounted passes and/or additional means-based fare discounts informed by Caltrain's participation in the regional Means Based Fare Pilot Program;
  - 4. To help leverage other local, regional, state and federal investments to advance capital projects necessary to implement the Caltrain Business Plan's 2040 Service Vision, adopted by the JPB on October 3, 2019,

including, but not limited to: the San Francisco Downtown Extension project including the Pennsylvania Avenue alignment, the extension of electrified train service to Gilroy, and grade separations throughout the Caltrain rail corridor; and

5. To provide the JPB with a steady stream of funding to support the annual operating, maintenance and capital needs of an electrified Caltrain service with increased frequency and capacity, which in turn will reduce traffic congestion and air pollution in the Counties; and

- g. authorize the issuance, from time to time, of limited tax bonds to finance transportation improvements consistent with the purpose of the Tax and applicable law.

**Section 5. Applicability; Effective Date; Operative Date and Period of Tax Imposition, Termination Date.**

- a. This Resolution shall be applicable in the incorporated and unincorporated territory of the Counties.
- b. The Resolution will become effective at the close of the polls on the day of election at which the ballot measure set forth in Section 16 of this Resolution is adopted by a two-thirds (2/3) vote of the electors voting on such ballot measure at such election.
- c. Pursuant to Section 7265 of the Revenue and Taxation Code, this Resolution shall be operative on the first day of the first calendar quarter commencing not less than 110 days after the adoption of the Resolution, July 1, 2021.
- d. The maximum period during which the 2020 Sales Tax will be imposed is thirty (30) years, terminating June 30, 2051.

**Section 6. Administration of the 2020 Sales Tax Proceeds**

- a. Responsibility for Administration and Implementation. The JPB or a successor agency, if any, will administer the 2020 Sales Tax Proceeds.

- b. Restrictions on the Use of Tax Proceeds. Tax Proceeds must be spent for the operating and capital purposes of the Caltrain rail service.
- c. Environmental Review. Environmental reporting, review, and approval procedures as provided under the National Environmental Policy Act, the California Environmental Quality Act, or other applicable laws will be adhered to as a prerequisite to implementation of any project funded with Tax Proceeds.
- d. Independent Citizens Oversight; Audits. Administration of the Tax Proceeds will be subject to review by the nine-member JPB Citizens Advisory Committee, or a similar successor independent citizens oversight body, to verify that Tax Proceeds are invested in a way that is consistent with the purpose of the Tax.

Annually, the JPB shall have an audit conducted by an independent auditor. The auditor shall review the receipt of Tax Proceeds and expenditure of Tax Proceeds. The JPB independent Citizens Advisory Committee shall receive the audit findings report, hold a public hearing and issue a report annually to provide the public with information regarding how Tax Proceeds are being spent. The hearing will be held at a public meeting subject to the Ralph M. Brown Act.

### **Section 7. Contract with the State.**

Prior to the Operative Date, as provided in the Revenue and Tax Code, the JPB will contract with the Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this Resolution and the 2020 Sales Tax; provided that, if the JPB shall not have contracted with the Department of Tax and Fee Administration prior to the Operative Date of this Resolution, the JPB shall nevertheless so contract and in such case, the Operative Date of this Resolution shall be the first day of the first calendar quarter following the execution of such a contract and references herein to June 30, 2051 shall be extended to permit collection of the 2020 Sales Tax for up to thirty (30) years.

**Section 8. Transactions and Use Tax Rate of One-Eighth of One Percent; Excise Tax Rate of One-Eighth of One Percent**

- a. Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of San Francisco County, San Mateo County, and Santa Clara County at the rate of one-eighth of one percent (0.125%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the Counties on and after July 1, 2021. This tax shall be imposed for a maximum period of thirty (30) years.
  
- b. Use Tax Rate. An excise tax is hereby imposed on the storage, use, or other consumption in San Francisco County, San Mateo County, and Santa Clara County of tangible personal property purchased from any retailer on and after July 1, 2021 for storage, use, or other consumption in the Counties at the rate of one-eighth of one percent (0.125%) of the sales price of the property. This tax shall be imposed for a maximum period of thirty (30) years.

**Section 9. Place of Sale.**

For the purposes of this Resolution, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the Department of Tax and Fee Administration.

**Section 10. Adoption of Provisions of State Revenue and Taxation Code.**

Except as otherwise provided in this Resolution and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the

Revenue and Taxation Code are hereby adopted and made part of this Resolution as though fully set forth herein.

**Section 11. Limitations on Adoption of State Law and Collection of Use Taxes.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the State of California is named or referred to as the taxing agency, the name of the JPB shall be substituted therefor. The substitution, however, shall not be made: (i) when the word "State" is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of California; (ii) when the result of that substitution would require action to be taken by or against the JPB or any agent, officer, or employee thereof rather than by or against the Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Resolution; (iii) in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to (a) provide an exemption from the 2020 Sales Tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from the 2020 Sales Tax while such sales, storage, use, or other consumption remains subject to tax by the State of California under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or (b) impose the 2020 Sales Tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State of California under said provisions of the Revenue and Taxation Code; and (iv) in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797, or 6828 of the Revenue and Taxation Code. The names of "San Francisco County, San Mateo County, and Santa Clara County" shall be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 and in the definition of that phrase in Section 6203.

**Section 12. Permit Not Required.**



If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Resolution.

**Section 13. Exemptions, Exclusions, and Credits.**

- a. There shall be excluded from the measure of the 2020 Sales Tax the amount of any transactions and use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions and use tax.
- b. There are exempted from the computation of the amount of transactions tax portion of the 2020 Sales Tax gross receipts derived from:
  1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of the State of California, the United States, or any foreign government.
  2. Sales of property to be used outside the Counties which is shipped to a point outside the Counties, pursuant to the contract of sale, by delivery to such point by a retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this subsection, delivery to a point outside the Counties shall be satisfied;
    - i. with respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-Counties address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

- ii. with respect to commercial vehicles, by registration to a place of business out-of-Counties, and a declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
  3. Sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this Resolution; and
  4. A lease of tangible personal property which is a continuing sale of such property for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the Operative Date of this Resolution.
  5. For the purposes of numbered sections 3 and 4 of this Section 13(b), the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract upon notice, whether or not such right is exercised.
- c. There are exempted from the use tax imposed by this Resolution, the storage, use or other consumption in the Counties of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance;
  2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of the State of California, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Section 6366 and 6366.1 of the Revenue and Taxation Code of the State of California;

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this Resolution; and
4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date of this Resolution.
5. For the purposes of numbered sections 3 and 4 of this Section 13(c), above, storage, use, or other consumption, or possession, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time during which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
6. Except as provided in numbered section 7 of this Section 13(c), below, a retailer engaged in business in the County or Counties shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or Counties or participates within the County or Counties in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or Counties or through any representative, agency, canvasser, solicitor, subsidiary or person in the County or Counties under the authority of the retailer.
7. "A retailer engaged in business in the Counties" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in any of the Counties.

8. "A retailer engaged in business in the Counties" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the state by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and regulations thereunder.

d. Any person subject to use tax under this Resolution may credit against that tax any transactions or reimbursement for transaction tax paid to a district imposing, or retailer liable for a transaction tax pursuant to Chapter 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property, the storage, use or other consumption of which is subject to the use tax.

#### **Section 14. Revenue and Taxation Code Amendments.**

All amendments to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, enacted subsequent to the effective date of this Resolution as described in Section 5 hereof, shall automatically become part of this Resolution; provided, however, that no such amendment shall operate so as to affect the rate of tax imposed by this Resolution.

#### **Section 15. Issuance of Bonds.**

From time to time, pursuant to the Joint Exercise of Powers Act, the JPB is authorized to issue limited tax bonds payable from, and secured by a pledge of, Tax Proceeds for the operating and capital purposes of the Caltrain rail service.

Maximum bonded indebtedness which may be outstanding at any one time may not exceed the estimated proceeds of the 2020 Sales Tax as determined by the JPB.

Nothing herein shall limit or restrict in any way the power and authority of the JPB to issue bonds, notes or other obligations, to enter into loan agreements, leases, reimbursement agreements, standby bond purchase agreements, interest rate swap agreements or other derivative contracts or to engage in any other transaction under the Public Utilities Code, the Government Code or any other applicable law.

**Section 16. Ballot Measure.**

There shall be proposed to the voters of San Francisco County, San Mateo County, and Santa Clara County the following proposition:

"To preserve Caltrain service and support regional economic recovery, prevent traffic congestion, make Caltrain more affordable and accessible, reduce air pollution with cleaner and quieter electric trains, make travel times faster, and increase Caltrain frequency and capacity between Santa Clara, San Mateo and San Francisco counties, shall the Peninsula Corridor Joint Powers Board's resolution levying a 30-year one-eighth cent sales tax with oversight and audits, providing approximately \$100 million annually for Caltrain that the State cannot take away, be adopted?"

**Section 17. Enjoining Collection Forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding against the State of California or the JPB, or against any officer of the State of California or the JPB, to prevent or enjoin the collection of any tax or any amount of tax required to be collected under this Resolution or under Part 1.6 of Division 2 of the Revenue and Taxation Code.

**Section 18. Severability.**

If any provision of this Resolution or the application of this Resolution to any person or circumstance is held invalid or unenforceable by a court of competent jurisdiction, all other provisions or actions taken to implement the Resolution, which are otherwise lawful, shall remain in full force and effect.

10. Costs of the services to be provided by the Counties to the JPB in connection with the consolidation of the special election pursuant to the applicable provisions of the Elections Code shall be reimbursed by the JPB.

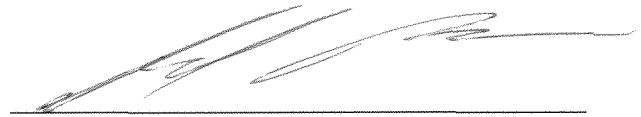
11. This Resolution shall take effect immediately upon its adoption.

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

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

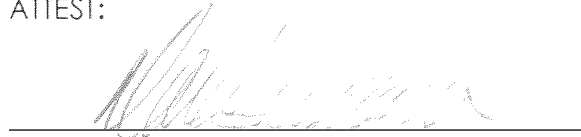
NOES: None

ABSENT: None



Chair, Peninsula Corridor Joint Powers Board

ATTEST:



JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Robert Barnard, Chief, Rail Design & Construction  
Subject: **Renew Findings of an Emergency Regarding the North Channel Embankment of the San Francisquito Creek Bridge Due to Erosion Pursuant to Public Contract Code §22050**

Finance Committee Recommendation       Technology, Operations, Planning, and Safety Committee Recommendation       Advocacy and Major Projects Committee Recommendation

**Purpose and Recommended Action**

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB):

1. Renew findings previously adopted by the Board pursuant to California Public Contract Code section 22050(c)(2) (Resolution No. 2023-19) on March 29, 2023, and renewed at its subsequent meetings on May 4, 2023 (Resolution 2023-23), June 1, 2023 (Resolution 2023-38), August 3, 2023 (Resolution 2023-46), September 7, 2023 (Resolution 2023-56), October 5, 2023 (Resolution 2023-62), November 2, 2023 (Resolution 2023-68), December 7, 2023 (Resolution 2023-74), January 4, 2024 (Resolution 2024-01), February 1, 2024 (Resolution 2024-13), March 7, 2024 (Resolution 2024-17), April 4, 2024 (Resolution 2024-26), and May 2, 2024 (Resolution 2024-31) that an emergency exists at the north channel embankment of the San Francisquito Creek Bridge due to erosion and scouring caused by winter storms, and that immediate action is necessary to respond to the emergency; and
2. Continue to authorize emergency repairs of the north channel embankment of the San Francisquito Creek Bridge;
3. Continue to delegate authority to approve all plans and/or designs with regard to the emergency repairs to the Executive Director, or designee; and
4. Continue to authorize the Executive Director, or designee, to take all other actions required to respond to said emergency.

**Discussion**

Background Regarding Previous Findings Authorizing Emergency Repairs: The JPB owns and maintains the San Francisquito Creek Bridge, which is located in Menlo Park and Palo Alto between Control Points Alma (MP 29.98) and Mayfield (MP 33.50). In early January 2023, after a week of heavy rain, Caltrain Engineering staff inspected the Bridge and discovered that storms

had eroded the soil on the creek bank supporting the northern abutment of the Bridge. Further investigation showed that additional erosion resulting from future storms could undermine the abutment, bridge, and tracks.

The JPB has the authority to undertake emergency repairs pursuant to California Public Contract Code section 22050, which requires that the Board, by a four-fifths vote, make findings based on substantial evidence that the emergency will not permit delay resulting from a competitive solicitation of bids, and that action is necessary to respond to the emergency. Public Contract Code section 1102 defines an emergency as “sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.” The Board made these findings at its March 29, 2023, meeting (Resolution 2023-19) and renewed these findings at its subsequent meetings on May 4, 2023 (Resolution 2023-23), June 1, 2023 (Resolution 2023-38), August 3, 2023 (Resolution 2023-46), September 7, 2023 (Resolution 2023-56), October 5, 2023 (Resolution 2023-62), November 2, 2023 (Resolution 2023-68), December 7, 2023 (Resolution 2023-74), January 4, 2024 (Resolution 2024-01), February 1, 2024 (Resolution 2024-13), March 7, 2024 (Resolution 2024-17), April 4, 2024 (Resolution 2024-26), and May 2, 2024 (Resolution 2024-31). Section 22050(c) requires the Board to review the emergency action at its next regularly scheduled meeting and at every subsequent regularly scheduled meeting until the action is terminated or determine that there is a need to continue the action.

November 18, 2023, Emergency Declaration: On November 16, 2023, a team of three registered California professional engineers, including a fluvial geomorphologist experienced with the San Francisquito Creek, completed a technical memorandum titled "Overview of Temporary Emergency Stabilization Measures," which stated that, in regard to the creek bank supporting the north abutment of Caltrain’s rail bridge, "the existing bank is likely to erode and would not be stable during/after a large storm event."

On November 18, 2023, the Executive Director issued an emergency declaration, which concluded:

- a. The situation at that time necessitated immediate action because anticipated winter storms threatened the integrity of the bridge, creating the potential for a catastrophic failure of the bridge and the subsequent risks to public safety, infrastructure, and the environment; and
- b. The dry condition of the creek bed created a narrow window during which the JPB could implement emergency stabilization repairs to ensure the integrity of the bridge without risking the safety of workers or endangering aquatic life; and
- c. Given a prediction of severe winter storms and a risk of flash flooding and high creek flows at the San Francisquito Creek, attempting any work during the rainy season would have presented a substantial risk to the safety of workers, threatened endangered species, and increased the risk of a failed stabilization effort and a catastrophic failure of the bridge; and



- d. The situation at that time required that Caltrain take action within a time period less than the normal time needed to process regulatory applications under standard procedures.

Based on these findings, the Executive Director declared an emergency situation for the San Francisquito Creek Bridge and directed that all necessary and appropriate actions be taken to address the emergency, including the mobilization of resources and implementation of temporary creek bank stabilization measures.

The temporary stabilization measures have ameliorated the risk of the immediate collapse of the embankment and the winter storm season is coming to an end. As a result, staff plans to reconsider whether to continue to extend the emergency declaration until permanent repairs can be completed or to terminate it based on current conditions. Staff will return to the Board at its next meeting with a recommendation. In the meantime, under state law, the Board must continue to review the situation at each meeting and renew findings until the emergency is resolved or terminated.

#### Actions Taken

To date, JPB staff has:

1. Increased frequency of visual inspections of the Bridge and conducted immediate inspections during and/or after storms.
2. Retained on-call bench consultants (WSP, AECOM, Jacobs, and TRC), to assist the JPB in obtaining the required environmental permits, designing the bank stabilization, estimating the cost of the proposed work, and providing construction management services, respectively.
3. Engaged the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife and submitted all necessary applications for regulatory permits and approvals.
4. Met regularly with the City of Menlo Park, the City of Palo Alto, the San Francisquito Creek Joint Powers Authority, and Stanford University to coordinate the scope of the project and jointly review iterative design updates.
5. Jointly developed 15%, 35%, 65%, and 100% designs for the bank stabilization with input from the City of Menlo Park, City of Palo Alto, and regulatory agencies.
6. Jointly prepared and executed a trilateral project agreement by and between the JPB, the City of Menlo Park, and the City of Palo Alto to memorialize cost sharing arrangements and other responsibilities.
7. Obtained iterative and independent cost estimates from consultants and Walsh Construction to establish clear cost expectations and determine a fair and reasonable not-to-exceed construction budget.
8. Awarded a construction contract to Walsh Construction to implement the bank stabilization because Walsh has a crew onsite that specializes in emergency work and because of Walsh's experience on JPB in-water construction projects, such as the Guadalupe River Bridge Replacement Project.

9. Obtained timely construction permits from the City of Menlo Park, City of Palo Alto, Regional Water Quality Control Board, and California Department of Fish and Wildlife.
10. In accordance with the Executive Director's November 18, 2023, emergency declaration, notified regulatory agencies of the temporary bank stabilization plan and JPB staff's intent to seek any relevant permits.
11. Obtained a second encroachment permit from the City of Menlo Park for the implementation of the temporary stabilization measures.
12. With Walsh Construction, implemented the emergency temporary bank stabilization measures to protect the San Francisquito Creek Bridge from 2023-2024 winter storms which could have otherwise threatened the integrity of the bridge.
13. Updated the project cost estimate to \$8,988,347 to account for the cost of the temporary bank stabilization, additional permitting efforts, and extended schedule for the permanent stabilization work.
14. Extracted archaeological coring samples from the project site to support the preparation of Section 404 permit application materials for the U.S. Army Corps of Engineers.

#### Current Status

As of the date of this staff report:

1. An executed trilateral project agreement is in place between the JPB, the City of Menlo Park, and the City of Palo Alto.
2. JPB has 100% final construction drawings and specifications for the permanent bank stabilization design.
3. JPB has a construction contractor, Walsh Construction, under contract to implement the bank stabilization. The contract is based on a time-and-materials approach to compensation and therefore allows flexibility to adapt to changes in scope and schedule.
4. JPB staff has obtained the following permits:
  - a. California Department of Fish and Wildlife Streambed Alteration Agreement
  - b. Regional Water Quality Control Board Section 401 Water Quality Certification Permit
  - c. City of Palo Alto Encroachment Permit for the permanent stabilization project
  - d. City of Menlo Park Encroachment Permit for the permanent stabilization project
  - e. City of Palo Alto Noise Exception Permit for the permanent stabilization project
  - f. City of Menlo Park Heritage Tree Permit
  - g. City of Menlo Park Encroachment Permit for the temporary stabilization measures

JPB staff submitted a timely application for a Section 404 permit to the U.S. Army Corps of Engineers. As part of their ongoing review, the U.S. Army Corps of Engineers has determined it is necessary to seek the review of relevant historic preservation issues and approval from the State Historic Preservation Officer prior to issuing the permit. Due to the time needed for this process to be completed, JPB staff did not receive the essential Section 404 permit in time to construct the project before the end of the dry season on October 15, 2023.

5. Temporary stabilization measures are in place to protect Caltrain's San Francisquito Creek Bridge from 2023-2024 winter storms.

#### Ongoing and Future Activities

In the months ahead:

1. JPB staff will continue to monitor conditions around the foundations of the Caltrain rail bridge.
2. JPB consultants will analyze the coring samples extracted from the project site in mid-April and summarize the results of the analysis in a report.
3. JPB staff will submit additional documents, including the archaeological report, to the U.S. Army Corps of Engineers to supplement previously submitted permit application materials.
4. JPB staff will continue to coordinate closely with the U.S. Army Corps of Engineers to facilitate the issuance of the Section 404 permit for construction of the permanent bank stabilization.
5. JPB staff will continue to assess the likely timing of the issuance of the U.S. Army Corps of Engineers Section 404 permit and implications on the timing of the implementation of the permanent stabilization project.
6. JPB staff and Walsh Construction will remove the temporary bank stabilization measures and replace them with the permanent bank stabilization measures designed under the joint project between JPB, the City of Menlo Park, and the City of Palo Alto.
7. JPB staff will report regularly to the Board regarding the status of the project and will make a recommendation to the Board regarding the continuation of the emergency at its next meeting.

#### Budget Impact

The San Francisquito Creek Emergency Bank Stabilization Project has an approved budget of \$8,988,347 funded in part by Capital Contingency Funds, the San Mateo County Transportation Authority (SMCTA), the Cities of Palo Alto and Menlo Park, and project savings from recently completed projects. A funding source for \$2,520,222 of the \$8,988,347 has yet to be identified and may be included in a forthcoming FY25 budget amendment.

Prepared By:	Robert Barnard	Chief, Rail Design & Construction	650.508.7783
	Mike Boomsma	Project Manager	808.208.2355

**Resolution No. 2024-**

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

\* \* \*

**Renewing Findings of an Emergency Regarding the North Channel  
Embankment of the San Francisquito Creek Bridge Due to Erosion Pursuant to  
Public Contract Code §22050**

**Whereas**, the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) previously authorized repair pursuant to California Public Contract Code section 22050 by a four-fifths vote of the Board on March 29, 2023 (Resolution 2023-19), making findings that: there was an emergency to repair the north channel embankment of the San Francisquito Creek Bridge due to erosion that threatened the integrity of the structure supporting the JPB’s tracks; that the emergency did not permit a delay that would have resulted from a formal solicitation for bids; and that action is necessary to respond to the emergency; and

**Whereas**, Resolution 2023-19 also authorized emergency repairs of the north channel embankment of the San Francisquito Creek Bridge without adopting plans and specifications or giving notice to potential bidders; and

**Whereas**, California Public Contract Code Section 1102 defines an emergency as a “sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services”; and

**Whereas**, California Public Contract Code section 22050 authorizes the JPB to repair and take other immediate actions required to address an emergency, and requires that findings based on substantial evidence must be made that the emergency will not permit delay resulting from a

competitive solicitation of bids, and that the action is necessary to respond to the emergency, by a four-fifths vote of the Board; and

**Whereas**, Resolution 2023-19 delegated to the Executive Director, or designee the authority: to approve all plans and/or designs; to execute a contract with Walsh Construction II, LLC, to undertake emergency repairs of the north channel embankment at the San Francisquito Creek Bridge at a price that staff has determined is fair and reasonable; and to take all other actions required to respond to said emergency, provided that the Executive Director reports such actions to the Board at each monthly Board meeting until the emergency situation is resolved, with a final report to be made at the first Board meeting after the emergency is resolved; and

**Whereas**, pursuant to Public Contract Code section 22050(c), the Board must review the emergency action at its next regularly scheduled meeting and affirm by the passage of a four-fifths vote at every subsequent regularly scheduled meeting until the action is terminated or determine that there is a need to continue the action; and

**Whereas**, the Board most recently renewed its findings via Resolution 2024-31 at its May 2, 2024, Board meeting; and

**Whereas**, following months of heavy rain in January 2023, assessments of the condition of the north embankment supporting the San Francisquito Creek Bridge Main Track 1 (MT-1) and Main Track (MT-2) by the Peninsula Corridor Joint Powers Board (JPB) revealed significant erosion on the slope of the embankment, threatening the integrity of the north approaching track structure; and

**Whereas**, the JPB consulted with the U.S. Army Corps of Engineers (USACE), the Regional Water Quality Control Board, and the California Department of Fish and Wildlife concerning

environmental permits for restoration activities to preserve the integrity of MT-1 and MT-2 tracks in light of the significant erosion of the northern embankment; and

**Whereas**, on November 16, 2023, a team of three registered California professional engineers, including a fluvial geomorphologist experienced with the San Francisquito Creek, completed a technical memorandum, which stated that, in regard to the creek bank supporting the north abutment of Caltrain's rail bridge, "the existing bank is likely to erode and would not be stable during/after a large storm event;"

**Whereas**, on November 18, 2023, the Executive Director issued an emergency declaration, which concluded:

- a. The situation at that time necessitated immediate action because anticipated winter storms threatened the integrity of the bridge, creating the potential for a catastrophic failure of the bridge and the subsequent risks to public safety, infrastructure, and the environment; and
- b. The dry condition of the creek bed created a narrow window during which the JPB could implement emergency stabilization repairs to ensure the integrity of the bridge without risking the safety of workers or endangering aquatic life; and
- c. Given a prediction of severe winter storms and a risk of flash flooding and high creek flows at the San Francisquito Creek, attempting any work during the rainy season would have presented a substantial risk to the safety of workers, threatened endangered species, and increased the risk of a failed stabilization effort and a catastrophic failure of the bridge; and

- d. The situation at that time required that Caltrain take action within a time period less than the normal time needed to process regulatory applications under standard procedures.

Based on these findings, the Executive Director declared an emergency situation for the San Francisquito Creek Bridge and directed that all necessary and appropriate actions be taken to address the emergency, including the mobilization of resources and implementation of temporary creek bank stabilization measures; and

**Whereas**, the temporary stabilization measures have ameliorated the risk of immediate collapse of the embankment. However, a continued risk to the San Francisquito Creek Bridge exists. Accordingly, the emergency continues as of this time; and

**Whereas**, there is a continued and ongoing emergency to repair the north channel embankment of the San Francisquito Creek Bridge due to erosion that threatens the integrity of the structure supporting the JPB's tracks; and

**Whereas**, action is necessary to respond to this continued and ongoing emergency to prevent or mitigate loss or damage to life, health, property, or essential public services; and

**Whereas**, the time required to obtain competitive bids would have unduly delayed the JPB's ability to make emergency repairs to these essential facilities, and substantial evidence supports the conclusions that the need for emergency actions cannot be delayed, and that the JPB has and must continue to act as expeditiously as possible to repair necessary facilities; and

**Whereas**, JPB staff have awarded a contract to Walsh Construction, which is also working on the Guadalupe River Bridge project, to undertake emergency repair work; and

**Whereas**, iterative comparison of independent cost estimates from consultants and Walsh Construction has provided clear cost expectations to assure fair and reasonable pricing.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby:

1. Renews findings from May 2, 2024, that an emergency, as defined by Section 1102 of the California Public Contract Code, exists at the north channel embankment at the San Francisquito Creek Bridge due to erosion that threatens the integrity of the structure supporting the JPB's tracks; and
2. Renews findings, based on the substantial evidence presented by staff, that the emergency did not permit a delay that would have resulted from a formal solicitation for bids because the time required to obtain competitive bids would have unduly delayed the JPB's ability to make emergency repairs to these essential facilities, that action is necessary to respond to the ongoing emergency to prevent or mitigate loss or damage to life, health, property or essential public services, that the need for emergency actions cannot be delayed, and that the JPB has and must continue to act as expeditiously as possible to repair necessary facilities; and
3. Continues to authorize emergency repairs of the north channel embankment at the San Francisquito Creek Bridge without adopting plans and specifications or giving notice to potential bidders; and
4. Continues to delegate to the Executive Director, or designee, the authority: to approve all plans and/or designs; to amend the contract with Walsh Construction, to undertake emergency repairs of the north channel embankment at the San Francisquito Creek Bridge at a price that staff has determined is fair and reasonable; and to take all other actions required to respond to said emergency, provided that the Executive Director reports such actions to the Board at each monthly Board meeting until the emergency



situation is resolved, with a final report to be made at the first Board meeting after the emergency is resolved.

**Be It Further Resolved** that the Board of Directors has reviewed the emergency action taken on March 29, 2023, on May 4, 2023, on June 1, 2023, on August 3, 2023, on September 7, 2023, on October 5, 2023, on November 2, 2023, on December 7, 2023, on January 4, 2024, on February 1, 2024, on March 7, 2024, on April 4, 2024, and on May 2, 2024, to remediate emergency conditions at the embankment of the San Francisquito Bridge, and will continue to conduct such a review at every subsequent regularly scheduled meeting until the action is terminated to determine that there is a need to continue the action by a four-fifths vote pursuant to Public Contract Code section 22050(c).

Regularly passed and adopted this 6<sup>th</sup> day of June, 2024, by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

Attest:

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JPB Secretary  
(00505091)

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Kate Jordan Steiner, Chief Financial Officer  
Subject: **Fiscal Year 2025 Capital Budget Amendment (Authorizing use of PCEP Reimbursements for Eligible Capital Projects)**

Finance Committee Recommendation       Technology, Operations, Planning, and Safety Committee Recommendation       Advocacy and Major Projects Committee Recommendation

**Purpose and Recommended Action**

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) amend the Fiscal Year 2025 (FY25) Capital Budget in the amount of \$30,531,402, from \$74,607,815 to \$105,139,217.

**Discussion**

**Background**

In December 2021, the JPB adopted a total budget of \$2.44 billion for the Peninsula Corridor Electrification Project (PCEP) with a \$410 million (M) funding shortfall disclosed.

In April of 2023, Caltrain presented the strategic financial plan at the Board Finance Workshop. This plan included an outline of how to close the \$410M funding gap in the PCEP project:

1. \$367M in Transit and Intercity Rail Capital Program (TIRCP) funding (January 2023)
2. \$43M in Federal Funding (\$33M in FTA Capital Investment Grants plus \$10M in Community Project Requests from Senators Feinstein and Padilla; both FY23 Federal Budget)

To ensure timely delivery of PCEP, the above \$410M gap was temporarily funded by the items below in Section 1.

Caltrain is on track to complete the project before the end of 2024.

**Section 1: Short-Term PCEP Funding Strategies**

To bridge the \$410M funding gap while the JPB sought additional state and federal funding, the JPB leveraged \$310M of short-term temporary funding strategies:

1. Issued \$150M tax-exempt bonds backed by Measure RR sales tax revenue, March 2022 (“bond proceeds”)

2. Secured \$100M tax-exempt line of credit, August 2023 (“LOC”)
3. Transferred \$60M in Measure RR sales tax revenue from the operating budget to the capital budget

### Section 2: Permanent PCEP Funding Solutions

While the above short-term solutions ensured no disruption in PCEP project progress, the above funds are needed for other critical operating and capital needs. As outlined in the background section above, the JPB secured \$410M in state and federal funding to cover the project shortfall through the following awards:

1. In January 2023, the California Department of Transportation (Caltrans) awarded the JPB \$367M of TIRCP funds
2. In 2022 for FY23, \$43M in Capital Investment Grants and earmark funding was secured (detailed in Background section above)

With the above \$410M secured for PCEP, staff aim to reallocate the short-term funding to critical needs.

### Section 3: Reallocating Short-Term Funding

Upon being awarded the \$410M for permanent PCEP funding above, Caltrain will replace the \$310M temporary funding measures noted above.

This report outlines staff recommendation to allocate \$30.5M of projects (summarized below and detailed in the Appendix) against the \$150M of bond proceeds:

Project Name	Amended Request
EMU Front Masks	\$624,000
CCTV Phase 1	7,543,181
Mini High Platform (South County)	2,432,318
Rail Activation Start Up:	
Maintenance of Equipment	4,143,903
Maintenance of Way	6,000,000
Traction Electrification System Vehicles	2,500,000
Overhead Catenary System Improvements	2,288,000
Enterprise Asset Management System	5,000,000
<b>Total Amendment Requests</b>	<b>\$30,531,402</b>

Bond counsel and the grantor (Caltrans) confirmed the above allocations are allowable under the TIRCP guidelines. The projected reimbursement of the \$210M of advanced local funds was identified in the Strategic Financial Plan presented to the Board in the April 6, 2023 Board

Finance Workshop. Caltrain intends to apply the reimbursed bond proceeds to fund projects meeting criteria established by bond counsel:

- Expend funds by approximately March 2027
- Fund capital projects with overall useful life consistent with the 2022 Bonds (16.5+ years in aggregate)

**Next Steps**

Staff will bring recommendations for the remaining \$119.5M of the \$150M 2022 Measure RR Bond proceeds for the review of the Finance Committee in July and August of 2024. Additional funding needs for capital projects as well as potential funding swaps to free up incremental operating funds as well as more flexible capital funds will be included.

**Budget Impact**

The Board approved the FY25 Capital Budget in the amount of \$74,607,815 (Resolution # 2023-45). The proposed budget amendment will increase the FY25 Capital Budget with \$30,531,402 of 2022 Measure RR bond funding, increasing the total capital budget from \$74,607,815 to \$105,139,217.

Prepared By:	Cleo Liao	Manager, Budgets	650-508-7756
	Li Zhang	Chief, Rail Commercial & Business	650-632-6800
	Kate Jordan Steiner	Chief Financial Officer	650-647-3504

**Resolution No. 2024-**

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

\* \* \*

**Amending the Fiscal Year 2025 Capital Budget from \$74,607,815 to \$105,139,217**

**Whereas**, pursuant to Resolution No. 2023-45 adopted on June 1, 2023, the Peninsula Corridor Joint Powers Board (JPB) adopted Fiscal Year 2025 (FY25) Capital Budget for a total authorized budget of \$74,607,815; and

**Whereas**, in December 2021, the JPB adopted a total budget of \$2.44 billion for the Peninsula Corridor Electrification Project (PCEP) with a \$410 million (M) funding shortfall disclosed. In April 2023, Caltrain presented the strategic financial plan at the Board Finance Workshop. This plan included both short and long term measures to close the \$410M gap; and

**Whereas**, to bridge the \$410M funding gap in the short term while the JPB sought additional state and federal funding, the JPB leveraged \$310M of temporary funding strategies:

1. Issued \$150M tax-exempt bonds backed by Measure RR sales tax revenue, March 2022 (“bond proceeds”).
2. Secured \$100M tax-exempt line of credit, August 2023 (“LOC”).
3. Transferred \$60M in Measure RR sales tax revenue from the operating budget to the capital budget; and

**Whereas**, while the above short-term solutions ensured no disruption in PCEP project progress, Caltrain needed these funds for other critical operating and capital need. Therefore, the JPB secured \$410M in state and federal funding to cover the project shortfall in the long term through the following awards:

1. \$367M in Transit and Intercity Rail Capital Program (TIRCP) funding (January 2023)
2. \$43M in Federal Funding (\$33M in FTA Capital Investment Grants plus \$10M in Community Project Requests from Senators Feinstein and Padilla; both FY23 Federal Budget)

With the above \$410M secured for PCEP, staff aim to reallocate the short-term funding to other critical needs; and

**Whereas**, upon being awarded the \$410M for permanent PCEP funding above, Caltrain will replace the \$310M temporary funding measures noted above and will allocate \$30.5M of projects as detailed in the Appendix against the \$150M of bond proceeds; and

**Whereas**, bond counsel and the grantor (Caltrans) confirmed the above allocations are allowable under the TIRCP guidelines. The projected reimbursement of the \$210M of advanced local funds was identified in the Strategic Financial Plan presented to the Board in the April 6, 2023, Board Finance Workshop. Caltrain intends to apply the reimbursed bond proceeds to fund projects meeting criteria established by bond counsel:

- Expend funds by approximately March 2027
- Fund capital projects with overall useful life consistent with the 2022 Bonds (16.5+ years in aggregate)

Staff will bring recommendations for the remaining \$119.5M of the \$150M 2022 Measure RR Bond proceeds for the review of the Finance Committee and Board in July and August of 2024, respectively. The recommended plan will include funding for additional capital projects as well as potential funding swaps to free up incremental operating funds as well as more flexible capital funds; and

**Whereas**, Staff recommends that the Board amend the FY25 Capital Budget by \$30,531,402, from \$74,607,815 to \$105,139,217.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby approves an amendment to the FY25 Capital Budget for a total authorized capital budget increase of \$30,531,402, from \$74,607,815 to \$105,139,217.

Regularly passed and adopted this 6<sup>th</sup> day of June, 2024 by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

Attest:

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JPB Secretary

## Appendix

### FY2025 CAPITAL BUDGET AMENDMENT – \$30,531,402

The following projects comprise the approximately \$30.5M of Bond Fund reallocations. The below projects require immediate funding and are essential to mitigate risks related to the launch of electrified service.

1. EMU Front Masks - \$624,000  
EMU Front masks are required to ensure timely return to service of electrified trainsets involved in collisions. This project is to purchase three (3) Electric Multiple Unit (EMU) front masks to maintain a sufficient on-hand inventory of new front masks. On average, Caltrain strikes four (4) cars annually. Insufficient inventory on hand can result in a train being out of service for up to six months due to the lengthy lead-time required for ordering a replacement. To maximize preparedness and minimize downtime for our new electrified trains, it is imperative to maintain adequate on-hand inventory of new front masks.
2. CCTV Phase 1 - \$7,543,181  
The Closed-Circuit TV (CCTV) system will serve multiple purposes, including operational monitoring of grade crossings, aiding in accident investigations, enhancing public safety, and safeguarding against trespassing and vandalism in train yards. This first phase involves designing, procuring, and installing a new Head End Video Management System Software and associated hardware, along with adding cameras at strategic locations such as the San Francisco 4th and King Station, Caltrain Maintenance Facility, Diridon Station, and 10-12 identified high-risk grade crossings. Existing Caltrain cameras will be integrated, along with traction power facility cameras and a new EMU on-board camera system.
3. Mini High Platform (South County) - \$2,432,318  
This project provides for installation of precast platforms and modifications to existing infrastructure, as needed, to accommodate the installation at the five south county platforms at Capital, Blossom Hill, Morgan Hill, San Martin, and Gilroy. Project will allow for more efficient ADA access to passenger vehicles for patrons decreasing dwell time thus improving the reliability of service for all passengers and reducing operating costs.
4. Rail Activation Start Up: Maintenance of Equipment - \$4,143,903  
This project encompasses pre-revenue inspection and maintenance on the new EMU trainsets, which are essential for facilitating all testing and burn-in procedures. The project is also to procure a wastewater sump pump, portable sanding trucks, honey wagons, and wheel truing machine cutters to bolster crucial EMU maintenance operations.
5. Rail Activation Start Up: Maintenance of Way - \$6,000,000  
This project encompasses several Maintenance of Way (MOW) enhancements, including augmenting fencing to deter track intrusion and installing supplementary security lighting



## Appendix

in San Francisco Yard. In addition, the allocated funds will facilitate numerous station improvements along the corridor prior the launch of the new electric service schedule, such as painting, thorough cleaning, glass restoration, replacement of trash receptacles, elevator upgrades, etc.

6. Rail Activation Start Up: Traction Electrification System Vehicle - \$2,500,000  
This project is to purchase various hi-rail trucks, forklifts, and other special maintenance vehicles necessary for the proper upkeep of the new Traction Electrification System (TES). Acquiring these vehicles will provide long-term cost savings compared to leasing alternatives.
7. Rail Activation Start Up: Overhead Catenary System Improvements - \$2,288,000  
This project is to implement the recommended technological and hardware enhancements for the Traction Electrification System, as identified by Caltrain staff and subject matter experts. These enhancements aim to bolster Caltrain's maintenance capabilities for the new equipment by enabling early detection of issues as they arise, thus leading to long-term cost savings. Specific technological upgrades include the installation of two real-time data acquisition products: CatVue and PanVue. CatVue provides high-resolution image capture for manual or automated in-service inspection of the overhead catenary through real-time data collection and processing of measuring parameters such as height, stagger, wire wear/health, force, arch detection, and envelop encroachment from equipment installed to the pantograph. PanVue, on the other hand, is a three-dimensional automatic pantograph inspection system installed on a gantry in Segment 1 at MP 3.8. This technology enables analysis of wear, chipping, and cracking on pantographs to the millimetric level, provides measurements on pantograph uplift, detects damage or absence of pantograph horns, and issues automated alerts. Additional hardware improvements funded under this category will enhance isolation and grounding capabilities, replace temporary split bolt connectors with permanent crimped connections to reduce long-term maintenance costs, and integrate bird-wildlife conductor guards throughout the system.
8. Rail Activation Start Up: Enterprise Asset Management System - \$5,000,000  
This project is to procure an Enterprise Asset Management (EAM) system. This system will be utilized for comprehensive tracking of various aspects including purchasing, receiving, issuing, lifecycles, reconditioning, min/max levels, warranty administration, workflows, reporting, location, preventative maintenance and inspection schedules, storage and reference of Operations & Maintenance (O&M) manuals, personnel, personnel schedules, remote asset monitoring, and asset disposal.

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Robert Barnard, Chief Rail Design and Construction  
Subject: **Authorize the Executive Director to Execute a Memorandum of Understanding (MOU) with the City of Menlo Park for Activities Undertaken in Support of the Middle Avenue Undercrossing Project**

Finance Committee Recommendation       Technology, Operations, Planning, and Safety Committee Recommendation       Advocacy and Major Projects Committee Recommendation

**Purpose and Recommended Action**

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB or Caltrain):

- 1) Authorize the Executive Director, or designee, to execute a Memorandum of Understanding (MOU) For Reimbursement from the City of Menlo Park for Activities Undertaken in Support of the Middle Avenue Undercrossing Project (Project) for \$2,000,000 of reimbursable Caltrain expenses; and
- 2) Authorize the Executive Director, or designee, to file any other required documentation and to take any other actions necessary to give effect to this action.

**Discussion**

The City of Menlo Park is the project sponsor for a proposed new bicycle and pedestrian undercrossing of the Caltrain right-of-way (“ROW”) near Middle Avenue in Menlo Park. The project would be located near Caltrain mile post 29.15, northeast of the intersection of El Camino Real and Ravenswood Avenue. The City proposes the installation of a pedestrian and bicycle undercrossing near Burgess Drive and Alma Street to facilitate access between the eastern and western sides of the Caltrain ROW, as well as to and from Alma Street and El Camino Real, both of which run parallel to Caltrain tracks in the project area.

The purpose of the MOU, which is the subject to this staff report, is for Caltrain to perform:

- Advance design as needed, engage in value engineering exercises, address utility conflicts (particularly fiber and electrical lines), and refresh costs estimates;
- Pre-construction services utilizing a Construction Manager General Contractor (CMGC) method;
- Environmental clearance;
- Issue a work directive to engage an independent cost estimator to generate estimates, review project schedules, review CMGC provided cost estimates, and assist in contract negotiations.

The Agreement assumes that Caltrain and the City will work to ascertain the most efficient means of completing the project's NEPA Environmental Clearance and CEQA Determination.

The MOU provides an initial not-to-exceed amount of \$2,000,000, to cover Caltrain costs for the performance of the tasks listed above.

The MOU will expire on December 31, 2026, unless extended by mutual agreement of the parties.

**Background**

The Middle Avenue Undercrossing Project will construct a grade separated pedestrian and bicycle rail crossing under the Caltrain railway to create a pedestrian and bicycle connection between the El Camino Real corridor and the Alma Avenue corridor. The undercrossing will be located near Middle Avenue, connecting Alma Street near Burgess Park to El Camino Real at the open space plaza that is part of Stanford's Middle Plaza at 500 El Camino Real project. The undercrossing will improve connectivity for neighborhoods on both sides of the Caltrain tracks to City amenities, schools, public transit and downtown Menlo Park. Once constructed, the undercrossing will also provide much needed connectivity in the area during construction of the future planned Menlo Park Grade Separation Project, which would grade separate Ravenswood, Oak Grove, and Glenwood Avenues.

The MOU executed by the parties is meant to cover Caltrain's costs to conduct critical project development tasks for the transition from City-led activities (planning, environmental clearance, and preliminary engineering/design) into Caltrain-led activities.

**Budget Impact**

The Board approved the budget for the Project in FY23 in the amount of \$571,941 funded by the City of Menlo Park through a Service Agreement. The execution of the MOU with the City of Menlo Park will provide additional funding that will increase the total project budget by \$2,000,000, from \$571,941, to \$2,571,941. A separate capital budget amendment will be presented to the Board in the future.

Prepared By:	Robert Barnard	Chief, Rail Design and Construction	650-508-7783
	Arul Edwin	Senior Project Manager	650-339-8845

**Resolution No. 2024 –**

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

\* \* \*

**Authorize the Executive Director to Execute a Memorandum of Understanding with the City  
of Menlo Park in Support of the Middle Avenue Undercrossing Project**

**Whereas**, in 2022, the Peninsula Corridor Joint Powers Board (JPB or Caltrain) and the City of Menlo Park (City) negotiated and executed a Service Agreement describing the parties' cooperation to complete technical review of the locally preferred alternative during the project's preliminary engineering phase (30% design), and authorizing reimbursement from City to Caltrain for such efforts; and

**Whereas**, in 2023, Caltrain and the City negotiated and executed a second Service Agreement for the performance of an analysis for Alternative Contract Delivery, providing for the development and execution of an MOU, and prepare (a) Request(s) for Proposals (RFPs) for advancing the project beyond the Preliminary Engineering (PE)/Environmental Clearance phase into final design in accordance with the consensus alternative delivery method recommendation; and

**Whereas**, in December 2023, the JPB approved the recommended alternative delivery method named Construction Manager General Contractor (CMGC); and

**Whereas**, this Memorandum of Agreement (MOU) is for the next phase of work, including performance of additional design services, environmental evaluation and CMGC preconstruction services; and

**Whereas,** the execution of the MOU between Caltrain and the City of Menlo Park will provide additional funding that will increase the project budget by \$2,000,000 in reimbursable expenses.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director, or designee, to execute an Agreement Regarding Reimbursement for Activities Undertaken in Support of the Middle Avenue Undercrossing Project, with the City of Menlo Park for \$2,000,000 of reimbursable Caltrain expenses, and to take any other action necessary to implement the Agreement.

Regularly passed and adopted this 6<sup>th</sup> day of June 2024 by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Peninsula Corridor Joint Powers Board

ATTEST:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Lawrence Leung, Manager, Rail Contracts & Budget  
Subject: **Authorize the Fourth Amendment of the Use, Operating and Maintenance (UOM) Agreement for the Millbrae Intermodal Station (with BART)**

Finance Committee Recommendation       Technology, Operations, Planning, and Safety Committee Recommendation       Advocacy and Major Projects Committee Recommendation

**Purpose and Recommended Action**

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB):

1. Approve an amendment to the UOM Agreement for the Millbrae Intermodal Station with the San Francisco Bay Area Rapid Transit District (BART) to extend the JPB cost sharing and payment schedule through Fiscal Year 2028 and add Exhibit G-1 to provide details on maintenance contacts and scheduling.
2. Authorize the Executive Director or designee to execute the contract amendment in a form approved by legal counsel.

**Discussion**

The UOM Agreement governs the day-to-day management of the Millbrae Intermodal Station and the adjacent 3.4 miles of rail corridor shared by BART and Caltrain. The UOM Agreement addresses the coordination of operations between BART and Caltrain at the Millbrae station.

Under the UOM Agreement, JPB has rights to use the station platforms and station concourse areas as part of the operation of its Caltrain commuter rail service. These rights include the rights of ingress and egress for passengers, employees and contractors. These rights also include Caltrain passenger use of the 3,005 spaces in the Joint Use Parking Area.

This proposed Fourth Amendment allows Caltrain, after making good faith efforts to discuss with BART, to deduct the costs of repairs and maintenance from Caltrain quarterly installment payments to BART if BART has failed to conduct and complete repairs and maintenance on the timeline and per the intervals described in the UOM Agreement.

### **Budget Impact**

The proposed Fourth Amendment to the UOM Agreement specifies that the amount paid by JPB for FY2024 shall be equal to the FY2023 amount, and for FY2025 through FY2028, inclusive, shall be the amount paid the previous fiscal year plus a CPI-based inflationary adjustment. The FY2024 payment amount will be \$1,036,524 (minus any deductions for failure to complete timely repairs).

The Fourth Amendment also states that the method for calculating the JPB share for FY2025 through FY2028 may be revised by means of a written notification submitted by either entity no later than September 30 with negotiations commencing on or before October 31. If these conditions are not met or if there is no mutual agreement on a revision by December 31 the methodology shall remain unchanged for the subsequent fiscal year.

### **Background**

In June 1999, BART, San Mateo County Transit District and the JPB entered into a “Railroad Construction and Maintenance Agreement” (C&M Agreement) regarding the construction of the BART/SFO Extension Project on JPB property. That agreement contemplated that the parties would negotiate a future agreement that would govern the joint operation of the Millbrae Station and the management of the adjacent rail alignments.

A working group, which later included legal counsel, developed the present agreement, which is dated February 18, 2005, entitled the “Use, Operating and Maintenance Agreement for the Millbrae Station and BART/JPB/SamTrans Facilities Related to the BART SFO Extension Project” or simply the “UOM Agreement.” The UOM Agreement included a cost sharing schedule with the JPB for FY2004 through FY2008.

The UOM Agreement sets forth the services performed by BART for which the JPB is to pay a share of the annual expenses to maintain the station, structures, grounds and parking garage as well as keeping all public and employee areas clean and safe.

This includes but is not limited to janitorial, landscaping, lighting, heating, plumbing, electrical, glass replacement, pest control, painting and graffiti removal. The UOM Agreement included a JPB cost sharing schedule with the JPB for FY2004 through FY2008.

The JPB Board authorized extending the UOM Agreement through FY2013 with a new cost sharing schedule by Resolution No. 2008-27 on August 7, 2008, through FY2018 by Resolution No. 2013-20 on April 4, 2013, and through FY2023 by Resolution 2018-17 on May 3, 2018. This new amendment updates the cost-sharing schedule and the schedule for the frequency of certain types of repairs and maintenance.

Prepared By: Lawrence Leung                      Manager, Rail Contracts & Budget    650-508-6328

**Resolution No. 2024-**

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

\* \* \*

**Authorizing the Executive Director to Execute the Fourth Amendment of the Use, Operating and Maintenance Agreement for the Millbrae Intermodal Station with BART**

**Whereas**, in June of 1999, the San Francisco Bay Area Rapid Transit District (BART), the San Mateo County Transit District and the Peninsula Corridor Joint Powers Board (JPB) entered into a "Railroad Construction and Maintenance Agreement" regarding the construction of the BART SFO Extension Project on the Caltrain rail corridor; and

**Whereas**, that agreement contemplated that the parties would negotiate an agreement that would govern the joint operation of the Millbrae Station, including the management of the adjacent rail alignments; and

**Whereas**, on February 18, 2005, the parties entered into the "Use, Operating and Maintenance Agreement for the Millbrae Station and BART/JPB/SamTrans Facilities Related to the BART SFO Extension Project" ("UOM Agreement") for the joint operation of the Millbrae Intermodal Station and the 3.4 miles of adjacent rail corridor shared by BART and Caltrain; and

**Whereas**, pursuant to Resolution 2008-27, adopted on August 7, 2008, the Board authorized a First Amendment of the UOM Agreement and, pursuant to Resolution 2013-20, adopted on April 4, 2014, authorized a Second Amendment of the UOM Agreement and, pursuant to Resolution 2018-17, adopted on May 3, 2018, authorized a Third Amendment of the UOM Agreement; and



**Whereas**, staff recommends that the Board authorize the Executive Director or designee to execute the Fourth Amendment of the UOM Agreement to extend the JPB cost sharing and payment schedule through Fiscal Year 2028 and add Exhibit G-1 to provide details on maintenance contacts and scheduling.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director, or designee, to execute an amendment of the UOM Agreement to extend the JPB cost sharing and payment schedule through Fiscal Year 2028 and add Exhibit G-1 to provide details on maintenance contacts and scheduling.

Regularly passed and adopted this 6<sup>th</sup> day of June, 2024 by the following vote:

Ayes:

Noes:

Absent:

---

Chair, Peninsula Corridor Joint Powers Board

Attest:

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JPB Secretary

**FOURTH AMENDMENT TO THE  
USE, OPERATING AND MAINTENANCE AGREEMENT  
FOR THE MILLBRAE STATION AND  
BART/JPB/SAMTRANS FACILITIES  
RELATED TO THE BART SFO EXTENSION PROJECT**

THIS FOURTH AMENDMENT (“Fourth Amendment”) to the Use, Operating, and Maintenance Agreement for the Millbrae Station and BART/JPB/SamTrans Facilities Related to the BART SFO Extension Project (“Agreement”), dated February 18, 2005, by and between the Peninsula Corridor Joint Powers Board, a public agency (“JPB”), the San Mateo County Transit District, a public agency (“SamTrans”), and the San Francisco Bay Area Rapid Transit District, a rapid transit district (“BART”), is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by and between JPB, SamTrans, and BART, collectively referred to herein as “Parties.”

**NOW, THEREFORE**, the Parties agree as follows:

I. Exhibit E.

The attached Exhibit E - 5 is added to Exhibit E.

II. Exhibit G.

The attached Exhibit G - 1 is added to Exhibit G.

III. General Provisions

A. Counterparts

This Fourth Amendment may be executed by the Parties in one or more counterparts, each of which shall be deemed an original, and all of which in the aggregate shall constitute one and the same document.

B. Effective Provisions

Excepting only the amendments specifically set forth in this Fourth Amendment, the terms and provisions of the Agreement and the First Amendment, Second Amendment, and the Third Amendment shall remain in full force and effect.

C. Conflicting Provisions

In the event of a conflict between the terms and provisions of the Agreement or the First Amendment, Second Amendment, or the Third Amendment and the terms and provisions of this Fourth Amendment, the terms and provisions of this Fourth Amendment shall govern and control.

IN WITNESS WHEREOF, the Parties have entered into this Fourth Amendment as the date written above with the intent to be intentionally bound.

PENINSULA CORRIDOR JOINT POWERS  
BOARD

By: \_\_\_\_\_  
Michelle Bouchard, Executive Director

Approved as to Form

\_\_\_\_\_  
Attorney

SAN MATEO COUNTY TRANSIT DISTRICT

By: \_\_\_\_\_  
April Chan, General Manager

Approved as to Form

\_\_\_\_\_  
Attorney

SAN FRANCISCO BAY AREA RAPID TRANSIT  
DISTRICT

By: \_\_\_\_\_  
Robert M. Powers, General Manager

Approved as to Form

\_\_\_\_\_  
Attorney

## Exhibit E - 5 UOM Cost Sharing and Payments

JPB's annual share of costs for maintenance and operation of the Millbrae Station (JPB Share) is identified below. BART will invoice JPB on an annual basis, during the last month of the preceding fiscal year. Fiscal year shall mean July 1 through June 30 of the subsequent calendar year (e.g., fiscal year (FY) 24 shall mean the period beginning July 1, 2023 and ending June 30, 2024). Payment will be due in four equal installments, by September 30, December 31, March 31, and June 30, of each fiscal year. The Parties agree that JPB may, following timely notification and good faith discussion, deduct the costs of repairs and maintenance from the quarterly installment payment if in the prior quarter, BART has failed to conduct and complete repairs and maintenance in the amount of time described in the schedule for different types of work in Exhibit G-1. JPB agrees to notify BART in writing as described in "Caltrain Requested RFM", Exhibit G-1, before making any such deductions. In the event of such notification, the Parties agree to negotiate in good faith and will cooperate to share information related to BART's costs to operate and maintain the station.

The Parties agree that any payment installments due prior to the execution of the FY24-FY28 Fourth Amendment for the period shall be processed within 30 days of the effective date of the Fourth Amendment.

- A. For FY24 through FY28, inclusive, the JPB Share shall be the amount paid the previous fiscal year plus a CPI-based inflationary adjustment. The inflationary adjustment shall be calculated by multiplying the previous fiscal year's scheduled payment amount by the percentage change in the Annual average of the Consumer Price Index for Urban Wage Earners and Clerical Workers in the San Francisco/Oakland Region ("San Francisco/Oakland CPI-W Index") to three (3) decimal places. The percentage used for the calculation shall be rounded to the nearest tenth (1/10) of a percent.
- B. For FY24, the amount paid by JPB shall be equal to the FY23 amount of \$1,036,524.
- C. The amounts for subsequent fiscal years shall be determined based on the amount paid in the preceding fiscal year, plus an inflationary adjustment calculated per the following:
  - FY25 – Percentage change in the San Francisco/Oakland CPI-W Annual average index between 2023 and 2022.
  - FY26 – Percentage change in the San Francisco/Oakland CPI-W Annual average index between 2024 and 2023.
  - FY27 – Percentage change in the San Francisco/Oakland CPI-W Annual average index between 2025 and 2024.
  - FY28 – Percentage change in the San Francisco/Oakland CPI-W Annual average index between 2026 and 2025.

- D. The method for calculating the JPB Share for FY24 through FY28 may be revised upon agreement by the Entities as set forth in this section D.

For each year in which an Entity desires to negotiate a revision for other reasons, the Entity desiring a revision (the Initiating Entity) must notify the Non-Initiating Entity in writing by September 30 of its intention. Following such notification, the Entities will cooperate to share information relative to BART's costs to operate and maintain the BART system in the previous three (3) years. JPB shall make any information requests in a timely fashion, and BART shall share with JPB available existing pertinent data in electronic format, unless JPB reasonably requests otherwise and such request is both reasonable and timely. The Initiating Entity shall be responsible for initiating negotiations on or before October 31, but both Entities shall negotiate in good faith a method for calculating the JPB share that is fair and equitable to both Entities. Negotiations must be concluded on or before December 31. If the Initiating Party does not notify the Non-Initiating Entity by September 30 of its intention to renegotiate the JPB Share, or if it does not initiate negotiations on or before October 31, or if the Entities fail to reach an agreement on or before December 31, then the methodology shall remain unchanged for the subsequent fiscal year, and the method described in section C herein will be used. If the Parties reach agreement on changes to the method for calculating the JPB Share, the Agreement will be amended.

- E. The method for calculating the JPB Share for years following FY28 shall be determined by the Entities no less than six (6) months prior to the end of FY28.

**EXHIBIT G-1**  
**Millbrae Station**  
**Maintenance and Operation Responsibility**

**Key**

<b>Abbreviation</b>	<b>Meaning</b>
CA	Customer Access
COMM	AFC/Computers/Communications
EE	Elevator/Escalator
SS	System Service
M	Monthly
Q	Quarterly
S	Semiannual
A	Annual
2Y	Every Two Years
R	Incident Response and Daily Regular
AN	As Needed
RFM	Request for Maintenance

The following table and accompanying notes below provide maintenance scheduling detail performed by BART at Millbrae station.

<b>Item No.</b>	<b>Item Description</b>	<b>Operation Responsibility</b>	<b>Maintenance Performed by</b>	<b>Department</b>	<b>Schedule</b>
<b>A.</b>	<b>Caltrain Public Area and Caltrain Non-Public Area</b>				
1	Public Address System (PBX)	Joint	BART	COMM	Q
2	Lighting	Automatic	BART	POWER	, Q, AN
3	Elevators	Automatic-BART	BART	EE	M, Q, A
4	Escalators	BART	BART	EE	M, Q, A
5	Platform (except for platform edge within Caltrain Safety Envelope)	Caltrain	BART	SS	R
				BUILDINGS	S
6	Signing - Static	N/A	BART	BUILDINGS	S
7	Map/Schedule Cases	Caltrain	BART	TRANSPORTATION	AN
8	Programmable Message Signs	Shared	BART	COMM	A
9	Police Services	BART	N/A	N/A	N/A
10	Janitorial Room PO2	BART	BART	SS	R
				BUILDINGS	S
11	Electrical Room PO6	Caltrain	BART	SS	R
12	Caltrain Ticket Vending Machines	Caltrain	Caltrain	N/A	N/A

13	Concession (PO3)	Caltrain	BART – Exterior	BUILDINGS	S
			Caltrain – Interior	N/A	N/A
14	Stairs to Mezzanine	BART	BART	SS	R
				BUILDINGS	S
				STRUCTURES	2Y
15	Closed Circuit Cameras (CCTV)	BART	BART	COMM	Q
16	Lost and Found	Caltrain	N/A	N/A	N/A
17	Caltrain Signal System	Caltrain	Caltrain	N/A	N/A
18	Caltrain Visual Message Signs (VMS)	Caltrain	Caltrain	N/A	N/A
<b>B. Caltrain Platform Extension</b>					
1	Public Address System (PBX)	Joint	BART	COMM	Q
2	Lighting	Automatic - BART	BART	POWER	Q, AN
3	Signing - Static	Caltrain	BART	BUILDINGS	S
4	Information Signs - Enclosure	Caltrain	BART	BUILDINGS	S
5	Information Signs - Info/Contents	Caltrain	Caltrain	N/A	N/A
6	Police Services	BART	N/A	BUILDINGS	S
7	Cameras (installed by JPB)	Caltrain	Caltrain	N/A	N/A
8	Caltrain Ticket Vending Machines	Caltrain	Caltrain	N/A	N/A
9	Platform (except for platform edge within Caltrain Safety Envelope)	Caltrain	BART	SS	R
10	Lost and Found	Caltrain	N/A	N/A	N/A
11	Caltrain Visual Message Signs (VMS)	Caltrain	Caltrain	N/A	N/A
<b>C. Joint Use Parking Area (Westside)</b>					
1	Bike Lockers	BART	BART	CA	S
2	Westside Bus & Kiss/Ride Area	BART	BART	BUILDINGS	S, R
3	Signing	BART	BART	BUILDINGS	S
4	Striping	BART	BART	BUILDINGS	AN
5	Lost and Found	BART	N/A	N/A	N/A
6	Police Services	BART	N/A	N/A	N/A
<b>D. Joint Use Parking Area (Eastside)</b>					
1	Police/Parking Enforcement	BART	BART	BUILDINGS	S
2	Landscaping/Irrigation	BART	BART	GROUND	S
3	Lighting	BART	BART	POWER	Q, S, A
4	Signing	BART	BART	BUILDINGS	S
5	Striping	BART	BART	BUILDINGS	S
6	Emergency Call Boxes	BART	BART	COMM	S
7	Bike Lockers	BART	BART	CA	S
8	Wind Screen Enclosures at Bus Canopies	BART	BART	BUILDINGS	S
9	SamTrans Restroom	BART	BART	SS	R

10	Lost and Found	BART	BART	BUILDINGS	S
11	SamTrans Predictive Arrival Departure System (PADS)	SamTrans	SamTrans	N/A	N/A
12	SamTrans Transit Info Center	SamTrans	SamTrans	N/A	N/A
13	Garage Structure	BART	BART	SS	R
				BUILDINGS	S
				STRUCTURES	2Y
<b>E. Joint Use Public Area</b>					
1	Caltrain Ticket Office	Caltrain	BART	SS	R
2	BART Ticket Vending Machines	BART	BART	COMM	Q
3	Caltrain Ticket Vending Machines	Caltrain	Caltrain	N/A	N/A
4	Bathrooms	BART	BART	SS	R
				BUILDINGS	S
5	Concessions	BART	BART	BUILDINGS	S
6	Joint Operations Office Room C-20	SamTrans/BART	BART	SS	R
7	Janitorial Room	BART	BART	BUILDINGS	S
8	Auxiliary Electrical Room - C-19	BART	BART	BUILDINGS	S
9	Auxiliary Electrical Room - C-10A	BART	BART	BUILDINGS	S
10	Wall Hanging Information - Exterior	Joint	BART	BUILDINGS	S
				STRUCTURES	2Y
11	Wall Hanging Information – Interior	Joint	BART	BUILDINGS	S
				STRUCTURES	2Y
12	Signs - Static	Joint	BART	BUILDINGS	S
				STRUCTURES	2Y
13	Information Kiosk – BART	BART	BART	BUILDINGS	S
14	Information Kiosk – Caltrain	Caltrain	Caltrain	N/A	N/A
15	Elevators	BART	BART	EE	M, Q, A
16	Escalators	BART	BART	EE	M, Q, A
17	Police Services	BART	N/A	N/A	N/A
18	Lost and Found	BART	N/A	N/A	N/A
19	Artwork	BART	BART	BUILDINGS	S
20	Concourse Structure	BART	BART	BUILDINGS	S
				STRUCTURES	2Y
<b>F. Caltrain Safety Envelope</b>					
1	Underdrains along platform edge	Caltrain	Caltrain	N/A	N/A
2	Caltrain track & signals	Caltrain	Caltrain	N/A	N/A
3	Intertrack Barrier Fencing	Caltrain	Caltrain	N/A	N/A
4	Police Services	Caltrain	N/A	N/A	N/A
5	Lost and Found	Caltrain	N/A	N/A	N/A
6	Platform edge within Caltrain Safety Envelope	Caltrain	Caltrain	N/A	N/A



## Notes

**Changes:** If either BART or Caltrain plans to modify its schedule in such events as changes in system operations hours or reduced resource availability in fiscal distress, the Entity contemplating such change will notify the other agency in accordance with the requirements of Section 3.4.2 of the Agreement.

**For System Service:** BART staff are onsite for standard cleaning and incident response from 6:00AM to 10:00PM daily. Caltrain staff will check once during shift for issues, notify BART staff if any material issues are found, and note if/when issues go unresolved after defined incident response time (30 minutes). For all reasonable issues, Caltrain staff should note if BART staff do not begin to address the issue for more than 30 minutes for any incident reported between 6:00AM and 10:00PM, or after 30 minutes from opening if reported outside of those hours, depending upon severity. Significant issues may take longer to address.

### **For Power:**

Quarterly:

- Inspect, conduct functional test, document findings, schedule work orders as needed.

Semiannually:

- Conduct re-lamping as needed.

Annually:

- Conduct LED re-lamping as needed.

### **For All Other Departments:**

Unless otherwise specified above, BART's maintenance staff will typically perform maintenance according to the schedule below.

Daily:

- Staff will conduct visual inspections, focusing on high-traffic areas and critical components.
- Staff will check for and remedy any immediate safety hazards.

Quarterly:

- Staff will conduct inspections and assessments to identify any significant changes or issues that may have developed since the previous inspection and to report them as RFMs.
- Staff will conduct functional tests on critical systems such as the public address system, closed circuit cameras, and ticket vending machines to ensure they are functioning correctly.
- Staff will inspect, clean, check component parts, and conduct functional tests for of elevators and escalators to identify significant issues to document and report as RFM as needed.

Semiannually:

- Staff will conduct more detailed inspections and assessments to identify any significant changes or issues that may have developed since the previous inspection and to report them as RFMs.
- Staff will conduct functional tests on emergency call boxes to ensure they are functioning correctly.
- Staff will inspect grounds for issues and complete edge ground cover, ground area scalping, weeding, and pruning as needed.

Annually:

- Staff will conduct more detailed inspections and assessments to identify any significant changes or issues that may have developed since the previous inspection and to report them as RFMs.
- Staff will conduct functional tests on digital message signs to ensure they are functioning correctly.
- Staff will conduct deep cleanings of priority areas as needed (e.g., power washing).
- Staff will inspect, clean, check structural parts, and conduct functional tests for of elevators and escalators to identify significant issues to document and report as RFM as needed.

Every two years:

- Staff will conduct comprehensive inspections of all structures, including detailed examinations of critical components and systems including concrete, steel, and other structural elements.
- Staff will develop long-term maintenance strategies, budgeting, and prioritizing projects for future years based on the annual inspections and assessments.

As needed:

- Following RFM reports' priority level assignment, maintenance will be scheduled and completed accordingly.

**Exclusion of capital needs:** The scope of maintenance outlined in this agreement shall exclude capital needs including, but not limited to major repairs, rehabilitation projects, or structural enhancements.

**Caltrain-requested RFM:** If Caltrain staff observe a maintenance issue requiring attention, Caltrain staff will reach out to the appropriate BART contact in the list below (current as of Fall 2023). BART will notify Caltrain staff of updated contact information as needed, and if no timely response is received, Caltrain will contact the Assistant Chief Maintenance Officer, currently Greg Lombardi (glombar@bart.gov, 510-368-1259). The appropriate contact will determine its priority level, set a reasonable timeline to address the issue, and communicate these to Caltrain staff in a timely manner. If the issue is not addressed within the time frames described in the table above, after good faith discussion, Caltrain may deduct the specific cost of the unmet maintenance issue from its next payment installment as addressed in Exhibit E-5 Section D using shared information related to BART's costs to operate and maintain the station.

<b>Department</b>	<b>Contact</b>	<b>Phone</b>	<b>Email</b>
Customer Access	Heath Maddox, Manager of Access Programs	510- 464- 6116	hmaddox@bart.gov
Buildings	Raymond Painter, Assistant Superintendent of Way & Facilities	510- 318- 1540	rpainte@bart.gov
AFC/Computers/Communications	Randall Radford, Superintendent of Systems Maintenance	510- 368- 6206	rradfor@bart.gov
Elevator/Escalator	Vince Bevilacqua, Superintendent of Power & Mechanical Maintenance	510- 368- 4995	vbevill@bart.gov
Grounds	Craig Miller, Acting Assistant Superintendent of Way & Facilities	510- 286- 2889	cmiller@bart.gov
Power	Adam Flynn, Assistant Chief Maintenance Officer  Steve Watson, Superintendent	510- 866- 3180; 510- 851- 2499 or 510- 827- 8738	aflynn@bart.gov; steve.watson@bart.gov
System Service	David Coggshall, Superintendent of System Service	510- 410- 5961	dcoggsh@bart.gov
Structures	Darryl Archie, Assistant Superintendent of Way & Facilities	510- 915- 5152	darchie@bart.gov
Transportation	Tera Stokes-Hankins, Chief Transportation Officer	510- 299- 0861	thankin@bart.gov

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Nathaniel Kramer, Chief People and Culture Officer  
Subject: **Approve Title VI Analysis for September 2024 JPB Electrification Service Changes**

Finance Committee Recommendation       Technology, Operations, Planning, and Safety Committee Recommendation       Advocacy and Major Projects Committee Recommendation

**Purpose and Recommended Action**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Under the Peninsula Corridor Joint Powers Board’s (JPB) Title VI Policies, the September 2024 changes to Caltrain service after completion of the Peninsula Corridor Electrification Project (PCEP) qualify as “Major Service Changes”, thereby requiring a Title VI Service Equity Analysis. The analysis is prepared in conformity with Chapter IV of the Federal Transit Administration’s Circular 4702.1B to assess whether the change will result in disparate impacts on minority populations or disproportionate burdens on low-income populations.

The Title VI Service Equity Analysis evaluates Caltrain’s proposed weekday and weekend service changes before the new schedule is implemented on September 23, 2024. This analysis must be presented to the Board of Directors (Board) for its consideration and included in the Caltrain Title VI Program with a record of Board action.

The Title VI analysis, attached, concludes that the service changes associated with the new Caltrain electrification service schedule does not have a disparate impact on minority populations nor a disproportionate burden on low-income populations.

Staff recommends the Board of the JPB approve the Title VI Service Equity Analysis for the new Caltrain electrification service to begin in September 2024.

**Discussion**

As part of the Caltrain Modernization Program (CalMod), PCEP converts the Caltrain mainline from diesel-hauled trains to Electric Multiple Unit (EMU) trains, which will improve system performance. The completion of PCEP is accompanied by a brand-new service schedule that provides a significant increase to weekday and weekend service. Weekday express trains from

San Francisco to San Jose are expected to have trip times of under an hour compared to the current 66 minutes, local service will be 75 minutes instead of the current 100 minutes, and trips from southern Santa Clara County to San Francisco will save up to 28 minutes compared to existing travel times.

Staff completed the draft electrification service plans in Fall 2023 and presented them to the public and stakeholders for review before conducting schedule refinements based on this feedback in Winter 2023. Staff held approximately seventeen public meetings and ten community events in Fall and Winter 2023. Caltrain also received more than 1,650 responses from a public survey. This analysis evaluates the most current schedule that considered feedback from the above public outreach.

Under Caltrain's Title VI Policies, a Major Service Change occurs when: (1) there is a 25% reduction or addition of revenue miles per service day, or (2) there is a 50% reduction or addition of station stops per service day. The weekday and weekend service changes qualify as Major Service Changes both in a change in total revenue train miles and increases in station stops.

Caltrain's Title VI Disparate Impact policy establishes a 10% threshold difference for determining when a service change has an adverse impact on minority populations compared to non-minority populations. Similarly, the policy establishes the Disproportionate Burden threshold to determine if a service change has an adverse impact on low-income populations compared to non-low-income populations at 10%.

The analysis presented is consistent with policies adopted by the Board to comply with Title VI of the Civil Rights Act of 1964, and:

- Analyzes the new weekday and weekend electrified service schedule on a systemwide level to determine whether the impacts would result in disparate treatment among minority populations;
- Analyzes the new electrified service schedule on a systemwide level to determine whether the impacts would result in a disproportionate burden among low-income populations;
- Uses Caltrain's Title VI Policies and disparate impact and disproportionate burden thresholds adopted in 2013;
- Summarizes public outreach and engagement on proposed service changes;
- Concludes that the service increases do not result in a disparate impact on minority populations; and

- Concludes that the service increases do not impose a disproportionate burden on low-income populations.

**Budget Impact**

There is no budget impact associated with the proposed action.

Prepared By:	Wendy Lau	Deputy Director, Office of Civil Rights	650-622-7864
	Michelle Louie	Title VI & Social Equity Administrator	650-622-8038

**Resolution No. 2024-**

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

\* \* \*

**Approve the Title VI Analysis for September 2024 JPB Electrification Service Changes**

**Whereas**, as part of the Caltrain Modernization Program, the Peninsula Corridor Joint Powers Board (JPB or Caltrain) completed the Peninsula Corridor Electrification Project (PCEP) in 2023, which converts the Caltrain mainline from diesel-hauled trains to Electric Multiple Unit trains to allow for the start of revenue service; and

**Whereas**, the completion of PCEP is accompanied by a brand-new service schedule to be implemented in September 2024 that will provide a significant increase to weekday and weekend service; and

**Whereas**, weekday express trains from San Francisco to San Jose are expected to have trip times of under an hour compared to the current 66 minutes, local service will be 75 minutes instead of the current 100 minutes, and trips from southern Santa Clara County to San Francisco will save up to 28 minutes compared to existing travel times; and

**Whereas**, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance; and

**Whereas**, as a recipient of grant funds from the Federal Transit Administration (FTA), the JPB Board of Directors (Board) adopted a Major Service Change Policy on April 4, 2023, by Resolution No. 2013-21 for the Caltrain system, which sets the thresholds for when a service equity analysis and public engagement process are required for a proposed service change; and

**Whereas**, on April 4, 2023, by Resolution No. 2013-21, the Board adopted Disparate Impact and Disproportionate Burden Policies to set thresholds for when major service changes are deemed to have disparate or disproportionate effects on minority or low-income populations; and

**Whereas**, under the JPB Title VI policies, the upcoming changes to Caltrain service after completion of PCEP qualify as “Major Service Changes”, thereby requiring a Title VI Service Equity Analysis; and

**Whereas**, the equity analysis must be prepared in conformity with Chapter IV of the FTA Circular 4702.1B to assess whether the change will result in disparate impacts on minority populations or disproportionate burdens on low-income populations; and

**Whereas**, staff has prepared a Title VI Service Equity Analysis that evaluates Caltrain’s proposed weekday and weekend service changes which must be presented to the Board for its consideration and included in the Caltrain Title VI Program with a record of Board action; and

**Whereas**, the Title VI Service Equity Analysis summarizes all public outreach conducted about the draft service plans, including public comments from the seventeen public meetings, ten community events, and public survey held in Fall and Winter 2023; and

**Whereas**, the analysis concludes that the service increases associated with the new Caltrain electrification service schedule do not have a disparate impact on minority populations nor a disproportionate burden on low-income populations; and

**Whereas**, the Executive Director recommends the Board approve the Title VI Service Equity Analysis as required under FTA Circular 4702.1B for the September 2024 JPB Electrification Service Change.



**Now, Therefore, Be It Resolved** that the Board hereby:

1. Finds pursuant to Title VI of the Civil Rights Act of 1964 that the September 2024 JPB Electrification Service Changes do not have a disparate impact on minority populations, nor a disproportionate burden on low-income populations; and
2. Approves the Title VI Service Equity Analysis attached to this resolution.

Regularly passed and adopted this 6<sup>th</sup> day of June, 2024 by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

Attest:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Marian Lee, Diridon Project Director  
Subject: **Authorize Execution of Funding Agreements with VTA for Use of Measure B and Regional Measure 3 Funds for Phase 2 of the Diridon Station Business Case**

Finance Committee Recommendation       Technology, Operations, Planning, and Safety Committee Recommendation       Advocacy and Major Projects Committee Recommendation

**Purpose and Recommended Action**

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (Caltrain):

1. Authorize the Executive Director or designee to execute two funding agreements with Santa Clara Valley Transportation Authority (VTA) in a form approved by legal counsel for Caltrain to use Regional Measure 3 and Measure B funds for Phase 2 of the Diridon Station Business Case in the amount of \$6,300,000; and
2. Authorize the Executive Director or designee to file any other required documentation or take any other actions necessary to give effect to this action.

**Discussion**

Caltrain, VTA, the City of San José, the Metropolitan Transportation Commission, and the California High-Speed Rail Authority (CHSRA) (Partner Agencies) are working together on the Diridon Station Business Case to plan for the transformation of San Jose’s downtown transit hub.

The Business Case is split into two phases. Phase 1 of the Business Case is fully funded with anticipated completion in Summer 2024. It will deliver two station design alternatives to discuss with the community at large. In Phase 2 of the Business Case, the Partner Agencies will work with the community to refine the alternatives and identify a preferred alternative. After the Business Case is complete, the project will move into the environmental phase.

Caltrain staff have provided quarterly updates to the AMP Committee on the Phase 1 work and will present another update at the next AMP meeting in June.

**Phase 2 Scope**

The Project Partners have identified specific agency roles in Phase 2: The City of San José is responsible for community outreach, VTA is responsible for long-term governance and funding analysis, and Caltrain is responsible for the pre-environmental technical work (Phase 2 of the Business Case).

Caltrain’s scope of work, with support of the Project Partners, includes design refinement and a quantitative assessment of two alternatives that incorporates community and stakeholder feedback. The work will result in a final Business Case document recommending a preferred alternative, as well as the following technical deliverables: an initial geotechnical and hydrological review, construction phasing plan, 10% design plans including track engineering, configurations of grade separations, rough order-of-magnitude cost estimate, historic station modification feasibility study, and a station access and circulation analysis.

Phase 2 Funding

The Project Partners have identified the following funding sources for the different areas of work in Phase 2.

Phase 2 Topic	Responsible Agency	Estimated Budget	Funding Source
Community Outreach	City of San José	\$500,000	City of San Jose General Funds
Governance and Funding/Advocacy	VTA	\$700,000	Regional Measure 3
Pre-Environmental Technical Analyses (Phase 2 Business Case)	Caltrain	\$5,300,000	Regional Measure 3
		\$1,000,000	Measure B* *Funds allocated for Caltrain Corridor Capacity Improvements
<b>PHASE 2 TOTAL</b>		<b>\$7,500,000</b>	

Caltrain’s scope of the Phase 2 work will be funded using \$1,000,000 of Measure B funding and \$5.3 million of Regional Measure 3 (RM3) funding. The Measure B funding is identified for Caltrain Corridor Capacity Improvements in the Measure B Expenditure Plan and is administered by VTA. Caltrain will either need to amend the existing Measure B agreement with VTA or execute a new agreement to access these Measure B funds. The RM3 Expenditure Plan, administered by MTC, allocates \$100 million in capital funding for the San Jose Diridon Station with VTA as the project sponsor. Since VTA receives the funds directly from MTC, Caltrain needs a separate funding agreement with VTA for Caltrain to access the \$5.3 million.

Therefore, staff recommends the Board authorize the Executive Director or designee to execute two funding agreements with VTA for Caltrain to access Measure B and RM3 funds for Phase 2 of the Diridon Station Business Case.

**Budget Impact**

The execution of the agreement with VTA will provide \$6,300,000 in Regional Measure 3 funding to reimburse Caltrain expenses from the Phase 2 work of the Diridon Business Case. A separate capital budget amendment will be presented to the Board in Summer 2024, as part of the quarterly capital budget amendment process.

Prepared By: Gwen Buckley

Principal Planner

650-722-6827

**Resolution No. 2024-**

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

\* \* \*

**Authorizing Execution of Funding Agreements with the Santa Clara Valley Transportation Authority for Use of Measure B and Regional Measure 3 Funds for Phase 2 of the Diridon Station Business Case**

**Whereas**, the Peninsula Corridor Joint Powers Board (JPB or Caltrain), the Santa Clara Valley Transportation Authority (VTA), the City of San José, the Metropolitan Transportation Commission (MTC), and the California High-Speed Rail Authority (CHSRA) (Partner Agencies) are working together on the Diridon Station Business Case (Business Case) to plan for the transformation of San Jose’s downtown transit hub; and

**Whereas**, the Partner Agencies have split the Business Case into two phases. Phase 1 of the Business Case is fully funded with anticipated completion in Summer 2024. It will deliver two station design alternatives to discuss with the community at large; and

**Whereas**, Phase 2 of the Business Case requires the Partner Agencies to work with the community to refine the alternatives and identify a preferred alternative. After the Business Case is complete, the project will move into the environmental phase; and

**Whereas**, Caltrain staff have provided quarterly updates to the AMP Committee on the Phase 1 work and plan to present another update at the next AMP meeting in June; and

**Whereas**, the Partner Agencies have identified specific agency roles in Phase 2: The City of San José is responsible for community outreach, VTA is responsible for long-term governance and funding analysis, and Caltrain is responsible for the pre-environmental technical work (Phase 2 of the Business Case); and

**Whereas**, Caltrain's scope of work, with support of the Partner Agencies, includes design refinement and a quantitative assessment of two alternatives that incorporates community and stakeholder feedback; and

**Whereas**, the Caltrain work will result in a final Business Case document recommending a preferred alternative, as well as the following technical deliverables: an initial geotechnical and hydrological review, construction, and phasing plan, 10% design plans including track engineering, configurations of grade separations, rough order-of-magnitude cost estimate, historic station modification feasibility study, and a station access and circulation analysis; and

**Whereas**, the Partner Agencies have identified funding sources for the different areas of work in Phase 2, including \$5,300,000 from Regional Measure 3 (RM3) and \$1,000,000 from Measure B funding for the Phase 2 Business Case; and

**Whereas**, the Partner Agencies have identified Measure B funding, which is administered by VTA, for Caltrain Corridor Capacity Improvements in the Measure B Expenditure Plan. Caltrain will either need to amend the existing Measure B agreement with VTA or execute a new agreement to access these Measure B funds. The RM3 Expenditure Plan, which is administered by MTC, allocates \$100 million in capital funding for the San Jose Diridon Station with VTA as the project sponsor. Since VTA receives the funds directly from MTC, Caltrain will execute a separate funding agreement with VTA for Caltrain to access the \$5.3 million; and

**Whereas**, staff will present a separate capital budget amendment to the Board of Directors (Board) of the JPB at a later date; and

**Whereas**, staff recommends that the Board:

1. Authorize the Executive Director or designee to execute an amendment to the existing Measure B Agreement with VTA or two new funding agreements with VTA in a form approved by legal counsel for Caltrain to use RM3 and Measure B funds for Phase 2 of the Diridon Station Business Case in the amount of \$6,300,000; and
2. Authorize the Executive Director or designee to file any other required documentation or take any other actions necessary to give effect to this action.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board, hereby:

1. Authorizes the Executive Director or designee to execute an amendment to the existing Measure B Agreement with VTA or two new funding agreements with VTA in a form approved by legal counsel for Caltrain to use RM3 and Measure B funds for Phase 2 of the Diridon Station Business Case in the amount of \$6,300,000; and
2. Authorizes the Executive Director, or designee, to file any other required documentation or take any other actions necessary to give effect to this action.

Regularly passed and adopted this 6th day of June 2024 by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

Attest:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: David Covarrubias, Deputy Chief Financial Officer  
Subject: **Award of Contract for Federal Legislative Advocacy Services**

Finance Committee Recommendation     Technology, Operations, Planning, and Safety Committee Recommendation     Advocacy and Major Projects Committee Recommendation

**Purpose and Recommended Action**

The award of this contract will provide the Peninsula Corridor Joint Powers Board (JPB) with qualified and experienced Federal Legislative Advocacy Services (Services) for the effective pursuit of the JPB’s federal legislative priorities. These Services provide the JPB with a vital link to the White House, U.S. Congress, and pertinent federal agencies. The awarded consultant will represent and advocate on behalf of the JPB in its dealings with all relevant federal agencies, legislative bodies, and related interest groups.

Staff recommends that the Board of Directors (Board) of the JPB:

1. Award a contract to Holland & Knight LLP of Washington, D.C. (H&K) for a not-to-exceed amount of \$512,000 (\$462,000 for fixed monthly fees, plus \$50,000 for ad-hoc, as-needed services), to provide the Services for a five-year term.
2. Authorize the Executive Director or designee to execute a contract with H&K in full conformity with the terms and conditions of the solicitation documents, and in a form approved by legal counsel.

**Discussion**

On January 12, 2024, the JPB, the San Mateo County Transit District (District), and the San Mateo County Transportation Authority (TA) (collectively referred to as the “Agencies”) issued a joint request for proposals (RFP) 24-S-J-T-P-035 to provide Federal Legislative Advocacy Services. Proposers had the option to submit proposals to one, two, or all three of the Agencies.

The RFP was posted to the Agencies’ eProcurement website, and fourteen potential proposers downloaded the RFP. On February 15, 2024, the proposals were due and the Agencies received proposals from three firms as follows:



PROPOSER	AGENCY		
	SAM	JPB	TA
Holland & Knight LLP	✓	✓	
Kadesh & Associates LLC			✓
Smith Dawson & Andrews, Inc.	✓		✓

The JPB received one proposal, from H&K, which staff found to be responsive to the requirements of the RFP.

A Selection Committee (Committee) composed of qualified staff from the JPB's Government & Community Affairs Department and the Chief of Staff for Caltrain, reviewed and evaluated the proposal in accordance with the following weighted criteria:

EVALUATION CRITERIA	MAX POINTS
Qualifications and Experience of Firm	35
Qualifications and Experience of Primary Lobbyist and Key Personnel	30
Approach to Scope of Services	15
Cost Proposal	20
Small Business Enterprise (SBE) Preference	5

After review, evaluation, and scoring H&K's proposal, the Committee determined that H&K possesses the requisite depth of knowledge and experience in federal legislative advocacy services for the effective advocacy of the JPB's federal legislative priorities.

Staff conducted a price analysis and determined the prices to be fair, reasonable, and consistent with those paid by other public agencies for similar services.

The proposed contract is for a not-to-exceed amount of \$512,000, of which \$462,000 is for monthly fixed fees and \$50,000 is for any additional ad-hoc services needed by the JPB during the five-year term.

Founded in 1968, H&K is a limited liability partnership with 34 offices and 2,200 attorneys and other professionals. Among the largest law firms in the U.S., H&K provides representation in federal advocacy, government regulatory affairs, business law, litigation, and real estate law.

The H&K Public Policy & Regulation Practice Group (PP&R), with more than 100 lobbyists and policy experts, includes former members of Congress and former members of staff from the White House, federal departments, presidential campaigns, former senior congressional committee and legislative staff members, and former state and local government officials. In addition, H&K has significant expertise working on federal transit and transportation programs.

H&K is the current provider for the Services for the JPB and has provided excellent service. The current five-year contract will expire on June 30, 2024.

**Budget Impact**

Funds for this contract are included in the JPB's Fiscal Year 2025 adopted Operating Budget and will be included in future years' operating budgets.

Prepared By:	Maria Flores	Procurement Administrator II	650.622.7892
	Devon Ryan	Government Affairs Officer	650.551.6165

**Resolution No. 2024-**

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

\* \* \*

**Awarding a Contract to Holland & Knight LLP for a Total Not-to-Exceed  
Amount of \$512,000 for Federal Legislative Advocacy Services for Five Years**

**Whereas**, on January 12, 2024, the Peninsula Corridor Joint Powers Board (JPB), the San Mateo County Transit District, and the San Mateo County Transportation Authority (together, the “Agencies”) issued a joint request for proposals (RFP) 24-S-J-T-P-035 to provide Federal Legislative Advocacy Services (Services); and

**Whereas**, Proposers had the option to submit proposals to one, two, or all three of the Agencies; and

**Whereas**, in response to the RFP, the Agencies received proposals from three firms by the due date of February 15, 2024, including one for the JPB received from Holland & Knight LLP of Washington D.C. (H&K); and

**Whereas**, a Selection Committee (Committee) composed of qualified staff from the JPB's Government & Community Affairs Department and the Chief of Staff for Caltrain reviewed and evaluated the proposal in accordance with the weighted criteria set forth in the RFP documents; and

**Whereas**, after a thorough evaluation of H&K's proposal, the Committee determined that H&K possesses the requisite depth of knowledge and experience in federal legislative advocacy services for the effective advocacy of the JPB’s federal legislative priorities; and

**Whereas**, staff and legal counsel reviewed H&K’s proposal and determined it complies with the requirements of the RFP; and

**Whereas**, staff conducted a price analysis and determined that H&K’s prices are fair and reasonable; and

**Whereas**, staff recommends that the Board of Directors (Board) award a contract to H&K for a not-to-exceed amount of \$512,000 (\$462,000 for the fixed monthly fees, plus \$50,000 for ad-hoc, as-needed services), to provide Federal Legislative Advocacy Services for a five-year term.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a contract to Holland & Knight LLP of Washington D.C., for a not-to-exceed amount of \$512,000 to provide Federal Legislative Advocacy Services for a five-year term; and

**Be It Further Resolved** that the Board authorizes the Executive Director or designee to execute a contract with H&K in full conformity with the terms and conditions of the solicitation documents, and in a form approved by legal counsel.

Regularly passed and adopted this 6<sup>th</sup> day of June, 2024 by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

Attest:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: David Covarrubias, Deputy Chief Financial Officer  
Subject: **Award of Contract for State Legislative Advocacy Services**

Finance  
Committee  
Recommendation

Technology, Operations,  
Planning, and Safety Committee  
Recommendation

Advocacy and Major  
Projects Committee  
Recommendation

**Purpose and Recommended Action**

The award of this contract will provide the Peninsula Corridor Joint Powers Board (JPB) with qualified and experienced State Legislative Advocacy Services (Services) for the effective pursuit of the JPB’s state legislative priorities. These Services provide a vital link to the Governor’s Office, state legislature, and pertinent state agencies. The awarded consultant will represent and advocate on behalf of the JPB in its dealings with all relevant state agencies, legislative bodies, and related interest groups.

Staff recommends that the Board of Directors (Board) of the JPB:

1. Award a contract to Shaw Yoder Antwih Schmelzer & Lange, Inc. of Sacramento, California (SYASL), for a not-to-exceed amount of \$667,461 (\$617,461 for monthly fixed fees, plus \$50,000 for ad-hoc, as-needed services), to provide the Services for a five-year term.
2. Authorize the Executive Director or designee to execute a contract with SYASL in full conformity with the terms and conditions of the solicitation documents, and in a form approved by legal counsel.

**Discussion**

On January 12, 2024, the JPB, the San Mateo County Transit District (District), and the San Mateo County Transportation Authority (TA) (collectively referred to as the “Agencies”) issued a joint request for proposals (RFP) 24-S-J-T-P-036 to provide State Legislative Advocacy Services. Proposers had the option to submit proposals to one, two, or all three of the Agencies.

The RFP was posted to the Agencies’ eProcurement website, and fourteen potential proposers downloaded the RFP. On February 15, 2024, the proposals were due and the Agencies received proposals from three firms:

PROPOSER	AGENCY		
	SAM	JPB	TA
Khouri Consulting LLC			✓
Politico Group, Inc.			✓
Shaw Yoder Antwih Schmelzer & Lange, Inc.	✓	✓	

The JPB received one proposal, from SYASL, which staff found to be responsive to the requirements of the RFP.

A Selection Committee (Committee) composed of qualified staff from the JPB's Government & Community Affairs Department and the Chief of Staff for Caltrain, reviewed and evaluated the proposal in accordance with the following weighted criteria:

EVALUATION CRITERIA	MAX POINTS
Qualifications and Experience of Firm	35
Qualifications and Experience of Primary Lobbyist and Key Personnel	30
Approach to Scope of Services	15
Cost Proposal	20
Small Business Enterprise (SBE) Preference	5

After review, evaluation, and scoring SYASL's proposal, the Committee determined that SYASL possesses the requisite depth of knowledge and experience in state legislative advocacy services for the effective advocacy of the JPB's state legislative priorities.

Staff conducted a price analysis and determined the prices to be fair, reasonable, and consistent with those paid by other public agencies for similar services.

The proposed contract is for a not-to-exceed amount of \$667,461, of which \$617,461 is for monthly fixed fees and \$50,000 is for any additional ad-hoc services needed by the JPB during the five-year term.

Located in Sacramento, California, SYASL specializes in advocacy, association management, and public affairs. SYASL is registered with the Fair Political Practices Commission and Secretary of State to lobby state government and is recognized in Sacramento as a transportation, infrastructure, local government, housing, land-use, climate, and water policy advocate. The firm has developed a specialty in these policy areas through its representation of public transit agencies, congestion management agencies, cities and counties, regional transportation planning agencies, county transportation commissions, local sales tax authorities, airports, ports, and air quality management districts.

SYASL is the current provider for the Services for the JPB and the District. Key personnel assigned to the JPB's account have unparalleled track records of delivering policy and funding

success and have provided excellent service over the years. The current five-year contract will expire on June 30, 2024.

**Budget Impact**

Funds for this contract are included in the JPB's Fiscal Year 2025 adopted Operating Budget and will be included in future years' operating budgets.

Prepared By:	Maria Flores	Procurement Administrator II	650.622.7892
	Devon Ryan	Government Affairs Officer	650.551.6165

**Resolution No. 2024-**

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

\* \* \*

**Awarding a Contract to Shaw Yoder Antwih Schmelzer & Lange, Inc. for a  
Total Not-to-Exceed Amount of \$667,461 for State Legislative Advocacy  
Services for Five Years**

**Whereas**, on January 12, 2024, the Peninsula Corridor Joint Powers Board (JPB), the San Mateo County Transit District, and the San Mateo County Transportation Authority (together, the “Agencies”) issued a joint request for proposals (RFP) 24-S-J-T-P-036 to provide State Legislative Advocacy Services (Services); and

**Whereas**, Proposers had the option to submit proposals to one, two, or all three of the Agencies; and

**Whereas**, in response to the RFP, the Agencies received proposals from three firms by the due date of February 15, 2024, including one for the JPB from Shaw Yoder Antwih Schmelzer & Lange, Inc. of Sacramento, California (SYASL); and

**Whereas**, a Selection Committee (Committee) composed of qualified staff from the JPB's Government & Community Affairs Department and the Chief of Staff for Caltrain reviewed and evaluated the proposal in accordance with the weighted criteria set forth in the RFP documents; and

**Whereas**, after a thorough evaluation of SYASL's proposal, the Committee determined that SYASL possesses the requisite depth of knowledge and experience in state legislative advocacy services for the effective advocacy of the JPB’s state legislative priorities; and



**Whereas**, staff and legal counsel reviewed SYASL's proposal and determined it complies with the requirements of the RFP; and

**Whereas**, staff conducted a price analysis and determined that SYASL's prices are fair and reasonable; and

**Whereas**, staff recommends that the Board of Directors (Board) award a contract to SYASL for a not-to-exceed amount of \$667,461 (\$617,461 for the fixed monthly fees, plus \$50,000 for ad-hoc, as-needed services), to provide State Legislative Advocacy Services for a five-year term.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a contract to Shaw Yoder Antwih Schmelzer & Lange, Inc. of Sacramento, California, for a not-to-exceed amount of \$667,461 to provide State Legislative Advocacy Services for a five-year term; and

**Be It Further Resolved** that the Board authorizes the Executive Director or designee to execute a contract with SYASL in full conformity with the terms and conditions of the solicitation documents, and in a form approved by legal counsel.

Regularly passed and adopted this 6<sup>th</sup> day of June, 2024 by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

Attest:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Dora Seamans, JPB Secretary  
Subject: **Appointment of the Citizens Advisory Committee Representative and Alternate for San Mateo County**

**Purpose and Recommended Action**

The Board of Directors representing the County of San Mateo, recommend two applicants to fill one regular and one alternate member seat each ending June 30, 2027. The San Mateo County Representatives to provide report out on their recommendations at the Board meeting.

**SIGNIFICANCE**

The CAC Bylaws state:

1. Article 1 – Membership, Section 1: As prescribed by the Peninsula Corridor Joint Powers Board (“JPB” or “Board”), the Citizens Advisory Committee (“CAC” or “Committee”) shall consist of nine (9) members, three appointed from each constituent county (San Francisco County, San Mateo County, Santa Clara County). Each county will select its county committee members and the JPB will affirm these appointments. CAC members should reflect the demographics of Caltrain riders. The Citizens Advisory Committee shall act in an advisory capacity to the JPB. Its activities shall include seeking the views of various groups of users and potential users of Caltrain and ancillary transit facilities; develop proposals and recommendations for meeting the needs of the various groups; reviewing and commenting on staff proposals and actions as requested by the JPB; and assisting the JPB in any matter which the Board may deem appropriate.
2. Article 1 – Membership, Section 2: CAC members shall serve three (3) year terms.
3. The CAC was established as a JPB advisory group by Resolution No. 1992-28, dated June 3, 1992. The CAC serves as a forum for conveying community information, ideas and comments to the Board. The Board adopted a set of Bylaws under Resolution No. 2002-13, dated May 2, 2002, to formalize the rules of procedure governing the manner in which the CAC functions. The Board amended the Bylaws under Resolution No. 2019-45, dated December 5, 2019, to add one alternate member from each of the Counties to help ensure presence of a quorum in case of periodic CAC member absences and vacancies.

**Budget Impact**

There is no impact on the budget.

Prepared By: Dora Seamans                      Executive Officer/JPB Secretary                      650-508-6242

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Dora Seamans, JPB Secretary  
Subject: **Appointment of the Citizens Advisory Committee Representative ~~and Alternate~~ for San Francisco County**

**Purpose and Recommended Action**

The Board of Directors representing the County of San Francisco, recommend ~~two one~~ applicants to fill one regular ~~and one alternate~~ member seat ~~each~~ ending June 30, 2027. The San Francisco County Representatives to provide report out on their recommendations at the Board meeting.

**SIGNIFICANCE**

The CAC Bylaws state:

1. Article 1 – Membership, Section 1: As prescribed by the Peninsula Corridor Joint Powers Board (“JPB” or “Board”), the Citizens Advisory Committee (“CAC” or “Committee”) shall consist of nine (9) members, three appointed from each constituent county (San Francisco County, San Mateo County, Santa Clara County). Each county will select its county committee members and the JPB will affirm these appointments. CAC members should reflect the demographics of Caltrain riders. The Citizens Advisory Committee shall act in an advisory capacity to the JPB. Its activities shall include seeking the views of various groups of users and potential users of Caltrain and ancillary transit facilities; develop proposals and recommendations for meeting the needs of the various groups; reviewing and commenting on staff proposals and actions as requested by the JPB; and assisting the JPB in any matter which the Board may deem appropriate.
2. Article 1 – Membership, Section 2: CAC members shall serve three (3) year terms.
3. The CAC was established as a JPB advisory group by Resolution No. 1992-28, dated June 3, 1992. The CAC serves as a forum for conveying community information, ideas and comments to the Board. The Board adopted a set of Bylaws under Resolution No. 2002-13, dated May 2, 2002, to formalize the rules of procedure governing the manner in which the CAC functions. The Board amended the Bylaws under Resolution No. 2019-45, dated December 5, 2019, to add one alternate member from each of the Counties to help ensure presence of a quorum in case of periodic CAC member absences and vacancies.

**Budget Impact**

There is no impact on the budget.

Prepared By: Margaret Tseng Deputy District Secretary 650-508-6108

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Casey Fromson, Chief of Staff  
Subject: **State and Federal Legislative Update and Consideration of Position on SB 1031: The Connect Bay Area Act of 2024**

Finance Committee Recommendation       Technology, Operations, Planning, and Safety Committee Recommendation       Advocacy and Major Projects Committee Recommendation

**Purpose and Recommended Action**

The 2024 Legislative Program establishes the principles that will guide the legislative and regulatory advocacy efforts. Based on those principles, staff coordinates closely with our Federal and State advocates on a wide variety of issues that are considered in Congress and the State legislature. The attached reports highlight the recent issues and actions that are relevant to the Board.

Staff proposes the Committee recommend the Board:

1. Receive the attached State and Federal Legislative Updates

**Discussion**

The update will discuss the federal budget process, relevant state legislation, and status of the Bay Area regional transportation measure.

**Budget Impact**

None.

Prepared By: Devon Ryan      Government & Community Affairs 650.730.6172  
Officer  
Isabella Conferti      Government & Community Affairs 650.647.3498  
Specialist

### Caltrain Bill Matrix as of 5/13/2024

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 6</a> <a href="#">Friedman</a> D</p> <p>Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions.</p>	<p>This bill is dead.</p>	<p>Existing law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires that each regional transportation plan also include a sustainable communities strategy prepared by each metropolitan planning organization in order to, among other things, achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region for 2020 and 2035, respectively. This bill would require the state board, after January 1, 2024, and not later than September 30, 2026, to establish additional targets for 2035 and 2045, respectively, as specified. This bill contains other existing laws.</p>	<p>Watch</p>
<p><a href="#">AB 7</a> <a href="#">Friedman</a> D</p> <p>Transportation: planning: project selection processes.</p>	<p>This bill is dead.</p>	<p>Existing law establishes within state government the Transportation Agency, which consists of the Department of the California Highway Patrol, the California Transportation Commission, the Department of Motor Vehicles, the Department of Transportation, the High-Speed Rail Authority, and the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun. The agency is under the supervision of the Secretary of Transportation, who has the power of general supervision over each department within the agency. The secretary, among other duties, is charged with developing and reporting to the Governor on legislative, budgetary, and administrative programs to accomplish coordinated planning and policy formulation in matters of public interest, including transportation projects. On and after January 1, 2025, and to the extent applicable, feasible, and cost effective, this bill would require the agency, the Department of Transportation, and the California Transportation Commission to incorporate specified goals into program funding guidelines and processes. This bill contains other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 761</a> <a href="#">Friedman D</a></p> <p>Local finance: enhanced infrastructure financing districts.</p>	<p>This bill is in the Senate Local Government Committee.</p>	<p>Existing law establishes enhanced infrastructure financing districts to finance public capital facilities or other specified projects of communitywide significance. Existing law provides for the membership of the governing body of the district, referred to as the public financing authority. Existing law authorizes the legislative body of a city or a county to designate a proposed enhanced infrastructure financing district by adopting a resolution of intention to establish the proposed district which, among other things, is required to state that an enhanced infrastructure financing district is proposed and describe the boundaries of the proposed district. Existing law requires the public financing authority to direct the preparation of and adopt an infrastructure financing plan consistent with the general plan and any relevant specific plan, and consisting of, among other things, a financing section. Existing law requires that the financing section include a plan for financing the public facilities, a limit on the total number of dollars of taxes that may be allocated to the district pursuant to the plan, and a date, either not more than 45 years from the date on which the issuance of the bonds is approved for the plan on which the district will cease to exist, by which time all tax allocation to the district will end, or, where the district is divided into project areas, a date on which the infrastructure financing plan will cease to be in effect and all tax allocations to the district will end and a date on which the district's authority to repay indebtedness with incremental tax revenues will end, as specified. This bill, for plans proposed on or after January 1, 2024, would specify that for the purpose of development and construction of passenger rail projects in the County of Los Angeles where at least 75% of the revenue from the district is used for debt service on a federal Transportation Infrastructure Finance and Innovation Act loan, the date on which the district will cease to exist shall not be more than 75 years from the date of the issuance of bonds or approval of a loan, as specified. This bill would make legislative findings and declarations as to the necessity of a special statute for specified districts enacted primarily for the purpose of development and construction of zero-emission mass transit projects.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 817 Pacheco D</a></p> <p>Open meetings: teleconferencing: subsidiary body.</p>	<p>This bill is in the Senate Local Government Committee.</p>	<p>Existing law, the Ralph M. Brown Act, requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. Existing law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met (nonemergency provisions). Existing law imposes different requirements for notice, agenda, and public participation, as prescribed, when a legislative body is using alternate teleconferencing provisions. The nonemergency provisions impose restrictions on remote participation by a member of the legislative body and require the legislative body to specific means by which the public may remotely hear and visually observe the meeting. This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter. This bill contains other related provisions and other existing laws.</p>	<p>Support</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 914</a> <a href="#">Friedman</a> D</p> <p>Electrical infrastructure: California Environmental Quality Act: review time period.</p>	<p>This bill is dead.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires each state agency to establish, by resolution or order, time limits for completing the environmental review of a project where the state agency is the lead agency for the project, as specified. This bill, until January 1, 2031, would require a state agency, acting as the lead agency, to complete its environmental review for an electrical infrastructure project and to approve or deny the project within 2 years of the submission and acceptance of a complete application for the issuance of a lease, permit, license, certificate, or other entitlement for use for electrical infrastructure to the state agency. If the state agency fails to meet this deadline, the bill would require the state agency to submit to the Legislature a report setting forth the reasons that the review could not be completed within the time period and identifying potential impacts to the electrical system that could result from the delay. This bill contains other existing laws.</p>	<p>Watch</p>
<p><a href="#">AB 1516</a> <a href="#">Kalra</a> D</p> <p>Labor and Workforce Development Agency: working group: minimum wage.</p>	<p>This bill is in the Senate Labor, Public Employment and Retirement Committee.</p>	<p>Existing law establishes the Department of Industrial Relations within the Labor and Workforce Development Agency to, among other things, foster, promote, and develop the welfare of the wage earners of California, to improve their working conditions, and to advance their opportunities for profitable employment. Existing law establishes the Division of Labor Standards Enforcement under the direction of the Labor Commissioner within the Department of Industrial Relations, and requires the division to ascertain the wages paid to all employees in this state, to ascertain the hours and conditions of labor and employment in the various occupations, trades, and industries in which employees are employed in this state, and to investigate the health, safety, and welfare of those employees. This bill would require the Labor and Workforce Development Agency to convene a working group to study and evaluate topics related to the minimum wage in California. The bill would require the working group to submit to the Legislature, on or before July 1, 2025, a report that outlines recommendations for raising the minimum wage for all workers in California.</p>	<p>Watch</p>



Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 1837</a> <a href="#">Papan D</a></p> <p>San Francisco Bay area: public transit: Regional Network Management Council.</p>	<p>This bill is in the Assembly Appropriations Committee.</p>	<p>Existing law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Existing law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relating to providing public transit services. Existing law requires the commission to adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction, as specified. This bill would create the Regional Network Management Council as an 11-member council to represent the interests of its stakeholders, to provide leadership and critical input on regional transit policies, and to provide executive guidance on regional transit policies and actionable implementation plans in pursuit of transformative improvements in the customer experience San Francisco Bay area transit. The bill would require the commission to facilitate the creation of the council. By requiring the commission to facilitate the creation of the council, and requiring certain employees of specified local agencies to serve on the council, the bill would impose a state-mandated local program.</p>	<p>Support and Seek Amendments</p>
<p><a href="#">AB 1870</a> <a href="#">Ortega D</a></p> <p>Notice to employees: legal services.</p>	<p>This bill is in the Senate Labor, Public Employment and Retirement Committee.</p>	<p>Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Employers who are subject to the workers' compensation system are generally required to keep posted in a conspicuous location frequented by employees and easily read by employees during the hours of the workday a notice that includes, among other information, to whom injuries should be reported, the rights of an employee to select and change a treating physician, and certain employee protections against discrimination. Existing law requires the administrative director to make the form and content of this notice available to self-insured employers and insurers. This bill would require the notice to include information concerning an injured employee's ability to consult a licensed attorney to advise them of their rights under workers' compensations laws, as specified. The bill would also make technical, nonsubstantive changes to these provisions.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 1879</a> <a href="#">Gipson</a> D</p> <p>Electronic signatures.</p>	<p>This bill is in the Senate Judiciary Committee.</p>	<p>Existing law authorizes, in any written communication with a public entity, the use of a digital signature, which is defined, in part, as a type of electronic signature, as defined. Under existing law, a digital signature has the same force and effect as the use of a manual signature if it complies with specified requirements and the public entity elects to use a digital signature. Existing law requires, at the option of the parties, the use or acceptance of a digital signature. This bill would require, at the option of the parties, the use or acceptance of an electronic signature, including a digital signature, unless otherwise provided. Under the bill, a digital signature would also have the same force and effect as the use of a manual signature if it complies with the above-referenced requirements and the public entity’s use of a digital signature is mandated. The bill would also make nonsubstantive changes to these provisions. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p><a href="#">AB 1890</a> <a href="#">Patterson, Joe</a> R</p> <p>Public works: prevailing wage.</p>	<p>This bill is in the Senate Public Employment and Retirement Committee.</p>	<p>Existing law defines the term “public works” for the purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers’ compensation for public works projects. Existing law requires an entity awarding a public works contract, as specified, to provide notice to the Department of Industrial Relations. Existing law requires civil penalties to be imposed on an entity that fails to provide that required notice and authorizes the Labor Commissioner to issue a citation for civil penalties to an entity that fails to provide the required notice. This bill would additionally require the awarding body to provide notice to the department if there is a change in the identity of a contractor or subcontractor performing the project or, within 30 days, if the total amount of the contract change exceeds \$10,000. By creating new notification requirements for public agencies, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p><a href="#">AB 1904</a> <a href="#">Ward</a> D</p> <p>Transit buses: yield right-of-way sign.</p>	<p>This bill is in the Senate Transportation Committee.</p>	<p>Existing law authorizes a transit bus in the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority to be equipped with a yield right-of-way sign on the left rear of the bus if the applicable entity approves a resolution requesting that this section be made applicable to it. Existing law requires the sign to be designed to warn a person operating a motor vehicle approaching the rear of the bus that the bus is entering traffic and be illuminated by a red flashing light when the bus is signaling in preparation for entering a traffic lane after having stopped to receive or discharge passengers. This bill would expand the authorization to equip transit buses, as described above, to apply to any transit agency if the transit agency approves a resolution that this authorization be made applicable to it. The bill would also authorize the yield right-of-way sign to be a static decal, and would only impose the above-described design and illumination requirements on a sign that is a flashing light-emitting diode (LED) sign.</p>	

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 1958</a> <a href="#">Berman D</a></p> <p>Santa Clara Valley Transportation Authority: board of directors.</p>	<p>This bill is in the Senate Transportation Committee.</p>	<p>Existing law creates the Santa Clara Valley Transportation Authority (VTA) with various powers and duties relative to transportation projects and services and the operation of public transit in the County of Santa Clara. Existing law vests the government of the VTA in a 12-member board of directors, appointed by the County of Santa Clara and the cities within the county, as specified. Existing law requires, to the extent possible, the county and cities to appoint individuals to the board of directors who have expertise, experience, or knowledge relative to transportation issues. This bill would require, to the extent possible, the county and cities to appoint individuals to the board of directors who have expertise, experience, or knowledge relative to transportation or project management issues.</p>	
<p><a href="#">AB 2090</a> <a href="#">Irwin D</a></p> <p>Office of Farm to Fork: food deserts: transportation.</p>	<p>This bill has been referred to the Assembly Appropriations Suspense File.</p>	<p>Existing law creates the Office of Farm to Fork within the Department of Food and Agriculture, and requires the office, to the extent that resources are available, to work with various entities to increase the amount of agricultural products available to underserved communities and schools in the state. Existing law requires the office, among other things, to identify distribution barriers that affect limited food access and work to overcome those barriers through various actions and to coordinate with school districts and representatives to, among other things, increase the nutritional profile of foods provided in schools. This bill would require the office to also work with transportation agencies to increase the amount of agricultural products available to underserved communities and schools in the state, and to prioritize the department's efforts in food deserts, as defined, throughout the state, especially cities and counties that are most impacted by food insecurity, as defined. The bill would require the office to work to overcome those identified distribution barriers by also facilitating partnerships between statewide, regional, and local transportation agencies to address inadequate public transportation lines in urban and rural communities, with the aim of connecting all communities to adequate and nutritional food access, as provided. The bill would require the office to coordinate with school districts and representatives to assess access to school breakfast and lunch programs during scheduled academic calendar breaks and school closures.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 2192</a> <a href="#">Carrillo, Juan D</a></p> <p>Public agencies: cost accounting standards.</p>	<p>This bill has been ordered to the Consent Calendar on the Assembly Floor.</p>	<p>Existing law, the Uniform Public Construction Cost Accounting Act, authorizes a public agency, whose governing board has by resolution elected, to become subject to uniform construction cost accounting procedures. Existing law provides for the development of cost accounting standards and an alternative method for the bidding of public works projects by public entities. The act defines “public project” to include, among other things, construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility. This bill would define “public project” to additionally include installations involving any publicly owned, leased, or operated facility. This bill contains other existing laws.</p>	<p>Watch</p>
<p><a href="#">AB 2233</a> <a href="#">Schiavo D</a></p> <p>Building standards: toilet compartments.</p>	<p>This bill is in the Assembly Appropriations Committee.</p>	<p>Existing law, the California Building Standards Law, establishes the California Building Standards Commission within the Department of General Services and sets forth its powers and duties, including approval and adoption of building standards and codification of those standards into the California Building Standards Code. Existing law also establishes that in the Department of General Services, there is a State Architect, appointed by the Governor, as specified, who is required to report directly to the Director of General Services. This bill would require the Division of the State Architect, as part of the next intervening edition of the California Building Standards Code adopted after January 1, 2025, to propose for adoption building standards that increase the total minimum number of ambulatory accessible toilet compartments to 5% of the total number of toilet compartments, with at least one ambulatory accessible toilet compartment. The bill would require that these standards be in addition to wheelchair accessible toilet compartment standards. The bill would also require the Division of the State Architect to consider additional changes to ambulatory accessible toilet compartment standards to improve accessibility.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 2302</a> <a href="#">Addis D</a></p> <p>Open meetings: local agencies: teleconferences.</p>	<p>This bill is in the Senate Rules Committee, pending referral to policy committee.</p>	<p>Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in specified circumstances if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Existing law imposes prescribed restrictions on remote participation by a member under these alternative teleconferencing provisions, including establishing limits on the number of meetings a member may participate in solely by teleconference from a remote location, prohibiting such participation for a period of more than 3 consecutive months or 20% of the regular meetings for the local agency within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. This bill would revise those limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets. The bill, for the purpose of counting meetings attended by teleconference, would define a “meeting” as any number of meetings of the legislative body of a local agency that begin on the same calendar day. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 2325</a> <a href="#">Lee D</a></p> <p>San Francisco Bay Area Rapid Transit District: officers: designation and appointment.</p>	<p>This bill is in the Senate Rules Committee, pending referral to policy committee.</p>	<p>Existing law establishes the San Francisco Bay Area Rapid Transit District, governed by a board of directors, with specified powers and duties relative to the construction and operation of a rapid transit system. Under existing law, the officers of the district consist of the members of the board, a secretary, a general manager, a general counsel, a treasurer, a controller, and other officers, assistants, and deputies that the board may provide for by ordinance or resolution, as specified. Existing law requires the board to appoint, and authorizes the board to remove, the secretary, the general manager, the general counsel, the treasurer, and the controller. Existing law requires all other officers and employees of the district to be appointed by, and to serve at the pleasure of, the general manager. This bill would eliminate the treasurer and controller as specifically designated officers of the district and as positions subject to appointment and removal by the board. The bill would also eliminate specified qualifications applicable to the controller.</p>	<p>Watch</p>
<p><a href="#">AB 2421</a> <a href="#">Low D</a></p> <p>Employer-employee relations: confidential communications.</p>	<p>This bill has been referred to the Assembly Appropriations Suspense file.</p>	<p>Existing law that governs the labor relations of public employees and employers, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, provisions relating to public schools, provisions relating to higher education, and provisions relating to the the San Francisco Bay Area Rapid Transit District, prohibits employers from taking certain actions relating to employee organization, including imposing or threatening to impose reprisals on employees, discriminating or threatening to discriminate against employees, or otherwise interfering with, restraining, or coercing employees because of their exercise of their guaranteed rights. Those provisions of existing law further prohibit denying to employee organizations the rights guaranteed to them by existing law. This bill would also prohibit a local public agency employer, a state employer, a public school employer, a higher education employer, or the district from questioning any employee or employee representative regarding communications made in confidence between an employee and an employee representative in connection with representation relating to any matter within the scope of the recognized employee organization's representation.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 2455</a> <a href="#">Gabriel D</a></p> <p>Whistleblower protection: state and local government procedures.</p>	<p>This bill is in the Senate Rules Committee, pending referral to policy committee.</p>	<p>Existing law authorizes a city, county, or city and county auditor or controller to maintain a whistleblower hotline to receive calls from persons who have information regarding fraud, waste, or abuse by local government employees, as specified. Existing law authorizes the county auditor to refer calls received on the whistleblower hotline to the appropriate government authority for review and possible investigation. During the initial review of a call, existing law requires the auditor, controller, or other appropriate governmental agency to hold in confidence information disclosed through the whistleblower hotline, as specified. Upon receiving specific information that an employee or local government has engaged in an improper activity, as defined, existing law authorizes a city or county auditor to conduct an investigative audit of the matter, as specified. This bill would expand the above-described duties and authorizations to the auditor's or controller's designee, as specified. The bill would recast information regarding fraud, waste, or abuse by local government employees as improper governmental activity, as defined, and expand its scope to include activity by a local agency, employee, or contractor or subcontractor. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 2503</a> <a href="#">Lee D</a></p> <p>California Environmental Quality Act: exemption: passenger rail projects.</p>	<p>This bill is in the Senate Rules Committee, pending referral to policy committee.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA, until January 1, 2030, exempts from its requirements certain transportation-related projects if specified requirements are met, including that a local agency, as defined, is carrying out the project and that the project will be completed by a skilled and trained workforce, as provided. CEQA includes within these exempt transportation-related projects a public project for the institution or increase of bus rapid transit, bus, or light rail service, which will be exclusively used by low-emission or zero-emission vehicles, on existing public rights-of-way or existing highway rights-of-way. Existing law requires the lead agency, if it determines that a transportation-related project is exempt from CEQA and determines to carry out the project, to file a notice of exemption with the Office of Planning and Research and the county clerk in which the project is located. This bill would expand that exemption from CEQA to include a public project for the institution or increase of other passenger rail service, which will be exclusively used by zero-emission trains, on existing public rights-of-way or existing highway rights-of-way. Because the bill would increase the duties of the county clerk, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>	<p>Support</p>



Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 2553</a> <a href="#">Friedman</a> D</p> <p>Housing development: major transit stops: vehicular traffic impact fees.</p>	<p>This bill is in the Senate Rules Committee, pending referral to policy committee.</p>	<p>Existing law, the California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts from its requirements residential projects on infill sites and transit priority projects that meet certain requirements, including a requirement that the projects are located within 1/2 mile of a major transit stop. CEQA defines “major transit stop” to include, among other locations, the intersection of 2 or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. This bill would revise the definition of “major transit stop” to increase the frequency of service interval to 20 minutes. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p><a href="#">AB 2561</a> <a href="#">McKinnor</a> D</p> <p>Local public employees: vacant positions.</p>	<p>This bill has been referred to the Assembly Appropriations Suspense file.</p>	<p>Existing law, the Meyers-Milias-Brown Act (act), authorizes local public employees, as defined, to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of labor relations. The act prohibits a public agency from, among other things, imposing or threatening to impose reprisals on employees, discriminating or threatening to discriminate against employees, or otherwise interfering with specified employee rights guaranteed by the act. This bill would require each public agency with bargaining unit vacancy rates exceeding 10% for more than 90 days within the past 180 days to meet and confer with a representative of the recognized employee organization to produce, publish, and implement a plan consisting of specified components to fill all vacant positions within the subsequent 180 days. The bill would require the public agency to present this plan during a public hearing to the governing legislative body and to publish the plan on its internet website for public review for at least one year. By imposing new duties on local public agencies, the bill would impose a state-mandated local program. The bill would also include findings that changes proposed by this bill address a matter of statewide concern.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 2661</a> <a href="#">Soria D</a></p> <p>Electricity: transmission facility planning: Westlands Water District.</p>	<p>This bill has been referred to the Assembly Appropriations Suspense file.</p>	<p>Existing law vests the Public Utilities Commission (PUC) with regulatory authority over public utilities. Existing law requires the PUC to adopt a process for each load-serving entity, as defined, to file an integrated resource plan and a schedule for periodic updates to the plan to ensure that it meets, among other things, the state’s targets for reducing emissions of greenhouse gases and the requirement to procure at least 60% of its electricity from eligible renewable energy resources by December 31, 2030. Under existing law, after the load-serving entities updated the integrated resource plans pursuant to the schedule adopted by the PUC, the PUC adopted an aggregated resource portfolio known as the preferred system plan. Existing law establishes an Independent System Operator (ISO) as a nonprofit public benefit corporation, and requires the ISO to ensure the efficient use and reliable operation of the electrical transmission grid consistent with the achievement of planning and operating reserve criteria, as specified. Existing law requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission, to provide, not later than March 31, 2024, transmission-focused guidance to the ISO about resource portfolios of expected future renewable energy resources and zero-carbon resources. Existing law requires the guidance to include the allocation of those resources by region based on technical feasibility and commercial interest in each region. This bill would require the PUC to perform a sensitivity analysis evaluating the potential for 10,000 to 30,000 megawatts of solar electrical generation located in the Central Valley beyond the amount of solar electrical generation described in the most recently adopted preferred system plan as of January 1, 2025. The bill would require the PUC to transmit the sensitivity analysis to the ISO for evaluation as part of the next transmission planning process. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p><a href="#">AB 2669</a> <a href="#">Ting D</a></p> <p>Toll bridges: tolls.</p>	<p>This bill has been referred to the Assembly Appropriations Suspense file.</p>	<p>Existing law provides for the construction and operation of various toll bridges by the state, the Golden Gate Bridge, Highway and Transportation District, and private entities that have entered into a franchise agreement with the state. This bill would prohibit a toll from being imposed on the passage of a pedestrian, bicycle, or personal micromobility device over these various toll bridges, unless the bridge was under construction on or after January 1, 2025, and the tolls are used to fund the cost of constructing the bridge.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 2712</a> <a href="#">Friedman D</a></p> <p>Preferential parking privileges: transit-oriented development.</p>	<p>This bill is on the Assembly Floor.</p>	<p>Existing law authorizes a local authority, by ordinance or resolution, to prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways during all or certain hours of the day. Existing law authorizes the ordinance or resolution to include a designation of certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which the residents and merchants may be issued permits that exempt them from the prohibition or restriction of the ordinance or resolution. Existing law prohibits a public agency from imposing any minimum automobile parking requirement on any residential, commercial, or other development project that is located within 1/2 mile of public transit, as defined, unless the public agency makes written findings that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact on, among other things, the city’s, county’s, or city and county’s ability to meet its share of the regional housing need for low- and very low income households. This bill would, for purposes of its provisions, define “development project” to mean a residential, commercial, or other development project exempt from minimum automobile parking requirements, or subject to parking minimum reductions based on any other applicable law, located within the boundaries of the City of Los Angeles. This bill, for a development project that is located within a preferential parking area, would require the development project to be excluded from the boundaries of the preferential parking area and would prohibit the local authority, as defined, from issuing any permit to the residents, vendors, or visitors of the development project that grants preferential parking privileges. However, the bill would also authorize a local authority to issue permits to residents or vendors of the development project that is within the boundaries of a preferential parking area if the issuing the permit does not cause overcrowding in the preferential parking area for existing residents. The bill would also provide that none of the above-described provisions prohibit local authorities from issuing permits to residents of developments projects that occupy deed-restricted units intended for specified households. This bill contains other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 2715</a> <a href="#">Boerner</a> D</p> <p>Ralph M. Brown Act: closed sessions.</p>	<p>This bill is on the Assembly Floor.</p>	<p>Existing law, the Ralph M. Brown Act, generally requires that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Existing law authorizes a legislative body to hold a closed session with specified individuals on, among other things, matters posing a threat to the security of essential public services, as specified. This bill would additionally authorize a legislative body to hold a closed session with other law enforcement or security personnel and to hold a closed session on a threat to critical infrastructure controls or critical infrastructure information, as defined, relating to cybersecurity. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p><a href="#">AB 2751</a> <a href="#">Haney</a> D</p> <p>Employer communications during nonworking hours.</p>	<p>This bill has been referred to the Assembly Appropriations Suspense file.</p>	<p>Existing law, including statutory provisions and orders of the Industrial Welfare Commission, as enforced by the Division of Labor Standards Enforcement, regulates the wages, hours, and working conditions of employees. Existing law makes it a crime for an employer to require or cause any employee to work for longer hours than those fixed or under conditions of labor prohibited by an order of the commission or to violate or refuse or neglect to comply with specified statutes on wages, hours, and working conditions or any order or ruling of the commission. This bill would require a public or private employer to establish a workplace policy that provides employees the right to disconnect from communications from the employer during nonworking hours, except as specified. The bill would define the “right to disconnect” to mean that, except for an emergency or for scheduling, as defined, an employee has the right to ignore communications from the employer during nonworking hours. The bill would require nonworking hours to be established by written agreement between an employer and employee. The bill would authorize an employee to file a complaint of a pattern of violation of the bill’s provisions with the Labor Commissioner, punishable by a specified civil penalty.</p>	<p>Watch</p>
<p><a href="#">AB 2781</a> <a href="#">Irwin</a> D</p> <p>Public contracting: state grants: prohibition.</p>	<p>This bill has been referred to the Assembly Appropriations Suspense file.</p>	<p>Existing law governs the bidding and awarding of public contracts by public entities, as defined, and imposes additional requirements on state agencies when awarding contracts. This bill would require a state agency, as defined, to include, when awarding a contract for grant administration services, as defined, in the terms of the contract a provision that sets forth standards for resolving actual or perceived conflicts of interest for the contractor.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 2813</a> <a href="#">Aguiar-Curry D</a> Government Investment Act.</p>	<p>This bill is in the Assembly Appropriations Committee.</p>	<p>Existing law, known as the Proposition 218 Omnibus Implementation Act, defines various terms and prescribes procedures and parameters for local jurisdictions to comply with specified provisions of the California Constitution. The Legislature adopted Assembly Constitutional Amendment 1 (ACA 1) at the 2023–24 Regular Session of the Legislature, which, if approved by the voters, would amend and add provisions of the California Constitution to (1) create an additional exception to the 1% limit on the ad valorem tax rate on real property by authorizing a local jurisdiction to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, if the proposition proposing that tax is approved by 55% of the voters in that local jurisdiction; and (2) authorize a local jurisdiction to impose, extend, or increase a sales and use tax to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, if the proposition proposing that tax is approved by 55% of the voters in that local jurisdiction. This bill, for purposes of ACA 1, would define “affordable housing” to include rental housing, ownership housing, interim housing, and affordable housing programs such as downpayment assistance, first-time homebuyer programs, and owner-occupied affordable housing rehabilitation programs. The bill would require a local government to ensure that any project that is funded with ACA 1 bonded indebtedness or ACA 1 special taxes to have an estimated useful life of at least 15 years or 5 years if the funds are for specified public safety buildings, facilities, and equipment. This bill would specify that a parcel tax imposed pursuant to ACA 1 may include an exemption for persons who are 65 years of age or older, older whose annual income does not exceed 250% of the 2012 federal poverty guidelines, persons receiving Supplemental Security Income for a disability, or persons receiving Social Security Disability Insurance Benefits and whose yearly income does not exceed specified amounts. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 2854</a> <a href="#">Irwin D</a> Bradley-Burns Uniform Local Sales and Use Tax Law.</p>	<p>This bill has been referred to the Assembly Appropriations Suspense File.</p>	<p>The Bradley-Burns Uniform Local Sales and Use Tax Law (Bradley-Burns) authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law. Existing law, on or after January 1, 2016, prohibits a local agency from entering into any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to any person, as defined, for any purpose, if the agreement results in a reduction in the amount of Bradley-Burns local tax revenues that, in the absence of the agreement, would be received by another local agency and the retailer continues to maintain a physical presence within the territorial jurisdiction of that other local agency, with specified exceptions. This bill would require a local agency, as defined, to annually provide specified information relating to each agreement resulting in the direct or indirect payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to the California Department of Tax and Fee Administration. The bill would additionally require the local agency to publish that information on its internet website. The bill would impose monetary penalties on any local agency that fails to provide information to the department or fails to publish information to its internet website, as prescribed. By expanding the duties of local agencies, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p><a href="#">AB 2879</a> <a href="#">Fong, Vince R</a> High-Speed Rail Authority: contracting.</p>	<p>This bill is in the Assembly Appropriations Committee.</p>	<p>The California High-Speed Rail Act creates the High-Speed Rail Authority, composed of 11 members, to develop and implement a high-speed rail system in the state, with specified powers and duties. The act authorizes the authority to enter into contracts with private or public entities for the design, construction, and operation of high-speed trains. The act requires the authority to appoint an executive director to administer the affairs of the authority as directed by the authority. This bill, notwithstanding the authority's ability to delegate power to the executive director, would require any contract change order with a value greater than \$100,000,000 to be approved by the authority.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 3177</a> <a href="#">Carrillo, Wendy D</a></p> <p>Mitigation Fee Act: land dedications: mitigating vehicular traffic impacts.</p>	<p>This bill in the Assembly Appropriations Committee.</p>	<p>Existing law, the Mitigation Fee Act, imposes various requirements with respect to the establishment, increase, or imposition of a fee by a local agency as a condition of approval of a development project. Existing law requires a local agency that imposes a fee on a housing development for the purpose of mitigating vehicular traffic impacts to set the rate for the fee to reflect a lower rate of automobile trip generation if the housing development satisfies specified characteristics, including that the housing development is located within 1/2 mile of a transit station. Existing law defines transit station for these purposes to mean a rail or light-rail station, ferry terminal, bus hub, or bus transfer station. This bill would instead require the housing development to be located within 1/2 mile of a transit priority area for purposes of a local agency setting the rate for a mitigating vehicular traffic impacts fee to reflect a lower rate of automobile trip generation. The bill would define “transit priority area” as an area within 1/2 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 3186</a> <a href="#">Petrie-Norris D</a></p> <p>Public works: prevailing wages: access to records.</p>	<p>This bill has been referred to the Assembly Appropriations Suspense file.</p>	<p>Existing law requires that, except as specified, not less than the general prevailing rate of per diem wages be paid to workers employed on public works and imposes misdemeanor penalties for a willful violation of this requirement. Existing law defines “public works,” for the purposes of regulating public works contracts, as, among other things, construction, alteration, demolition, installation, or repair work done under contract and paid for, in whole or in part, out of public funds. Existing law requires the Labor Commissioner to investigate allegations that a contractor or subcontractor violated the law regulating public works projects, including the payment of prevailing wages. Existing law requires each contractor and subcontractor on a public works project to keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the contractor or subcontractor in connection with the public work. Existing law requires any copy of records made available for inspection as copies and furnished upon request to the public or any public agency to be marked or obliterated to prevent disclosure of an individual’s name, address, and social security number but specifies that any copy of records made available to a Taft-Hartley trust fund for the purposes of allocating contributions to participants be marked or obliterated only to prevent disclosure of an individual’s full social security number, as specified. This bill would require each contractor and subcontractor performing work on any public works project and any covered entity, as defined for these purposes as a corporation, limited liability company, partnership, joint venture, or other legal entity, that develops or undertakes such project, to make specified records available upon request to the Division of Labor Standards Enforcement, to multiemployer Taft-Hartley trust funds, and to joint labor-management committees, as specified. The bill would also apply this requirement to contractors, subcontractors, and covered entities that are developing, undertaking, or performing work on a development project for which contractors are required to maintain and verify payroll records, as specified. The bill would subject a contractor, subcontractor, or covered entity, for failing to comply with the provisions of this act, to a penalty by the commissioner, as specified, and would deposit the penalties into a specified fund. This bill would require the Director of Industrial Relations to adopt rules to govern the release of those records, as specified. This bill contains other existing laws.</p>	<p>Watch</p>



Bill ID/Topic	Location	Summary	Position
<p><a href="#">SB 532</a> <a href="#">Wiener</a> D San Francisco Bay area toll bridges: tolls: transit operating expenses.</p>	<p>This bill is in the Assembly Appropriations Committee.</p>	<p>Existing law creates the Metropolitan Transportation Commission (MTC) as a regional agency in the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Existing law creates the Bay Area Toll Authority (BATA) as a separate entity governed by the same governing board as MTC and makes BATA responsible for the administration of toll revenues from the state-owned toll bridges in the San Francisco Bay area. Existing law requires the Department of Transportation to collect tolls on these state-owned toll bridges. Existing law requires those toll revenues to be deposited in the Bay Area Toll Account and requires BATA to control and maintain that account, as specified. This bill would, until December 31, 2028, require BATA to increase the toll rate for vehicles for crossing the state-owned toll bridges in the San Francisco Bay area by \$1.50, as adjusted for inflation. The bill would require the revenues collected from this toll to be deposited in the Bay Area Toll Account, would continuously appropriate moneys from this toll increase and other specified tolls, and would require moneys from this toll to be transferred to MTC for allocation to transit operators that provide service within the San Francisco Bay area and that are experiencing a financial shortfall, as specified. The bill would direct MTC to require each transit operator eligible to receive an allocation from the account to, on an annual basis, submit a 5-year projection of its operating needs, as specified. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">SB 537</a> <a href="#">Becker</a> D</p> <p>Open meetings: multijurisdictional, cross-county agencies: teleconferences.</p>	<p>This bill has been ordered to the Inactive File.</p>	<p>Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely. The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction. The bill would require a member who receives compensation for their service, as specified, on the legislative body to participate from a physical location that is open to the public. The bill would require the legislative body to identify in the agenda each member who plans to participate remotely and to include the address of the publicly accessible building from which each member will participate via teleconference. The bill would prohibit a member from participating remotely pursuant to these provisions unless the remote location is the member's office or another location in a publicly accessible building and is more than 40 miles from the in-person location of the meeting. The bill would repeal these alternative teleconferencing provisions on January 1, 2026. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">SB 904</a> <a href="#">Dodd</a> D</p> <p>Sonoma-Marín Area Rail Transit District.</p>	<p>This bill is on the Senate Floor.</p>	<p>Existing law creates, within the Counties of Sonoma and Marin, the Sonoma-Marín Area Rail Transit District with specified duties and powers relative to the provision of a passenger and freight rail system within the territory of the district. Under existing law, the district is governed by a 12-member board of directors appointed by various local governmental entities. Existing law authorizes the board to submit to the voters of the district a measure proposing a retail transactions and use tax ordinance. This bill would also authorize those special taxes to be imposed by a qualified voter initiative if that initiative complies with certain requirements. The bill would require the board of supervisors of the Counties of Sonoma and Marin to call a special election on a tax measure proposed by the district’s board of directors or a qualified voter initiative in their respective counties, as specified. To the extent that the bill would impose additional duties on a county elections official, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>
<p><a href="#">SB 955</a> <a href="#">Seyarto</a> R</p> <p>Office of Planning and Research: Infrastructure Gap-Fund Program.</p>	<p>This bill has been referred to the Senate Appropriations Suspense file.</p>	<p>Existing law establishes the Office of Planning and Research in the Governor’s office for the purpose of serving the Governor and the Governor’s cabinet as staff for long-range planning and research and constituting the comprehensive state planning agency. Existing law authorizes a local agency to finance infrastructure projects through various means, including by establishing an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance that provide significant benefits to the district or the surrounding community. This bill would require the office, upon appropriation by the Legislature, to establish the Infrastructure Gap-Fund Program to provide grants to local agencies to develop and construct infrastructure projects, as defined. The bill would authorize the office to provide funding for up to 20% of a project’s total cost, subject to specified requirements, including, among other things, that the office is prohibited from awarding a grant to a local agency unless the local agency provides funding that has been raised through local taxes for at least 10% of the infrastructure project’s total cost. The bill would require the office to develop guidelines to implement the program that establish the criteria by which grant applications will be evaluated and funded. The bill would make these provisions operative January 1, 2027.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">SB 1031</a> <a href="#">Wiener</a> D</p> <p>San Francisco Bay area: local revenue measure: transportation improvements.</p>	<p>This bill is in the Senate Appropriations Committee.</p>	<p>Existing law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Existing law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relating to providing public transit services. This bill would authorize the commission to raise and allocate new revenue and incur and issue bonds and other indebtedness, as specified. In this regard, the bill would authorize the commission to impose a retail transactions and use tax, a regional payroll tax, a parcel tax, and a regional vehicle registration surcharge in all or a subset of the 9 counties of the San Francisco Bay area, in accordance with applicable constitutional requirements. The bill would require the parcel tax to be collected by counties and the other 3 taxes to be collected by specified state agencies, and would require the net revenues from those taxes to be remitted to the commission, as prescribed. The bill would require the revenue generated pursuant to these provisions to be used for transportation improvements in the San Francisco Bay area, including for various transit purposes, and would require the commission to distribute those revenues in accordance with specified requirements. This bill contains other related provisions and other existing laws.</p>	<p>Oppose Unless Amended</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">SB 1098</a> <a href="#">Blakespear D</a> Passenger and freight rail: LOSSAN Rail Corridor.</p>	<p>This bill has been referred to the Senate Appropriations Suspense file.</p>	<p>Existing law establishes the Department of Transportation in the Transportation Agency under the control of an executive officer known as the Director of Transportation. Existing law authorizes the Department of Transportation, subject to approval of the Secretary of Transportation, to enter into an interagency transfer agreement under which a joint powers board assumes responsibility for administering the state-funded intercity rail service in certain rail corridors, including the LOSSAN Rail Corridor. Existing law defines the LOSSAN Rail Corridor as the intercity passenger rail corridor between San Diego, Los Angeles, and San Luis Obispo. Pursuant to this authority, the department entered into an interagency transfer agreement with the LOSSAN Rail Corridor Agency to administer intercity passenger rail service in the LOSSAN Rail Corridor. This bill would require the Secretary of Transportation to provide guidance and recommendations to, and coordination between, stakeholders as necessary to ensure the performance of the LOSSAN Rail Corridor, as specified. This bill would also require the Secretary of Transportation, in consultation with the Director of Transportation, the California Transportation Commission, the Secretary for Environmental Protection, and the Secretary of the Natural Resources Agency, to submit a report to the Legislature on or before January 1, 2026, regarding the LOSSAN Rail Corridor that includes specified information. The bill would also require the Secretary of Transportation, in coordination with stakeholders responsible for operating rail services along the LOSSAN Rail Corridor, to submit a report to the Legislature on or before January 1, 2027, and biennially thereafter, on the performance of the LOSSAN Rail Corridor, as provided. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">SB 1206</a> <a href="#">Becker</a> D GO-Biz: next generation batteries.</p>	<p>This bill is in the Senate Appropriations Committee.</p>	<p>Existing law establishes the Governor’s Office of Business and Economic Development (GO-Biz), which serves the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. Existing law authorizes GO-Biz, until July 1, 2025, to undertake measures that are necessary or useful to prepare and submit an application to receive funding from the regional clean hydrogen hubs program established by the Secretary of the United States Department of Energy or to otherwise participate in the regional clean hydrogen hubs program. Existing law requires grants made from any funding received from the regional clean hydrogen hubs program to be used as specified. The California Renewables Portfolio Standard Program requires the Public Utilities Commission to establish a renewables portfolio standard, as defined, requiring all retail sellers, as defined, to procure a minimum quantity of electricity products from eligible renewable energy resources, as defined, so that the total kilowatthours of those products sold to their retail end-use customers achieves 25% of retail sales by December 31, 2016, 33% by December 31, 2020, 44% by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030. The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. This bill would, until January 1, 2030, authorize GO-Biz to undertake measures that are necessary or useful to prepare and submit an application to receive funding from next generation battery hub programs, as defined. The bill would require that grants made from any funding received from next generation battery hub programs under its provisions support projects in California that advance progress toward resource adequacy goals and the targets of the scoping plan and the California Renewables Portfolio Standard Program. The bill would also require that grants made from any funding received from next generation battery hub programs under its provisions prioritize projects that meet any of the specified conditions, including that the project help reduce costs and increase access to batteries. Prior to the submission of any applications to receive funding from next generation battery hub programs, the bill would require a partnership entered into pursuant to the above-described provisions to adopt a community benefits plan that includes specified elements. The bill would require GO-Biz to submit a report to the relevant budget and policy committees of the Legislature on or before January 1, 2026, and annually thereafter, regarding the status of any partnership entered into pursuant to the above-described provisions.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">SB 1239</a> <a href="#">Grove</a> R</p> <p>State vehicle fleet: zero-emission vehicles: raw materials: child labor.</p>	<p>This bill is in the Senate Appropriations Committee.</p>	<p>Existing law requires the Department of General Services, beginning no later than the 2024–25 fiscal year, to ensure that at least 50% of the light-duty vehicles purchased for the state vehicle fleet each fiscal year are zero-emission vehicles, except as provided. This bill would require the department to require a supplier of zero-emission vehicles purchased for the state vehicle fleet to certify that any raw materials used in the manufacturing of the zero-emission vehicles, including, but not limited to, cobalt and lithium, come from mining operations that are free of child labor.</p>	<p>Watch</p>
<p><a href="#">SB 1321</a> <a href="#">Wahab</a> D</p> <p>Employment Training Panel: employment training program: projects and proposals.</p>	<p>This bill is in the Senate Appropriations Committee.</p>	<p>Existing law establishes the Employment Training Panel within the Employment Development Department and sets forth its powers and duties with respect to certain employment training programs. Existing law declares the intent of the Legislature that the purpose of provisions relating to the panel is to establish an employment training program to promote a healthy labor market in a growing, competitive economy and to fund only projects that meet specified criteria, including promoting the retention and expansion of the state’s manufacturing workforce. Existing law requires the panel, in funding projects that meet the above-described criteria, to give funding priority to projects that meet specified goals, including promoting the retention and expansion of the state’s manufacturing workforce. This bill would also include in the above-described project criteria, among other things, assisting existing apprentice, certification, or other training programs in updating training to reflect new technologies or methods, or to address gaps in existing training. The bill would also include in the above-described goals, among other things, meeting the standards established by the Division of Apprenticeship Standards for high-quality training programs. The bill would authorize projects developed pursuant to the above-described provisions to use program funding, upon appropriation by the Legislature, to provide training through apprenticeship programs approved by the Division of Apprenticeship Standards and training at joint-labor management training centers. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>

Bill ID/Topic	Location	Summary	Position
<p><a href="#">SB 1325</a> <a href="#">Durazo</a> D</p> <p>Public contracts: best value procurement: goods.</p>	<p>This bill has been referred to the Senate Appropriations Suspense File.</p>	<p>Existing law imposes requirements on, and authorizes procedures for, public contracting for equipment and services, among other things, by local and state agencies. Existing law authorizes certain procurements to be facilitated through a lowest responsible bidder requirement. This bill would authorize a public entity, as defined, to award contracts through a best value procurement method, as described, for the purchase of goods with a base value of \$250,000 or more. The bill would require the public entity to adopt and publish procedures and guidelines for evaluating the qualifications of the bidders to ensure the best value selections are conducted in a fair and impartial manner, as described. The bill would authorize the procedures and guidelines to include the adoption of a high road jobs plan policy that evaluates bidders' high road jobs plan commitments as part of the overall score for the public contract, as specified. This bill would require the solicitation document to include certain information and would direct the public entity to use a scoring method based on price and the factors described in the solicitation document, as specified. The bill would require the public entity to let any contract for these projects to the selected bidder that represents the best value or reject all bids. The bill would also authorize a public entity to award all contracts for the purchase of municipal fleets by using a best value procurement method, as specified. This bill contains other related provisions.</p>	<p>Watch</p>
<p><a href="#">SB 1434</a> <a href="#">Durazo</a> D</p> <p>Unemployment insurance: benefit and contribution changes.</p>	<p>This bill is in the Senate Labor, Public Employment, and Retirement Committee.</p>	<p>Existing law provides for unemployment compensation benefits for eligible individuals in the state who are unemployed through no fault of their own. Existing law excludes from the definition of "wages," for purposes of the unemployment insurance law, remuneration in excess of \$7,000 paid to an individual by an employer during any calendar year, with respect to employment. This bill would change the amount of remuneration that is excluded from the definition of "wages," to \$____ on and after January 1, 2025, but before January 1, 2027, and to \$____ on and after January 1, 2027. The bill would require an annual cost of living increase to the \$____ amount on and after January 1, 2028, and each January 1 thereafter. This bill contains other related provisions and other existing laws.</p>	<p>Watch</p>



Bill ID/Topic	Location	Summary	Position
<p><a href="#">SB 1509</a> <a href="#">Stern</a> D Negligent Operator Treatment (NOT) in California Act.</p>	<p>This bill has been referred to the Senate Appropriations Suspense file.</p>	<p>Existing law prescribes various speed limits for the operation of vehicles, and generally prohibits a person from driving a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed that endangers the safety of persons or property. Existing law requires that specified convictions, violations, and traffic-related incidents count as points against a driver's record for purposes of suspension or revocation of the privilege to drive, and generally provides that traffic convictions involving the safe operation of a motor vehicle result in one violation point. This bill, the Negligent Operator Treatment (NOT) in California Act, would specify that a conviction of driving a vehicle at a speed that exceeds the posted speed limit by 26 miles per hour or more on a highway with a posted speed limit for passenger vehicles of 55 miles per hour or less shall be given a value of 2 points.</p>	<p>Watch</p>



May 13, 2024

TO: Board of Directors, Peninsula Corridor Joint Powers Board (Caltrain)

FM: Matt Robinson, Michael Pimentel, and Alchemy Graham, Shaw Yoder Antwih Schmelzer & Lange  
Mike Robson, Edelstein Gilbert Robson & Smith LLC

RE: **STATE LEGISLATIVE UPDATE – June 2024**

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### ***General Update***

The Legislature has been busy hearing bills in policy committees since returning from Spring Recess on April 1. Policy committees had until April 26 to hear bills with fiscal impacts and move them to the appropriations committees, where most bills were placed on the suspense file. The suspense file hearings will take place on May 16. Bills must move out of the first house by May 24. For more information about key legislative and budget deadlines, see the adopted 2024 Legislative Calendar available [here](#).

### ***State Budget Update***

On May 10, Governor Newsom released his [May Revision](#) to the proposed Fiscal Year (FY) 2024-25 budget released in January. The “May Revise,” as it is commonly referred, updates the state’s revenue projections for the upcoming fiscal year based on the latest economic forecasts available to California Department of Finance. As expected, the May Revise estimates that the budget deficit has grown – by approximately \$7 billion relative to budget deficit estimate released in January of \$38 billion, placing the state at an estimated \$45 billion deficit for FY 2024-25. This budget deficit estimate drops to \$27 billion when the cost savings generated by the Early Action Budget Agreement are factored in.

Importantly, the May Revise maintains the state’s commitment to provide the \$5.1 billion for public transit capital projects and operations outlined in the Budget Act of 2023 (AB 102 / SB 125) but maintains this commitment by proposing a series of significant fund shifts and delays. Specifically, the May Revise makes the following changes to the public transit capital and operations:

- **Maintains the \$4 billion for the formula-based Transit and Intercity Rail Capital Program (TIRCP)** by shifting **\$839 million** from General Fund dollars to Greenhouse Gas Reduction Fund dollars.

The May Revise maintains the change implemented in the Early Action Budget Agreement that extends the appropriation timeline for this funding from two years (FY 2023-24 and FY 2024-25) to three years (FY 2023-24 through FY 2025-26).

- **Maintains the \$1.1 billion for the formula-based Zero-Emission Transit Capital Program** by delaying the appropriation of **\$680 million** of this funding to out years, as follows:

- **\$220 million** scheduled for appropriation in FY 2023-24 is delayed to FY 2024-25;
- **\$230 million** scheduled for appropriation in FY 2025-26 is delayed to FY 2027-28; and
- **\$230 million** scheduled for appropriation in FY 2026-27 is delayed to FY 2027-28.

Additionally, the May Revision makes the following changes to various other transportation investments approved in previous Budget Acts:

- **Cuts \$148 million in unawarded funds from the TIRCP Cycle 6.**
- **Cuts an additional \$400 million from the Active Transportation Program** beyond the \$200 million cut included in the Governor’s January Budget for a total reduction of \$600 million.
  - The May Revision specifically reduces \$300 million from the Program in FY 2025-26 and \$99 million in FY 2026-27, with Cycle 7 backfilling funding for Cycle 6.
- **Cuts \$330 million in awarded, but not yet appropriated funds for various grade separation projects.** This cut will negatively impact Caltrain, as it was awarded \$70 million from this program for the Burlingame grade separation project.

The May Revision does not mention, or propose new action on, the \$2.4 billion in FY 2023-24 funding for the formula-based TIRCP and ZETCP that is currently frozen by the Newsom Administration. As we previously reported, this funding was scheduled to be released to regional entities for suballocation to transit agencies by April 30, 2024. Therefore, the spending freeze remains in place pending budget discussions between the Newsom Administration and Legislature.

Due to its early release, the May Revision does not yet include an update to State Transit Assistance, State Rail Assistance, Cap and Trade, and Local Transportation Fund projections. We expect this information to become available over the coming weeks.

### ***CalSTA Releases Final Guidelines and Call for Projects for TIRCP Cycle 7***

On April 30, the California State Transportation Agency (CalSTA) released the final program guidelines and a call for projects for Award Cycle 7 of the Transit and Intercity Rail Capital Program (TIRCP). The final guidelines and the call for projects are now available on the [CalSTA website](#).

The 2024 TIRCP grant cycle will program projects starting with the 2024-25 fiscal year and ending with the 2028-29 fiscal year. The new program cycle will include previously awarded and active projects that have not been fully allocated by the end of the 2023-24 fiscal year, and projects selected with the 2024 cycle. Applications are due July 23, 2024, and CalSTA expects to announce project awards on October 23, 2024.

### ***CalSTA’s Transit Transformation Task Force Holds Third Meeting***

On April 15, the California State Transportation Agency convened the third meeting of the Transit Transformation Task Force at the Caltrans District 11 Headquarters in San Diego.

The meeting was organized around reviewing and discussing the initial work of the Task Force’s Technical Working Group relative to identifying the components of “transit availability,” establishing target metrics for these components, and identifying the factors that determine if transit is an attractive choice. In short, the Technical Working Group identified “connections to destinations,” “distance to a transit stop,” “span of service,” and “understanding of transit” as the primary components of transit availability (while stipulating to the importance of other characteristics of features); presented community-specific, but fiscally unconstrained, metrics for each; and identified “reliability,” “speed,” “safety,” “experience,” and “affordability” as the factors that determine if transit is an attractive choice.

The feedback from the Task Force elevated the following points and themes:

- Demography and the characteristics of the built environment, including accessibility, must be factored into how community-specific metrics are defined;
- Efforts to increase transit ridership should not focus solely on “supply side” solutions (as the state has organized the Task Force’s discussions to-date) and must consider “demand side” solutions;
- Task Force’s work to define metrics should integrate data already developed by Metropolitan Planning Organizations, and Regional Transportation Planning Agencies and included in Sustainable Community Strategies Plans;
- Safety is the top factor determining if transit is an attractive choice;
- Exercise of establishing community-specific metrics and identifying the factors that determine if transit is an attractive choice must be grounded in fiscal constraints and political realities; and,
- Discussion on transit transformation should start with discussion on addressing barriers / challenges to providing or improving public transit services, many of which are created by policies and procedures established by the state and municipalities.

The next Task Force meeting will take place on June 17 in San Francisco. The Task Force is subject to the state’s open meeting requirements for state bodies, known as Bagley-Keene, and as such, all agenda materials will be available on [CalSTA’s website](#).

### ***Bills of Interest***

#### **SB 960 (Wiener) Complete Streets Projects on the State Highway System - WATCH**

On complete streets, this bill would require all transportation projects funded or overseen by Caltrans to provide complete streets facilities unless exempt pursuant to the bill. It would also require the targets and performance measures adopted by the California Transportation Commission to include within the SHOPP asset management plan objective targets and measures reflecting state transportation goals and objectives, including for complete streets assets on the state highway system. This bill would also require Caltrans’ performance report to include a description of complete streets facilities on each project. Lastly, this bill would require Caltrans to develop and adopt a project intake, evaluation, and encroachment permit review process for complete streets facilities that are sponsored by a local jurisdiction or transit agency. As a part of this process, Caltrans would be required to designate an encroachment permit manager in each district to oversee the review of complete streets facilities applications. Caltrans would then be required to produce a report on the project applications submitted for complete streets facilities.

On transit priority projects, this bill would require the Director of Transportation to, on or before July 1, 2027, adopt a transit priority policy to guide the implementation of transit priority facilities on the state highway system. The bill would also require the Caltrans-prepared State Highway System Management Plan (SHSMP) to include specific and quantifiable accomplishments, goals, objectives, costs, and performance measures for transit priority facilities consistent with SHOPP asset management plan and Caltrans’ most recent policy.

#### **SB 1031 (Wiener) Bay Area Transportation Regional Measure / Transit Consolidation – OPPOSE UNLESS AMENDED**

This bill would serve as the authorizing vehicle for the Metropolitan Transportation Commission to propose a revenue measure to the voters in its jurisdiction to fund the operation, expansion, and transformation of the San Francisco Bay area’s public transportation system, as well as other transportation improvements. This bill would also charge the California State Transportation Agency with developing a plan to consolidate the 27 transit agencies in the San Francisco Bay Area. Recent amendments to the bill include an “enhanced coordination” component alongside the current consolidation component. Specifically, the amended version of the bill requires that the mandated

assessment on consolidation now identifies opportunities for enhanced coordination as well. The Author defines “enhanced coordination” as “increasing coordination across two or more transit agencies to improve service, efficiency, safety, or other benefits.”

Other recent amendments to the bill include: removing MTC’s authority to place a measure on the ballot that raises revenue starting January 1, 2041; limiting the durations of a new tax to 30 years; limiting a sales and use tax to one-half of a percent; stating that revenues can only be used for capital investments; and clarifies the intent of the Author in disallowing MTC the authority to condition State Transit Assistance funds as an enforcement mechanism for transit agencies to ensure compliance with network manager requirements.

**AB 1837 (Papan) Bay Area Transit Coordination - SUPPORT**

This bill would create the Regional Network Management Council and would require the Metropolitan Transportation Commission to facilitate the creation of the Council.

**AB 2503 (Lee) CEQA Exemptions for Railroad Electrification - SUPPORT**

This bill would expand existing CEQA exemptions to include public projects for the institution or increase of other passenger rail service, which will be exclusively used by zero emission trains on existing public rights-of-way or existing highway rights-of-way. This bill is targeted at providing a CEQA exemption for catenary power systems.

**AB 2824 (McCarty) Transit Employee Assaults – WATCH**

This bill would have enhanced penalties for individuals who commit assault or battery against a public transit operator or employee. This bill would have also allowed transit agencies to prohibit individuals convicted of assault or battery from entering transit facilities and vehicles using a more streamlined process. This bill is sponsored by the California Transit Association.

## **Caltrain Federal Report May 2024**

### Caltrain D.C. Visit Recap

- Caltrain leadership visited Washington, D.C., during the month of May to visit with federal decision-makers and educate them on Caltrain initiatives and other pressing matters.
- During a visit with the Federal Transit Administration (FTA), Caltrain connected with senior leadership, including Executive Director Matt Welbes. The meeting provided Caltrain with an opportunity to check in with the agency on electrification progress and invite officials to California to visit Caltrain.
- Caltrain also met with Federal Railroad Administration (FRA) Administrator Amit Bose to discuss electrification further and invited him and Secretary Pete Buttigieg to visit Caltrain.
- On Capitol Hill, Caltrain met with Rep. Kevin Mullin (D-CA), Rep. Anna Eshoo (D-CA), and staff with Rep. Nancy Pelosi and Sen. Alex Padilla. Additionally, the team also visited with staff on the House Transportation & Infrastructure and the Senate Banking, Housing, and Urban Affairs Committees.

### *Congressional Update*

#### Congress Passes \$95 Billion Foreign Aid Package

- On April 24, President Biden signed a \$95 billion foreign aid package with broad bipartisan support, with the exception of Freedom Caucus Republicans.
- The bill includes \$60.84 billion for Ukraine, including \$23 billion to replenish weapons, stocks, and facilities; \$26 billion for Israel, including \$9.1 billion for humanitarian assistance; and \$8.12 billion for the Indo-Pacific, including Taiwan. Bipartisan leaders, including President Joe Biden and Senate Minority Leader Mitch McConnell, had been urging House Speaker Mike Johnson to pass Ukraine aid in the House for months.
- The Ukraine funding portion of the package passed by a vote of 311-112 in the House, with all 112 “nays” coming from Republicans, compared to 102 Republicans in support.

## Stronger Communities Through Better Transit Act Introduced

- Senior Democratic members of the House Transportation & Infrastructure Committee introduced legislation ([H.R. 7039](#)) that would authorize funding for transit system operations.
- Specifically, the bill authorizes \$20 billion annually and would distribute funding to every recipient of FTA urbanized area and rural area formula funds. This bill was introduced as key lawmakers begin considering potential provisions for the new surface transportation bill which is up for reauthorization in 2026.
- Reps. Mullin and Lofgren have announced their support for the bill. However, the legislation does not yet have any Republican supporters.
- Caltrain formally supported this bill during the May board meeting.

## *Administration Update*

### FTA Finalizes Updated Public Transportation Agency Safety Regulations

- On April 9, FTA announced a final rule updating the agency's [Public Transportation Agency Safety Plans \(PTASP\) regulation](#), as well as the [National Public Transportation Safety Plan](#). This is the first major update to the PTASP regulation.
- The updated PTASP regulation increases the role of frontline transit workers in safety, specifies requirements for safety committees transit agencies are required to establish under the Bipartisan Infrastructure Law (BIL), and requires transit agencies to include de-escalation training for frontline transit workers and minimize exposure to infectious diseases.
- The updated National Public Transportation Safety Plan includes best practices for transit agencies to improve safety performance in response to major transit accidents/injuries and incorporates BIL provisions for risk-based approaches to reducing said injuries or fatalities on public transit.

### FTA Requests Input on CIG

- FTA has opened a comment portal on proposed policy changes to the Capital Investments Grants (CIG) Program. The revisions are intended to amend FTA's CIG Policy Guidance last published in January 2023 and are a comprehensive update of the CIG Policy Guidance.
- The comment portal can be found [here](#), and all input must be submitted by June 4, 2024. FTA hopes to finalize the policy guidance by the end of the calendar year and, thus, is not expected to extend the comment window.

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Holland & Knight LLP | www.hklaw.com

## DHS Releases FY24 Transit Security Grant Program

- The Department of Homeland Security (DHS) released the [notice of funding opportunity](#) (NOFO) for the FY24 Transit Security Grant Program (TSGP). This program provides funding to transit agencies to protect critical surface transportation infrastructure and the traveling public from acts of terrorism.
- Examples of recent TSGP accomplishments include jurisdictions increasing their mass notifications and critical incident management systems, enabling organizations and communities to send emergency alerts and share critical information through multiple channels (e.g., text message, email, voice, desktop, social media) quickly and effectively. Examples of TSGP accomplishments include organizations providing surge support (law enforcement personnel) for special events and tunnel hardening.
- All applications are due June 24, 2024, with approximately \$83 million in available funding.

### ***Round-Up of Open Grant Opportunities***

- [Consolidated Rail Infrastructure and Safety Improvements Grant Program](#). \$2.3 billion available. All applications due May 28, 2024.
- [Fiscal Year 2024 Transit Security Grant Program](#). \$83 million available. All applications due June 24, 2024.



**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: James Harrison, General Counsel  
Nadine Fogarty, Director, Real Estate and TOD  
Subject: **Receive Update on Evaluation of Caltrain’s Options for Headquarters Space**

Finance Committee Recommendation       Technology, Operations, Planning, and Safety Committee Recommendation       Advocacy and Major Projects Committee Recommendation

**Action**

This report includes an informational update that requires no action by the Board of Directors (“Board”) of the Peninsula Corridor Joint Powers Board (“JPB” or “Caltrain”).

**Significance**

Caltrain staff currently occupy office space owned by the San Mateo County Transit District (SamTrans) at 1250 San Carlos Avenue in San Carlos. Under the existing Independent Cost Allocation Plan (ICAP), Caltrain reimburses SamTrans for its share of depreciation costs for the building as well as for maintenance and security expenses.

In December 2023, SamTrans entered a lease to purchase agreement for a new headquarters located at 166 North Rollins Road in Millbrae. Caltrain has the option to co-locate with SamTrans or to establish a separate headquarters location.

As directed by the Board in February, Caltrain is currently proceeding with two concurrent efforts:

- Moving forward with negotiations with SamTrans to define the terms of a lease for Caltrain to co-locate in the new SamTrans headquarters building; and
- Engaging in a search process to identify other headquarters options for consideration.

This report provides an informational update on those efforts.

**Budget Impact**

This informational item has no budget impact.

**Background**

In January 2024, staff and consultants completed an initial evaluation of Caltrain's options for a new headquarters and found that a variety of office properties are available for lease along the Caltrain corridor that might meet Caltrain's requirements.

Based on direction at the February Board meeting, in March 2024, Caltrain issued a Request for Information (RFI) to the real estate community to gather information about suitable office space on the market near a Caltrain station. The RFI included a preferred space program that was developed with input from Caltrain departments, and detailed specific requirements and preferences for Caltrain's future office space. The RFI generated five responses.

In May 2024, Caltrain contracted with a broker to assist in evaluating the RFI submittals and identify additional building options, which ultimately resulted in a total of 33 properties for consideration. Staff and consultants toured 15 properties along the corridor between San Francisco and San Jose and are in the process of developing an evaluation framework that will be applied to these properties, SamTrans' future building in Millbrae, and any other opportunities that may emerge. The evaluation framework will include consideration of expected cost impact on employee retention/recruitment including evaluation of commute times and preferences based on surveys, the ability to meet Caltrain's operational and space needs and other factors.

During this time staff and consultants also provided input to SamTrans in their space planning efforts, and SamTrans has tentatively reserved approximately 28,000 square feet of space in the Millbrae building for potential use by Caltrain. Staff have also continued discussions with SamTrans about the option to locate in Millbrae, including discussions about expected cost.

Staff initially planned to bring a recommendation about next steps to the Board in June. However, given delays including the time that was required to secure a broker advisor, this recommendation is now planned for August.

Prepared By: Nadine Fogarty Director, Real Estate and TOD

Phone: 650-730-6115

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Pranaya Shrestha, Chief Officer  
Subject: **Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report**

Finance Committee  
Recommendation

Technology, Operations,  
Planning, and Safety  
Committee Recommendation

Advocacy and Major  
Projects Committee  
Recommendation

**Purpose and Recommended Action**

Staff Coordinating Council recommends the Board receive the Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report (MPR).

This report is provided for informational purposes only.

**Discussion**

The MPR is intended to provide funding partners, stakeholders, and the public a PCEP overview and an overall update on project progress. This document provides information on the scope, cost, funding, schedule, and project implementation.

**Budget Impact**

There is no impact on the budget.

Prepared By: Pranaya Shrestha

Chief Officer, Caltrain  
Modernization Program

720.757.9191



## Caltrain Modernization Program Peninsula Corridor Electrification Project (PCEP)



# Executive Monthly Progress Report

April 30, 2024

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## **1.0 EXECUTIVE SUMMARY**

### **1.1 Introduction**

The Peninsula Corridor Electrification Project (PCEP) will upgrade 51 miles of diesel service to electrified service from San Francisco to San Jose (Tamien Station). The PCEP scope of work includes design and construction of an overhead contact system, traction power facilities, modification of the existing signaling and grade crossing protection system to make it compatible with the electrified railroad, substation improvements at Pacific Gas and Electric (PG&E) substations, and modifications at existing tunnels and Caltrain’s maintenance facility. It also includes the design, manufacturing, assembly, testing, and delivery of the Electric Multiple Units (EMUs).

Caltrain completed a thorough assessment of all aspects of the program including cost, schedule, risks, and organization after the global settlement in 2021. Caltrain re-baselined the program budget and schedule in December of 2021. Caltrain finished a schedule reforecast in March 2023 and is committed to deliver PCEP and achieve revenue service in September of 2024.

### **1.2 Program Cost and Budget**

On December 6, 2021, the JPB adopted a new PCEP program budget of \$2,442,690,697. On January 31, 2023, Caltrain received a \$367 million funding award from California’s Transit and Intercity Rail Capital Program’s (TIRCP) Cycle 6 Existing Project Reserve, representing the remaining funding needed to complete the project. The project is now fully funded in the amount of \$2,442,690,697. As of April 2024, the project is on budget:

- The current project total cost at completion (EAC) is the same as the Board adopted budget of \$2.44 billion.
- As of April 2024, a total of \$17.04M has been drawn down from the Shared Risk Pool of \$50 million to-date. \$89,302.00 was drawn from the Shared Risk Pool this month.
- As of April 2024, a total of \$38.6M has been drawn from the project contingency of \$40 million. In April 2024, \$9,271,657.00 was drawn from project contingency.
- As of April 2024, \$4M was issued from the milestone incentive pool of \$15 million. The team has concluded evaluation of signal cutover milestone incentives and awarded \$4M in December 2023 to the design-build contractor.

### **1.3 Program Progress and Schedule**

As of April 30, 2024, the overall project completion is 91.69%. The current program schedule was projecting a PCEP substantial completion date of April 2024 and Revenue Service by September 2024. Staff is implementing a 2023 path to completion with 31 weekend area focused bus bridges to maximize track access to allow system integration testing, signal cutovers, and proactive OCS construction productivity mitigations for the remaining PCEP work. Due to the February 3<sup>rd</sup> weekend windstorm, OCS wires located at Burlingame and San Antonio were damaged and its impact to the project. The storm repair and recovery plan has been completed.

### **1.4 Change Management Board (CMB)**



In April 2024, the following item was brought to the CMB approval for contingency drawdown:

- TASI Field Support
- Management Oversight Estimate at Completion (EAC) update

### 1.5 This Month's Accomplishments

The project team has completed the following notable activities for the month of April 2024:

- Completed all remaining short circuit testing successfully.
- Completed all Construction .
- Completed all joint Punch List walks.
- Complete all corridor live runs with the EMU.
- Energized PS7.
- Completed end- to-end full corridor local and express runs, recorded run time.
- Continued to connect LV permanent power and coordinate remaining low voltage power drop applications with PG&E and utilized generators to support project testing.
- Continued to address impedance bonds cable theft issue and performed cable replacement to keep project testing schedule.
- Held Monthly CMB meeting for overall program status and provided schedule, budget, risks, and changes updates.
- Received temporary use permit for the full corridor.
- Continued providing PCEP progress updates to funding partners, leadership, elected officials, citizens, and business community.
- Continued with project close out efforts and tracked all punch list items in a centralized database.
- Two EMUs were delivered; there is a total of 10 EMU trainsets delivered; 9 EMUs are on Caltrain property.
- Continued EMU burn-in and, Caltrain completed six EMU burn-in acceptance tests on mainline.
- Continued broadband equipment on board installation, and revised EMU delivery schedule that incorporated broadband equipment installation work. A total of 14 EMU trainsets will be delivered to Caltrain by August 2024.
- Continued Rail Activation effort and finalized Pre-Revenue Service Plan.
- Completed Certificate of Compliance for Segments 1 and 2
- Continued to finalize spare parts and warranty items list.
- Continued to finalize TPS training materials and courses.
- Continued OP54 reviews with FTA/PMOC.
- Continued to close out NCRs and DVRs prior to Substantial Completion.

### 1.6 Upcoming work

For the next six months, the PCEP team has set additional goals as described below:

- Electrification reaches a substantial completion milestone.
- Complete PTC Field Qualification testing using full corridor.
- Complete system safety certification process by issuing Certification of

- Compliance for full alignment.
- Continue to coordinate with Broadband Project, work with vehicle manufacturer, and monitor EMU production schedule that includes broadband equipment installation and testing.
- Finalize Punchlist and continue to close out punch list items.
- Finalize spare part lists.
- Complete TPS training.
- Plan for power contingency test after end-to-end runs with eight EMUs.
- Continue to coordinate with PG&E on low voltage power drop applications, and distribution line de-energization work.
- Hold Monthly CMB meeting for program status and change order approval.
- Complete full corridor OP54 review with FTA/PMOC prior to Revenue Service soft launch this summer.
- Continue EMU acceptance testing (burn-in).
- Two more trains are to be delivered in May 2024. The remaining to be delivered by August of 2024 to support September Revenue Service.
- Perform close out effort including all punch list items, documentation, and financial contract close out for design build contract.

The PCEP Project is currently on budget and on time for achieving Revenue Service in September of 2024.

#### **1.7 Critical Items**

As of April 2024, the top critical items and related actions are highlighted below.

**Table 1-1. Critical Issues and Actions**

Critical Issues	Actions
<p>Complete TPS Short Circuit Tests</p> <ul style="list-style-type: none"> <li>TPS 2 short circuit test delays drill track and Segment 4 mainline energization. TPS 2 Short circuit test was performed in May 2023 with some follow up actions.</li> </ul>	<ul style="list-style-type: none"> <li>Perform comprehensive root cause analysis and develop corrective action plan – Completed.</li> <li>Implement configuration change control process including design drawing, shop drawings, as-built version control to ensure all parties are using the same set of drawings for TPS2 testing – On-going.</li> <li>Perform technical working groups including all vendors and EOR – On-going.</li> <li>Weekly management team briefing on corrective action status – On-going.</li> <li>Perform independent assessment of the TPS – Completed.</li> <li>Develop SSWP for all work performed at TPS for Caltrain review and approval – On-going.</li> <li>Perform field verification and pre-testing before short circuit re-test – Completed.</li> <li>Perform load bank testing prior to short circuit re-test. – Completed.</li> <li>Developed remaining short circuit tests required for system completion – completed.</li> <li>Perform Short circuit tests – March, April of 2024 – complete</li> </ul>
<p>Theft of impedance bond or grounding cables may delay segment live run testing because the system (or portions of the system) cannot be energized without impedance bonds</p>	<ul style="list-style-type: none"> <li>Monitor hot spot areas in segments 1, 3 and 4. Perform just in time replacement right before the testing.</li> <li>Report Theft incidents with Transit PD</li> <li>Enhance security with cameras and other monitoring systems.</li> <li>Work with Communications on high voltage safety messages</li> <li>Distribute high voltage safety fliers to the homeless encampments.</li> <li>Implement asphalt cover for impedance bonds that have been repeatedly stolen. – on-going</li> <li>Purchase anti-theft cable – on-going.</li> </ul>
<p>Severe wind and rainy weather may cause more falling trees on the ROW and damage OCS.</p>	<ul style="list-style-type: none"> <li>Established tree mitigation special work force – on going</li> <li>Trimming Caltrain ROW trees per tree mitigation plan as results of 2023 winter storm</li> <li>Working with local jurisdiction urgently for tree trimming especially new Burlingame where most tree falling incidents have occurred to minimize future incidents. – on -going</li> </ul>

## 2.0 SAFETY

There was one (1) reportable injury in April 2024. The Reportable Injury Rate (RIR) for 2024 is 0.76. Overall, since the project's construction started in 2017, the RIR is at 1.88, which remains below the national average of 2.5.

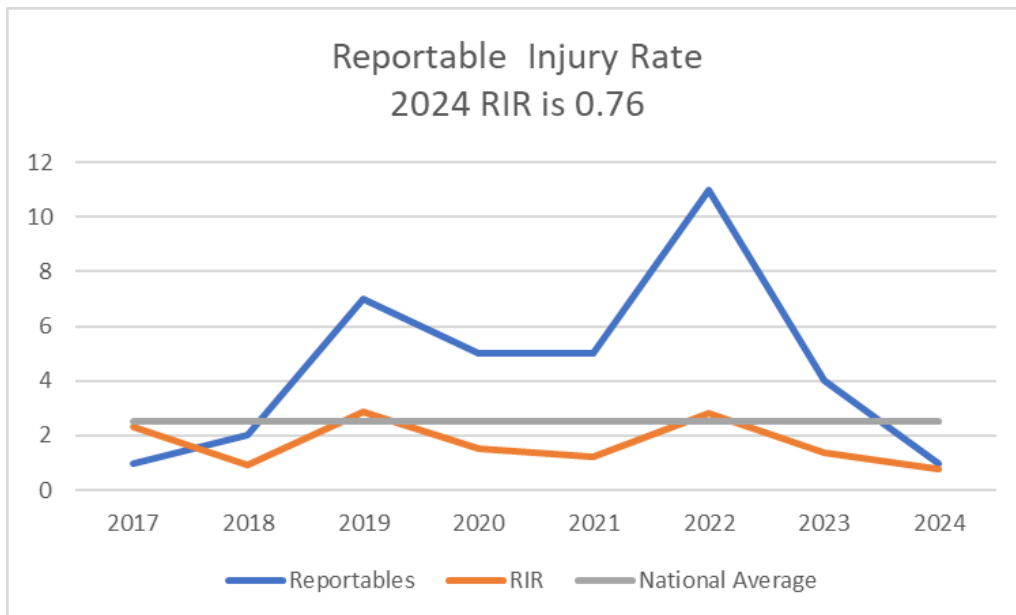


Figure 2-1. Project Reportable Injury Rate (RIR) by Year since 2017

### 2.1 Completed Work

Safety staff continues to coordinate with contractors to identify opportunities to improve safety performance. Organizational-wide safety briefings are being performed to ensure staff understand the application of post incident mitigation measures including rules and procedural changes designed to enhance safety. Project Safety continues to reinforce jobsite safety practices throughout the Caltrain alignment, investigate incidents, and identify mitigation measures to prevent re-occurrences. Safety project coordination meetings continue to be conducted monthly to promote a clear understanding of project safety requirements. In addition, Caltrain Safety continues weekly calls with the lead safety staff from Caltrain, PCEP, BBII, and TASI to discuss safety performance and ongoing initiatives. Caltrain initiated the 10'/10' rule: 10' from track and 10' from overhead wires.

### 2.2 Upcoming Work

The Fire/Life Safety Committee continues to work with emergency responders along the Caltrain corridor on emergency preparedness in advance of energization. The safety team has updated the OCS and EMU emergency responder safety familiarization presentations to include voiceover features for use by the Fire Departments. The presentation will also be shared with other emergency responder jurisdictions through the project Fire/Life Safety Committee.

OCS and EMU First Responder was completed in October. In total, 92 classes were given to emergency responders with a total number of 836 attendees.

Police Departments along the corridor are currently being scheduled by the Transit Police to receive this training also.

In addition to the 836 emergency responders trained, there were 242 third party and Tenant railroad employees trained, and 48 Burlingame Public Works for a total of 1126.

### 3.0 IMS PROGRAM SCHEDULE

#### 3.1 Introduction

The Integrated Master Schedule (IMS) Program Summary Schedule depicted in Figure 3-1 Master Program Summary Schedule shows the schedule status of the major PCEP projects. The current schedule dates for this program schedule were based on BBII's February 2024 Progress Schedule, as well as the Stadler February 2024 EMU Progress Schedule. The Revenue Service Date (RSD) is anticipated to remain as September 26, 2024, contingent upon the final four trainsets completing burn-in within one month of delivery in August 2024. The Full Funding Grant Agreement (FFGA) Revenue Completion Date (RCD) of December 31, 2024, remains unchanged.

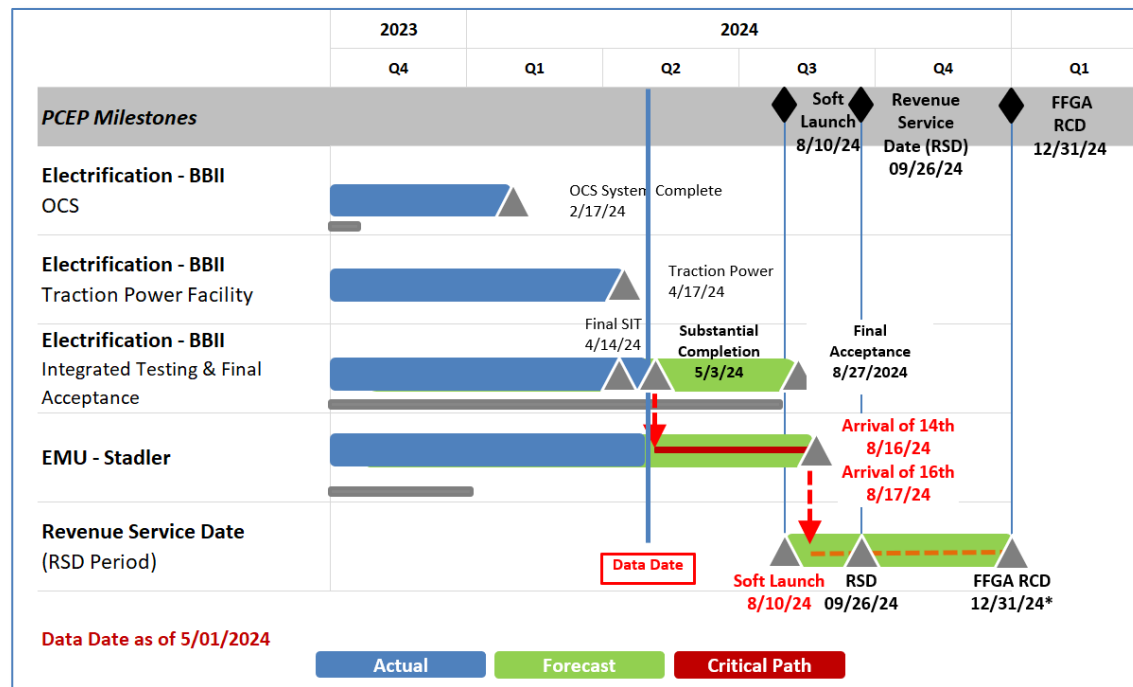


Figure 3-1. Master Program Summary Schedule

### 3.2 Critical Path Analysis

The current critical path has changed due to the Storm Damage on 2/4/2024. Once the critical Storm Damage impacts were repaired, the remaining Short Circuit Testing remains as critical. After completion of Short Circuit documentation, the Segment 1 and 2 Live Run Testing then followed. This path allows for seven days of Project Schedule Contingency, followed by an impacted Substantial Completion date of 5/8/2024. The critical path plot (shown below) represents the as submitted critical path to Substantial Completion for the BBII February 2024 Updated schedule.

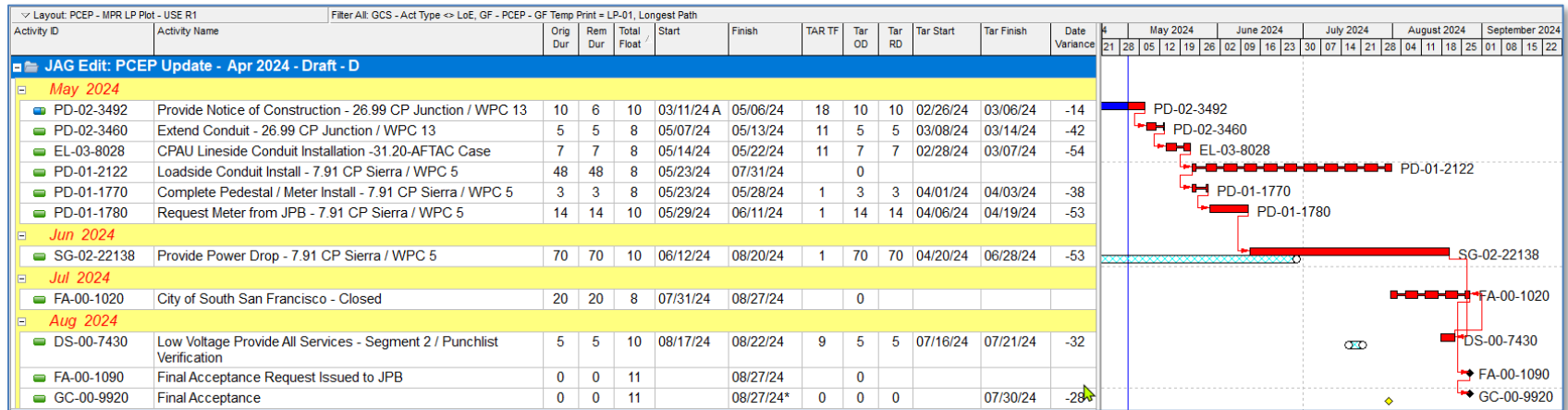


Figure 3-2. Critical Path Schedule

3.3 Schedule Contract Milestone Analysis

Figure 3-3. Contract Milestone Analysis

Contractor	Milestones	Reforecast Dates (Dec 2022)	Current Dates (Feb 2024)	Milestone Finish Date Variance	Total Float	Remarks
BBII	Segment 4 Completion (Final Short Circuit Test Report Delivered to JPB)	2/5/2023	5/31/2023	-115		Completed
BBII	System Integration Testing Start (Segment 4)	4/12/2023	6/5/2023	-54		Completed
BBII	Signal Cutovers and Systems Completion	8/20/2023	8/20/2023	0		Completed
BBII	Traction Power Substation #1 Energization	9/12/2023	8/26/2023	17		Completed
BBII	Completion of Milestone 1 (Segments 3 and 4)	5/28/2023	9/15/2023	-110		Completed
BBII	OCS Construction Completion	10/2/2023	2/16/2024	-137		Completed
BBII	OCS Construction Completion (Guadalupe Bridge)	10/25/2023	2/17/2024	-115		Completed
BBII	System Integration Testing Completion	11/18/2023	4/14/2024	-148		Completed
BBII	Scheduled Substantial Completion (Without Contingency)	12/17/2023	5/1/2024	-136	7	Although this date was shown as 5/1/2024 in the Update, its actual finish date was 5/3/2024. Contingency was set to zero days after reaching Substantial Completion.
BBII	Scheduled Substantial Completion	4/1/2024	5/1/2024	-30	7	Although this date was shown as 5/1/2024 in the Update, its actual finish date was 5/3/2024. Contingency was set to zero days after reaching Substantial Completion.
Stadler	14th Trainset Arrival at JPB Site	10/12/2023	8/16/2024	-309	-105	Stadler is striving to deliver 16 Trainsets by the end of September 2024. Also, Trainset #311 was shipped to Salt Lake City for repairs. Its scheduled arrival date is shown as 2/14/2025 with Burn-In complete by 2/28/2024.
Stadler	16th Trainset Arrival at JPB Site	10/12/2023	8/17/2024	-310	1679	(Same as above)
BBII	Scheduled Final Acceptance	7/30/2024	8/27/2024	-28	11	Based on JPB calculations, the revised Final Acceptance Date should be equal to 9/8/2024. Thus, the as submitted April Update calculated and early completion (by 11-days).
JPB	Revenue Service Date (RSD)	9/26/2024	9/26/2024	0	N/A	Note: RSD may have to be with 14 Trainsets and One (1) spare.
JPB	FFGA Revenue Completion Date (RCD)	12/31/2024	12/31/2024	0	N/A	



#### 4.0 COST AND BUDGET

##### 4.1 Introduction

This section presents an update on program cost and budget. On December 6th, 2021, the JPB adopted a new Program budget of \$2.44 billion. Table 4-1 depicts a summary level of program budget, costs, and estimate at completion based on the latest update of the Electrification and EMU projects as of April 30, 2024.

##### 4.2 Program Budget and Cost

**Table 4-1. Budget Summary by Project**

Description of Work	Current Budget (A) <sup>1</sup>	Cost This Month (B) <sup>2</sup>	Cost To Date (C) <sup>3</sup>	Estimate To Complete (D)	Estimate At Completion (E) = (C) + (D)	Variance at Completion (F) <sup>5</sup> = (A) – (E)
Electrification	\$1,754,673,622	\$8,887,693	\$1,641,267,013	\$112,659,660	\$1,753,926,673	\$746,949
EMU	\$688,017,075	\$1,726,669	\$583,568,020	\$105,196,004	\$688,764,024	(\$746,949)
<b>PCEP TOTAL</b>	<b>\$2,442,690,697</b>	<b>\$10,614,362</b>	<b>\$2,224,835,033</b>	<b>\$217,855,664</b>	<b>\$2,442,690,697</b>	<b>\$0</b>

- Column A "Current Budget" includes re-baseline and executed change orders and awarded contracts.
- Column B "Cost This Month" represents the cost of work performed this month.
- Column C "Cost to Date" includes actuals (amount paid) and accruals (amount of work performed) to date.
- Column F "Variance at Completion" includes forecasted transfer of contingency from EMU to Electrification project.

Table 4-2 depicts program budget, costs, and estimate at completion summarized by major elements of work. This budget table provides additional detail for the program and is broken down by major contracts for Electrification and EMU, minor contracts, real estate, utilities, project management oversight and other indirect support costs.

**Table 4-2. Budget Summary by Major Elements**

Description of Work	Re-Baseline Budget	Current Budget	Cost This Month	Cost To Date	Estimate To Complete	Estimate At Completion
Electrification	\$1,097,149,881	\$1,093,328,881	\$2,590,813	\$1,036,848,374	\$55,110,507	\$1,091,958,881
EMU Procurement	\$556,072,601	\$564,986,271	\$0	\$480,101,163	\$84,885,108	\$564,986,271
Minor Construction Contracts (Tunnel, CEMOF, SCADA, Non-BBI OCS)	\$67,055,072	\$66,326,067	\$21,228	\$65,025,480	\$1,300,587	\$66,326,067
Real Estate Acquisition & Support	\$34,914,177	\$34,914,177	\$58,725	\$25,138,015	\$9,776,162	\$34,914,177
PG&E, Utilities**	\$132,088,994	\$128,868,191	\$282,703	\$126,173,983	\$3,140,141	\$129,314,123
Management Oversight & Support	\$312,699,697	\$321,434,670	\$2,573,109	\$304,432,546	\$17,002,124	\$321,434,670
TASI Support	\$114,488,767	\$144,284,928	\$3,789,453	\$128,336,297	\$16,809,922	\$145,146,219
Finance Charges	\$9,898,638	\$9,898,638	\$179,853	\$11,950,035	\$768,494	\$12,718,530
Insurance	\$6,581,851	\$6,581,851	\$0	\$6,291,001	\$290,850	\$6,581,851
Other Required Projects & Services	\$9,084,176	\$10,484,176	\$129,953	\$6,299,151	\$4,385,025	\$10,684,176
Environmental Mitigation	\$14,438,866	\$13,038,866	\$198,900	\$1,506,751	\$8,512,223	\$10,018,974
Caltrain Capital Overhead (ICAP)	\$48,217,887	\$47,217,887	\$789,624	\$32,732,236	\$14,485,652	\$47,217,887
Contingency	\$40,000,089	\$1,326,093	\$0	\$0	\$1,388,869	\$1,388,869
<b>Total</b>	<b>\$2,442,690,697</b>	<b>\$2,442,690,697</b>	<b>\$10,614,362</b>	<b>\$2,224,835,033</b>	<b>\$217,855,664</b>	<b>\$2,442,690,697</b>

##### 4.3 Program Shared Risk Pool and Contingency

Caltrain and Balfour Beatty Infrastructure, Inc. (BBI) continue implementing new mechanisms to ensure a collaborative approach to Project delivery. The management

team meets every week to review the issues log focusing on risk mitigation and issues resolution.

As part of the global settlement, a shared risk pool of \$50 million was established to manage risks and mitigation proactively and collaboratively with the design-build contractor. Table 4-3 shows the current shared risk drawdown for the current month and to-date as well as the remaining balance of the shared Risk Pool by Risk Category. Any shared risk items (27 Risk IDs listed below in Table 4-3) that are above \$250,000 require Change Management Board (CMB) approval.

**Table 4-3. Shared Risk Pool Status as of April 2024**

Risk ID	Risk Description	Risk Amount	Current Month	Executed to Date	Remaining Balance
1	Permanent Power Availability	\$268,572	\$0	\$178,365	\$90,207
2	Different Site Condition for OCS Foundation	\$3,500,000	\$0	\$1,303,894	\$2,196,106
3	Different Site Condition for Duct bank	\$2,800,000	\$0	\$435,798	\$2,364,202
4	Condition of existing Fiber backbone infrastructure	\$3,150,000	\$0	\$545,221	\$2,604,779
5	Availability of TASI Resource	\$5,777,820	\$0	\$0	\$5,777,820
6	Signal Cutover access and work window	\$5,607,150	\$0	\$0	\$5,607,150
7	Condition of existing signal system	\$538,572	\$0	\$507,167	\$31,405
8	EMI Nonconformance by EMU Vendor	\$750,000	\$0	\$13,184	\$736,817
9	Reed Street Cutover	\$90,000	\$0	\$111,765	-\$21,765
10	Availability of low voltage power for cutover testing	\$1,120,000	\$0	\$3,860,375	-\$2,740,375
11	Third party Permits	\$150,000	\$0	\$0	\$150,000
12	SCADA integration for the entire alignment	\$159,524	\$0	\$0	\$159,524
13	Tunnel OCS Compatibility	\$167,500	\$0	\$152,418	\$15,083
14	Supply chain issue due to COVID 19	\$300,000	\$0	\$28,923	\$271,077
15	End to end Systems integration commissioning	\$2,100,000	\$0	\$0	\$2,100,000
16	Existing Caltrain Operating systems interface and integration	\$1,400,000	\$0	\$71,920	\$1,328,080
17	Third party Approval	\$150,000	\$0	\$353,277	-\$203,277
18	Impact from Caltrain other capital or third-party projects	\$2,166,683	\$0	\$1,933,131	\$233,552
19	Track access delay for BBII Construction	\$1,800,000	\$0	\$1,235,400	\$564,600
20	Additional light Maintenance and Protection Needs	\$280,000	\$0	\$180,505	\$99,495
21	Crossing Protection	\$220,000	\$0	\$102,334	\$117,666
22	Power facilities	\$500,000	\$0	\$917,293	-\$417,293
23	NCR's	\$0	\$0	\$0	\$0
24	Potholing	\$1,700,000	\$0	\$107,547	\$1,592,453
25	Pre-Revenue Service Operational Testing	\$250,000	\$0	\$0	\$250,000
26	TRO Contingency	\$3,000,000	\$0	\$0	\$3,000,000
27	Contingency	\$12,000,000	\$89,302	\$5,009,927	\$6,990,073
NA	Unidentified	\$54,179	\$0	\$0	\$54,179
	<b>BBII Risk Pool Total</b>	<b>\$50,000,000</b>	<b>\$89,302</b>	<b>\$17,048,443</b>	<b>\$32,951,557</b>

In addition to the established Risk Pool with BBII, the Re-Baseline Budget includes a program contingency of \$40 million to cover non-BBII potential changes and unknowns. Table 4-4 provides a detailed status of approved transfers from contingency due to executed Contract Change Orders and approved Budget Transfers.

**Table 4-4. Program Contingency Drawdown Balance**

Change Order ID	Description	Contingency
<b>PCEP Contingency Budget</b>		<b>\$40,000,088</b>
STA-056-CCO-038	Allowance for Electric Power Cost at TTCI	(\$132,365)
STA-056-CCO-041	Manual Phase Break	(\$43,520)
STA-056-CCO-042	Stadler Project Time Extension	(\$8,021,124)
ARINC-061-CCO-005	Traction Power Facility SCADA Database Changes	(\$1,036,122)
PROV-070-CCO-056	Proven Tunnels Final Settlement	\$1,000,000
PROV-071-CCO-069	Proven CEMOF Final Settlement	(\$1,000,000)
BT-027D	Legal Support FY23 - PG&E Counsel	(\$200,000)
BT-029D	GFI Electrification FY23-24 Additional Staff	(\$2,108,070)
STA-056-CCO-053	Stadler – Passenger Convenience Outlets	(\$716,661)
BT-035C	TASI Support – Electrification (2023-2024) rev1	(\$22,039,703)
BBII 053-BT-CNPA	Non-PCEP Actuals-BBII Hist. Change Inc. PCEP Re-Baseline	\$2,191,000
BBI-053-CCO-255	Global Project Time Resolution (TRO)-Substantial Completion – January 2024	\$1,630,000
PG&E-042-BT-006	PG&E Equiv. One-Time Payment (EOTP) - First Reimbursement	(\$391,068)
BT-057	TASI – TASI EMU Maintenance & Material (Pre-Revenue)	(\$4,348,854)
BT-058	Tunnel Leak Remediation (TASI Construction)	(\$562,851)
PROV-070-CLOSE	Proven Tunnels – Close out of Final Actuals	\$184,910
PROV-071-CLOSE	Proven CEMOF – Close out of Final Actuals	\$580,217
PG&E-042-BT-007A	PG&E Supplemental Agreement No. 4 – PCEP Share	\$1,600,000
PG&E-042-BT-007B	PG&E Supplemental Agreement No. 2 – EAC Variance	\$501,962
PG&E-042-BT-007C	PG&E Supplemental Agreement No. 2A – EAC Variance	\$1,509,909
PROV-063-CLOSE	South San Francisco Station Project OCS - Close Out	\$1,000,000
BT-035	TASI Support-Electrification (2023-2024)-Field Support to Sept 2024	(\$2,844,754)
MGMT-2024-02	Management Oversight – Update EAC	(\$6,426,903)
BT-060A	ICAP Adjustment Credits – 2023	\$1,000,000
<b>Remaining Contingency</b>		<b>\$1,326,092</b>
BBII-053-CCO-255-EAC2	Global Project Time Resolution (TRO)-Substantial Completion-February 2024	\$1,370,000
BT-059	4 <sup>th</sup> and King Updates for EMUs	(\$861,291)
PG&E-042 BT-006	PG&E Equiv. One Time Payment (EOTP) - Final Reimbursement	(\$445,932)
<b>Forecasted Remaining Contingency</b>		<b>\$1,388,869</b>

Note: EAC Contingency reflects forecast contingency.

The total Program Contingency as of the December 2021 Re-Baseline Budget totaled \$90M including Allocated and Unallocated Contingency, and BBII Risk Pool. Table 4-5 summarizes the current remaining and forecasted contingency balance as of the monthly update.

**Table 4-5. Overall Program Contingency**

	Total E = (A+D)	Shared Risk Pool with BBII	Program Contingency		
		BBII Risk Pool (A)	Allocated (B)	Unallocated (C)	Subtotal D = (B+C)
<b>PCEP Contingency</b>	\$90,000,088	\$50,000,000	\$24,115,581	\$15,884,507	\$40,000,088
Drawn Contingency	(\$55,722,439)	(\$17,048,443)	(\$24,115,581)	(\$14,558,415)	(\$38,673,996)
<b>Remaining Contingency</b>	<b>\$34,277,649</b>	<b>\$32,951,557</b>	<b>\$0</b>	<b>\$1,326,092</b>	<b>\$1,326,092</b>
Pending Changes	\$62,777	\$0	\$0	\$62,777	\$62,777
<b>Forecasted Remaining Contingency</b>	<b>\$34,340,426</b>	<b>\$32,951,557</b>	<b>\$0</b>	<b>\$1,388,869</b>	<b>\$1,388,869</b>

#### 4.4 Electrification Design Builder Contract Incentives

The Global Settlement with BBII also includes incentives based on Milestone completions and remaining contract incentives. Table 4-6 provides a status of Design-Build Contractor incentives Budgeted, Awarded, and remaining balance.

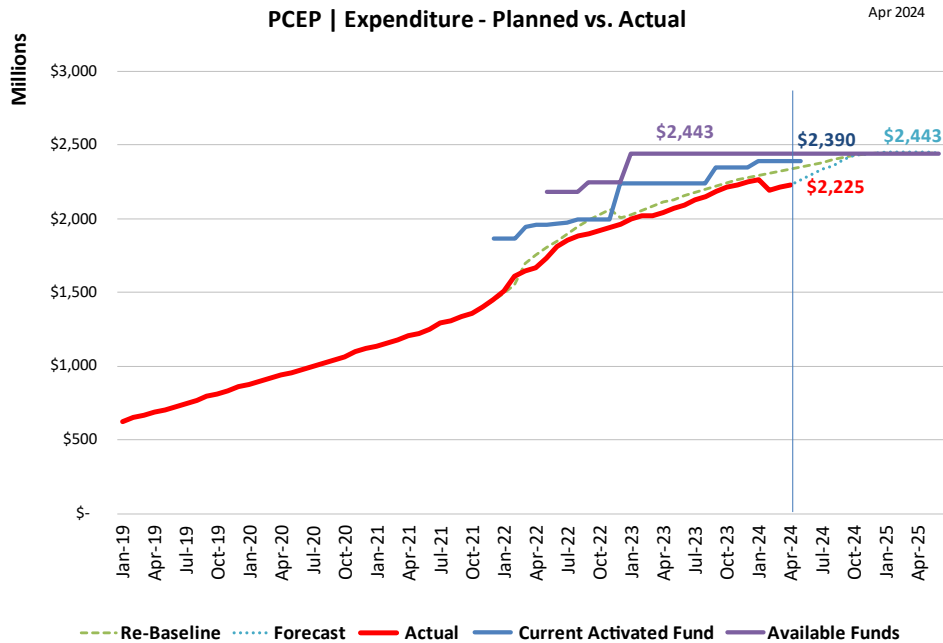
**Table 4-6. BBII Incentives**

Incentives	Budgeted	Awarded	Balance
<b>Contract Incentive:</b>			
Quality	\$1,250,000	\$1,083,333	\$166,667
Safety	\$2,500,000	\$1,700,000	\$800,000
Community Outreach	\$2,500,000	\$2,225,000	\$275,000
DBE	\$900,000	\$0	\$900,000
<b>Total Contract Incentive</b>	<b>\$7,150,000</b>	<b>\$5,008,333</b>	<b>\$2,141,667</b>
<b>Milestone Incentive:</b>			
Early Signal and Crossing Cutover	\$4,000,000	\$4,000,000	\$0
Early Project Substantial Completion (NTE)	\$8,000,000	\$0	\$8,000,000
Early Revenue Service	\$3,000,000	\$0	\$3,000,000
<b>Total Milestone Incentive</b>	<b>\$15,000,000</b>	<b>\$4,000,000</b>	<b>\$11,000,000</b>

#### 4.5 Program Cash Flow and Funding

The remaining program expenditures are cash flowed in Figure 4-1. With the award of the full funding, the program does not expect any cash flow issues due to funding.

**Figure 4.1. Expenditure – Funding Cash Flow**



4.6 Issues

Table 4-7. Cost and Funding Issues Identified, and Actions Taken for April 2024

Issues	Actions
None	• n/a

**5.0 CHANGE MANAGEMENT**

**5.1 Introduction**

The change management process establishes a formal administrative work process associated with the initiation, documentation, coordination, review, approval, and implementation of changes during the design, construction, or manufacturing of PCEP. The change management process accounts for the impacts of the changes and ensures prudent use of contingency.

**5.2 Change Orders/Shared Risk Pool**

5.2.1 Executed Shared Risk/CCO

The following Shared Risk items were executed in April 2024:

- IRL 355 – Theft of Railroad Equipment on the Caltrain Right of Way (ROW) identified in October 2023
- IRL 367 – Watkins Crossing ROW Grounding and Bonding Replacement

5.2.2 The following item was brought to the CMB for contingency drawdown approval in April 2024:

- TASI Field Support
- Management Oversight – Updated EAC

5.2.3 Upcoming Change Orders or Shared Risk Items

- Watkins Crossing Grounding Replacement

**5.3 Issues**

**Table 5-1. Change Management Issues Identified and Actions Taken for April 2024**

Issues	Actions
None	<ul style="list-style-type: none"> <li>• n/a</li> </ul>

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: John Hogan, Chief Operating Officer  
Subject: **Receive Update on Rail Activation Management Program**

Finance Committee Recommendation       Technology, Operations, Planning, and Safety Committee Recommendation       Advocacy and Major Projects Committee Recommendation

**Purpose and Recommended Action**

This report is an informational item that provides an update on Caltrain’s Rail Activation Management Program (RAMP), which is an ongoing effort to manage all revenue start-up activities for the transition from electrification construction to operations. It requires no action by the Board of Directors. The purpose of this month’s report is to review the updated RAMP scorecard, which tracks progress of critical activities essential for start of electric train service in Fall 2024, and to provide an overview of both soft launch plans as well as marketing strategies.

**Discussion**

*1. Rail Activation Background and Scope:*

The Peninsula Corridor Electrification Project (PCEP) will upgrade 51 miles of diesel service to electrified service from San Francisco to San Jose (Tamien Station). The PCEP scope of work includes design and construction of an overhead contact system, traction power facilities, modification of the existing signaling and grade crossing protection system to make it compatible with the electrified railroad, improvements at Pacific Gas and Electric (PG&E) substations, and modifications at existing tunnels and Caltrain’s maintenance facility. It also includes the design, manufacturing, assembly, testing, and delivery of the Electric Multiple Units (EMUs).

A Rail Activation Committee (RAC) has been established to manage the successful launch of electrified revenue service following PCEP substantial completion by developing a guiding program for commissioning, systems integration, safety certification, testing, training, and overall resource planning. The RAC meets on a weekly basis, and its purpose is to:

- establish clear goals, roles and responsibilities to ensure readiness for electrified passenger service;
- develop a comprehensive understanding of all necessary start-up activities for revenue service; and
- ensure buy-in from full organization for the transition from construction to operations and maintenance.

The weekly RAC meetings also include a 2 to 4 week lookahead of upcoming activities to ensure items remain on track and deadlines do not slip.

Key RAMP focus areas included, but are not limited to:

- Safety and Security
  - System safety certification
  - Vehicle storage and disposition plans
  - Emergency preparedness
  - First responder training
  - Isolation protection services
- Revenue Service Readiness
  - Training, certification, and hiring
  - Operations & Maintenance plans
  - Legacy fleet retirement
  - Service planning
- Community Outreach
  - Public tours
  - Safety campaigns
  - Marketing
- Financial Plan
  - Start-up costs
  - Energy procurement strategy

## 2. *Rail Activation Roles:*

The RAC is led by a Director of Rail Activation and Transition with dedicated engineering and project management support.

Caltrain's Operations and Maintenance (O&M) department along with the JPB's rail service contractor, TransitAmerica Services, Inc. (TASI), are also heavily involved in the start-up efforts to ensure that the Electrification Program, once in revenue service, meets all Caltrain's benchmarks for safe, reliable, and efficient operations. To that end, Caltrain O&M staff participate in the RAC and work closely with the PCEP project team and contractors on development of the Overhead Contact System (OCS)/Traction Power System (TPS) maintenance program, training, and pre-revenue service planning.

Rail Activation is a collective effort that includes support from nearly every department and shared service function throughout the organization. These include Caltrain Planning, Design and Construction, Safety and Security, Human Resources, Finance, Budgets, Contracts and Procurement, Communications, Government and External Affairs, Information Technology, People and Culture and Real Estate and Grants.





**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Board of Directors  
Through: Michelle Bouchard, Executive Director  
From: Taylor Huckaby, Deputy Chief Communications Officer  
Subject: **Receive Update on Customer Experience and Retention Strategy**

Finance Committee Recommendation       Technology, Operations, Planning, and Safety Committee Recommendation       Advocacy and Major Projects Committee Recommendation

**Purpose and Recommended Action**

This item is for informational purposes only. Caltrain, through its Customer Experience Team, has been focused on developing strategies to improve the entire customer experience, increase customer satisfaction, and retain existing riders. This report provides an overview of Caltrain’s planned Customer Experience Strategy for the next six to twelve months.

**Discussion**

This report and accompanying presentation are provided to inform the Board of Caltrain’s ongoing customer experience and retention efforts including implementation of a preliminary action plan building on prior initiatives. The execution of these strategies will advance coordination with community partners, improve the value proposition for current customers using Caltrain’s service, and offer exciting new ways to engage with the agency and fellow riders.

**Action Plan Development**

Caltrain’s ridership experience and retention action plan has been informed by the following activities:

1. Market research via surveys and focus groups to identify perceptions surrounding public transit including barriers to riding and customer experience improvement priorities;
2. Data analysis related to Caltrain service levels, customer communications, and special events to identify the most significant drivers of ridership historically; and
3. Recommendations provided by the Board, Citizens Advisory Committee, and other key stakeholders.

**Customer Experience and Retention Strategy**

As further outlined in the accompanying presentation, Caltrain is recommending a combination of near- and mid-term customer strategies to help improve customer sentiment, satisfaction, experience, and retention. These strategies can be grouped into the following categories:

- **Awareness and Discovery:** Improve and expand upon avenues to drive awareness of Caltrain’s services and initiatives. Improve how riders discover and plan journeys and receive support.
- **Rider Experience:** Ridership experience improvements through initiatives that situate Caltrain competitively, engage the community, partner with regional transit agencies, and generate excitement about improved service and amenities.
- **Retention and Advocacy:** Ridership retention through the use of improved technology, enhanced experiences, and events in innovative ways to engage with communities more meaningfully.

Staff continue to gather data on rider preferences and priorities from a variety of sources. This information will be used to adjust the action plan over time. Staff also plan to closely evaluate the impacts of the selected strategies in order to refine them as needed and more effectively deploy limited resources.

#### Additional Background

Caltrain, like other transit services in the region, experienced a large decrease in ridership during the pandemic. Prior to the pandemic, in FY 2019, Caltrain served between 1.4 and 1.6 million riders in an average month. In FY 2024, Caltrain is averaging approximately 499,000 rides per month, which is approximately 33% of pre-pandemic ridership levels.

Caltrain launched a Customer Communications Task Force in 2023 to focus on near-and mid-term customer opportunities to make Caltrain easy and delightful to use - such as improved station digital signage, SMS & Text service alerts, and enhanced partnerships with communities and transit properties throughout the corridor.

Caltrain is building improved service alerts capability aimed at improving the speed and ease of real-time service alert communication to riders. Additionally, Caltrain expanded its participation in Ambassador outreach programs to drive awareness about electrification as well as support riders during critical bus bridge service changes.

#### **Budget Impact**

There is no budget impact associated with receiving this informational update. Caltrain will use its existing budget to fund upcoming service alerts improvements and community engagement activities along the corridor. Anticipated impacts from these initiatives are centered on rider satisfaction, retention, and electrification awareness. We will explore further ways to measure retention and satisfaction in the future.

Prepared By: Taylor Huckaby      Deputy Chief Communications Officer      650-508-6256

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

**DRAFT MINUTES OF MAY 15, 2024**

**MEMBERS PRESENT:** D. Albohm, A. Brandt, R. Kutler, P. Leung, J. Torres, (Alternate), M. Pagee (Alternate), S. Seebart

**MEMBERS ABSENT:** D. Hernandez, R. Jaques (Alternate), A. Lohe, B. Shaw (Chair)

**STAFF PRESENT:** J. Hogan, J. Navarrete, L. Peabody, D. Ryan, S. Sargent, B. Tietjen

Vice Chair Adrian Brandt called the meeting to order at 5:40 pm and led the Pledge of Allegiance.

**CONSIDERATION OF REQUESTS**

There were none.

**APPROVAL OF MEETING MINUTES OF APRIL 17, 2024**

Motion/Second: Pagee/Leung

Ayes: Albohm, Brandt, Kutler, Torres

Abstain: Seebart

Absent: Hernandez, Jaques, Lohe, Shaw

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

Jeff Carter commented on the EMU public tour event held at San Carlos.

**CHAIRPERSON'S REPORT**

Vice Chair Brandt Chair commented on the EMU public tour event held at San Carlos. He also commented on the Transbay Joint Powers Authority (TJPA) Tunnel, receiving a grant from the FTA to advance the Portal/Downtown Extension. Lastly, he commented on grade separation interest and Diridon Integrated Station Concept Plan.

Public Comment

Jeff Carter provided historical comments about the railroad.

**COMMITTEE COMMENTS**

Members commented and applauded staff on the EMU Tour event at San Carlos.

**LEGISLATION UPDATE**

Devon Ryan, Government & Community Affairs Officer, provided a Legislative update on the Regional Transit Revenue Measure, SB1031, which included the following:

- The timeline.
- The Caltrain Board current position.
- South county service next steps.
- SB1031 Updates.

The full Power Point presentation can be found on caltrain.com.

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

- Further discussion regarding SB1031 regarding funding and conflicting information.
- Proposed amendments to address concerns and amendments that have already been made.
- Request to include labor in the regional financial approach.

#### Public Comment

Jeff Carter mentioned the importance of the Regional Transit Revenue Measure. He also mentioned other potential forms of funding.

#### **CALTRAIN WAYFINDING**

Lisa Peabody, Director, Customer Experience, provided the presentation which included the following:

- Overview of the Regional Mapping and Wayfinding Project
- Updates on Caltrain Alerts & Wayfinding

The full Power Point presentation can be found on caltrain.com.

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

- Request for a tutorial on how to ride Caltrain.
- Regional Mapping and Wayfinding Hubs and user testing will be needed before implementation.
- The outreach strategy was discussed.
- Request to consider cost of the Regional Mapping and Wayfinding Project.
- Further discussion covered social media/platforms topics, including the longevity of QR codes, Caltrain app requests, and Discord.

#### Public Comment

Jeff Carter mentioned the importance of regional wayfinding between transit agencies as well as regional seamless fares. He also commented on the plans to update the website and future subscription signups.

Andy commented on the wayfinding signage at Hillsdale mall and at the Hillsdale station.

CMF commented on wayfinding, request for more station information including accurate single tracking information. CMF also commented on social media platform Discord.

### **ELECTRIFICATION UPDATE / BROADBAND WIRELESS**

Brent Tietjen, External Affairs Manager, Caltrain Electrification, provided the presentation which included the following:

- Caltrain electrification milestones.
- Electric train testing.
- Upcoming weekend service changes.
- Electrified service plan benefits.
- Public Outreach safety campaign.
- Electric train tour and 160th anniversary celebration at San Carlos.

The full Power Point presentation can be found on [caltrain.com](http://caltrain.com).

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

- Caltrain electrification soft launch plan.
- Appreciation of the e the Electric train tour and 160th anniversary celebration at San Carlos and the changes that were made to the safety brochure.
- Status of Wi-Fi on electric trains at the time of full launch in September. Wi-Fi availability is on track.
- Further discussion regarding full shutdown of service in June.
- Comments on environmental benefits were made.

### Public Comment

Jeff Carter commented on the launch of Caltrain's electrification and the new electric trains.

Doug DeLong commented on the theft of impedance bonds, wiring on the south end of the corridor, and the paralleling station 7.

Andy commented on his experience in other transit agencies with electric trains.

CMF requested staff to monitor bike capacity.

Sam Sargent, Director of Strategy and Policy, stated that he would add the question regarding monitoring bike capacity on trains to the follow-up list.

### **STAFF REPORT**

- a) Customer Experience Task Force Update
- b) JPB CAC Work Plan Update
- c) Measure RR Report Summary

Sam Sargent, Director of Strategy and Policy, requested the review of Measure RR be pretended before the staff report.

Li Zhang, Chief Rail Commercial & Business Development presented the Measure RR summary and requested the Citizen's Advisory Committee to accept the report by committee vote.

### **ACCEPTANCE OF MEASURE RR REPORT**

Motion/Second: Seebart/Brandt

Ayes: Albohm, Kutler, Leung, Pagee, Torres

Absent: Hernandez, Jaques, Lohe, Shaw

Li Zhang advised that a subcommittee would need to be created at least three months prior to the financial audit. Vice Chair Brandt suggested three members make up the subcommittee and requested staff to provide the CAC advance notice.

Sam Sargent, Director of Strategy and Policy provided the following information:

- A summary of the electric train tour events at San Jose Diridon, San Francisco and San Carlos.
- The continued electric train testing.
- The fare enforcement report.
- Ridership trend summary.
- Sam confirmed follow-up items, including the flat spots, automatic people counter distinguishing between people and bicycles and whether bike capacity instances can be made available to the public.
- Reported on Bike to Word Day energizer stations for events later that week.

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

- Fare enforcement data for March and conductor politeness during the process.

### **COMMITTEE COMMENTS**

Member Brandt commented on the incident involving train 109 in Menlo Park, which affected the island circuit and impacted the crossings. He requested an update from staff on the crossing

wireless optimizations. Sam stated that he would forward the comment to John Hogan for a response.

Public Comment

Doug Delong commented on capital projects report and provided feedback on ridership.

**DATE, TIME, AND LOCATION OF NEXT REGULAR MEETING**

June 19, 2024, at 5:40 pm, via Zoom teleconference or at the Bacciocco Auditorium, 2<sup>nd</sup> Floor, 1250 San Carlos Avenue, San Carlos, CA.

**ADJOURNMENT**

Meeting adjourned at 8:02 pm

DRAFT