






## Board of Directors Meeting

### PENINSULA CORRIDOR JOINT POWERS BOARD

#### Minutes

Thursday, September 5, 2002 at 10:00 a.m.

**MEMBERS PRESENT:** Michael Nevin (Chair), John McLemore (Vice Chair), Maria Ayerdi, Michael Burns, Arthur Lloyd, Steve Schmidt

**MEMBERS ABSENT:** Sophie Maxwell, Manuel Valerio, Ken Yeager, Sue Lempert (MTC Liaison)

**STAFF PRESENT:** Mike Scanlon, David Miller, Jim Gallagher, Cheryl Cavitt, George Cameron, Roger Contreras, Chuck Harvey, Howard Goode, Aurora Jose, Ian McAvoy, Jerry Kirzner, Liz Wiecha

Chair Nevin called the meeting to order at 10:09 a.m. Amtrak Police Officer Jim Martino led the pledge of allegiance to the flag.

Chair Nevin spoke of the greatness of the City of San Francisco and his pride to be one of those who have the opportunity to serve and be part of the San Francisco region.

#### PUBLIC COMMENT

Norman Rolfe, San Francisco, commented on a report regarding substitute buses carrying only 25 percent of what Caltrain is carrying during the weekend. He suggested a review of the service schedules. Also, he requested information on what will happen to the Caltrain service and fares when BART opens at the airport, and what will happen to the free airport shuttles that meet the trains at Millbrae.

Jeff Carter, Burlingame, raised a concern about the condition of the temporary platform for trackwork at Millbrae. The platform that was paved north of the existing platform is lower by several inches. Secondly, at Millbrae, the temporary platform does not handle trains that are longer than four cars. Sometimes trains have to back-up to meet that platform, thereby causing delay. Regarding the new schedule at 22nd Street, people are inconvenienced because trains that operate in the afternoon are about an hour apart instead of half-hour. This should be looked at to accommodate people.

Ed De Lanoy, noted a newspaper headline "Caltrain Weekend Baseball Buses Rolling Empty". He said this report underscored his concern over the weekend shutdown, and warned that ridership is hard to earn but easy to lose through negative public perception. Executive Director Michael Scanlon responded that only the required number of buses is dispatched in PacBell service. No empty buses are dispatched.

#### ADDITIONAL AGENDA ITEM

At this point, Chair Nevin proposed adding an item to the agenda regarding bus bridge. Attorney David Miller stated there is an invoice submitted for the bus bridge service that was implemented July of this year in connection with the north CTX project. In order to effect payment, both SamTrans and the Valley Transportation Authority (VTA) need a formal Board approval of the budget allocating the funds for

the purpose. The invoice arrived subsequent to the posting of the agenda and under the Brown Act Section 54954.2(b)2, it is permissible for the Board to add an item if the issue arose after the posting of the agenda and there is immediate need for action. He said there is a need for immediate action because the invoices are due and owing. The item will come as part of the Executive Director's report.

The Board, by roll call, unanimously approved the addition of the item to the agenda.

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### **CONSENT CALENDAR**

The Board, by roll call, unanimously approved the following items under the consent calendar:

- a. Minutes of July 11, 2002
- b. Statements of Revenue and Expense, June and July 2002
- c. Resolution No. 2002-24 - Adopting the Investment Policy for the Peninsula Corridor Joint Powers Board
- d. Resolution No. 2002-25 - Authorizing Investment of Peninsula Corridor Joint Powers Board Monies in Local Agency Investment Fund
- e. Resolution No. 2002-26 - Award of Contract to Lenat & Partners, Inc. for Furnishing Creative Advertising and Graphic Services at a Total Cost Not to Exceed \$525,000 for a Three-Year Term
- f. Resolution No. 2002-27 - Authorizing the Executive Director or His Designee to Grant Easements for the Relocation of Utilities as Necessary to Facilitate Capital Projects

### **CHAIRPERSON'S REPORT**

- Chair Nevin honored JPB Director Arthur Lloyd, and Capt. Jim Martino of the Amtrak Police Service for being the recipients of the prestigious Amtrak President's Service and Safety Awards. The awarding ceremony will be held in Washington D.C. this coming October. Director Lloyd was recognized by Amtrak National President David Gunn as the "Champion of Rails" and Capt. Martino, who also serves Caltrain, will be receiving the "Charles Luna Memorial Award for Safety Achievement". Chair Nevin pointed out, the fact that Director Lloyd and Capt. Martino are both involved with Caltrain, speaks well of the quality of personnel of the whole system who are helping lead the way to the success of the peninsula corridor service. Amtrak General Manager George Ericson presented the plaques to Director Lloyd and Capt. Martino.

Chair Nevin noted that leadership begins at the top. In the selection process for the best CEO in transportation, there is no question that the JPB has selected the best CEO in the country. The JPB is lucky to have Mr. Scanlon as Executive Director.

- Chair Nevin announced that Director McLemore is going to represent the JPB in Salinas at an event that will introduce bus service to connect with Caltrain in Gilroy.

### **MTC LIAISON REPORT**

Executive Director Michael Scanlon informed that Ms. Lempert called in to inform that she will be out of town today.

### **REPORT OF CITIZENS ADVISORY COMMITTEE (CAC)**

Mike Rodriguez, CAC Chair, congratulated Director Lloyd and Capt. Martino for their tremendous service to Caltrain. He reported the CAC did not meet in August. In July, they met the new CAC members. They plan to hold a meeting in the south bay and north bay and look forward to this outreach effort.

Director Ayerdi announced that Senate Bill 1856, the High Speed Rail Bond Act, is

now on the governor's desk for signature. She was pleased that the first segment to be funded is the one from the San Francisco Transbay Terminal to Los Angeles Union Station. This bill will do well not only for Caltrain but other intercity and commuter rail systems. She encouraged the public to be aware of this and send letters to the governor asking him to sign it.

### **REPORT OF THE EXECUTIVE DIRECTOR**

Mr. Scanlon gave the following report:

- He expressed pleasure working with Director Lloyd and Capt. Martino on the JPB.
- Director Michael Burns received the "Clean Air Champion Award" from the Air Resources Board, which he truly deserves.
- Ian McAvoy, Deputy Chief of Development, reported the Courts have issued a stay on Environmental Protection Agency's (EPA's) approval of the regional Ozone Attainment Plan. The Plan needs to be approved in order to adopt the future Transportation Improvement Plan (TIP). If the TIP is not approved, none of the Bay Area transportation agencies could get Federal funds and they will not be able to pursue projects. The current MTC TIP expires on October 5. Any projects past October will be delayed because of the lawsuit. The MTC is adopting an interim TIP that includes projects that have no impact on air quality whether good or bad. Mr. McAvoy noted the lawsuit would impact the recent action taken by this Board to move some RABA money from one project to another. There will be a potential short delay in the JPB accessing grants in the coming year, and the Rapid Rail Project. Two projects that are in question are the electrification and the EIR for the Downtown Extension Project. He noted what staff is doing to keep projects moving or at least make the impact on Caltrain at the minimum level.

Director McLemore remarked that he and his MTC colleagues are attempting to work with an interim budget to move projects forward. Director Ayerdi inquired what point the litigation is in at this time. Mr. McAvoy responded the MTC is right now fighting the litigation but the fact that the MTC is committed to do an interim TIP, will help the transit properties move forward with projects. Chuck Harvey, Chief Operating Officer, stated the Ninth Circuit Court is the Court that issued the stay of the EPA's approval of the Ozone Attainment plan. The hearing that is scheduled between now and the end of the year would be to either lift the stay and allow the plan to be approved or stop the approval of the plan and require the MTC and the BAAMQD to rewrite the plan.

Director McLemore stated the MTC is creating the interim TIP. If they win the lawsuit, they will recreate the regular budget.

- Caltrain Performance Report: In July, Caltrain average weekday ridership was off 14.4 percent which is attributable to the 10 percent fare increase that started July 1. Also, the 4th of July fell on a Thursday prompting employees to observe a four-day weekend. Shuttle ridership is off 18.7 percent. Reports were received that as a cost-cutting measure, a number of companies in Silicon Valley implemented forced employee vacations. On-Time Performance was 97.5 percent. Mr. Scanlon cautioned, however, that this is not to be compared with last year's figure because this represents weekday service only.
- New Caltrain schedules went into effect on August 26. Staff is monitoring the situation. Some adjustments will be made as required.
- Full delivery of train cars is expected by the end of September. All trains will be put in a 5-car consist.
- Caltrain will be participating in the "Car-Free Day in San Francisco" on September 27. The JPB will have a booth.
- This summer, Caltrain riders who transfer from the VTA Tasman line at Mountain View will be riding on VTA's low-floor light rail vehicle.
- The Caltrain Safety Report contains statistical notes of prevention of

- suicide, arrest of miscreants and other interesting matters.
- An agreement was reached with the San Mateo County coroner on a new set of protocols for the quick restoration of service following a fatal accident.
- The JPB received again a certificate of achievement for a comprehensive annual financial report for FY 2001. Mr. Scanlon acknowledged the Finance team for the good work.
- Fuel prices went up last week as a result of the tension in the Middle East.

### **QUARTERLY STATUS REPORT**

Liz Wiecha, Director of Capital Project Management, presented the Quarterly Report for March-June, 2002. She reported on the significant progress of the north CTX construction contract package that started first weekend of July. She reported the project includes track rehabilitation, signal upgrades, and completion of the Millbrae and Bayshore stations. Staff has completed the design of the South CTX project. Invitation to bid has already been advertised. Among the projects that are underway is the car rehab program that is scheduled for completion in September. As of the end of June, 60 of the 73 cars have already been rehabilitated. She noted the arrival of the Baby Bullet rolling stock. The remainder of the order will be delivered next year.

### **REPORT ON ELECTRIFICATION**

Ms. Wiecha reported in the last quarter of the fiscal year, staff reviewed and continued to work on the administrative draft of the environmental document that includes noise analysis, visual impact analysis and analysis of historic structures; and the development of the overhead contact system plans for structures that will be impacted. She stated the GO 95 PUC subcommittee was revived in connection with activities that will involve technical construction and maintenance of electrified railroad. Staff has been working with PG&E on the electrification of the stations. Ms. Wiecha outlined some of the upcoming deliverables such as the completion of draft environmental assessment and environmental impact statement. This document will be submitted to the FTA as an administrative draft for review. A public review and comment period will follow. Public hearings will be held in the three counties. A finding of "no significant impact" is anticipated. Currently, staff is preparing a detailed work plan for continued preliminary engineering for this project, after which, the procurement process will commence. Some of the technical issues will be resolved and some sub-surface and other utility work will be completed. Ms. Wiecha invited attention to the project delivery schedule. She noted the work needed to be done for the commissioning of the rolling stock and pre-revenue testing period. Based on staff's current analysis of durations required for delivery, the project is on track for revenue service by the end of 2008.

Director McLemore believed that public power electricity in the long run, ends up being cheaper than PG&E power. He requested staff to provide a true understanding of this. Also, he requested a report on how the County of Santa Clara pays for their portion of electrification.

Mr. Scanlon commented in his opinion, initially, Caltrain will be running both on diesel and electricity. High Speed Rail to San Francisco means the Peninsula corridor must be electrified. He mentioned going into electrification incrementally and working with private sectors in the financing aspect. He stated the SCC will work on issues as the project moves forward.

Director Ayerdi supported staff's objective to maintain the target year of 2008. She stated the High-Speed Bond Act will help support the project. She thanked Senator Burton for the passage of this bill in both houses and getting it on to the governor's desk. Mr. Scanlon added Senator Speier also worked to get the funds. Director Lloyd also recognized the efforts of Senator Costa.

Director Burns asked if the public meeting would be a part of the JPB meeting. Ms. Wiecha responded the public hearing will take place at the Board meeting at the culmination of the public review period.

Director Schmidt assumed that based on the schedule, the public hearing will take

place sometime this year. Ms. Wiecha advised as soon as the FTA has certified or signed off on the administrative draft of the document, the public comment period will commence.

### **PRESENTATION ON CTX NORTH**

Howard Goode, Chief Development Officer, stated staff will report on this project on a quarterly basis or more often when there is something significant to report. He presented a written summary of the progress of the contract through the end of July. He reported a construction management organization was assembled to administer both contracts - the CTX north that is already in construction, and the CTX south, which has just been advertised. It is a partnership between JPB, the consultants and Amtrak. Mr. Goode introduced Mr. Ted Franco of DMJM/Harris, who recently joined the agency. Mr. Franco provides overall direction as Director of Construction for staff.

Mr. Franco gave an overview of the production tie replacement gang. He presented pictures of machines and equipment that are being used in the job and described their functions. He presented the tie gang, their shifts, and their operations.

Director Schmidt questioned if the operations are noisy. Mr. Franco responded the noise of the diesel engine is equivalent to the noise of a truck. The working functions are relatively quiet. One could drive by and if he does not see them, he wouldn't know work is going on.

Mr. Harvey gave an update on the effect of the weekend shutdown on the riders. He also reported on the fare increase and service changes. He stated the RRX is carrying approximately 33 percent of weekend ridership or approximately 2,500 people per day. The baseball services carry approximately 500 per game. The fare increase took effect July 1. The off-board discount fee of \$3 was also implemented. Parking fees and ticket validity period were changed slightly. On-board ticket purchases continue to go down dramatically. Sales through the ticket vending machines are now over \$1 million per month. The market share on conductor revenue on the train is reduced by \$90,000 per month. TVM reliability is very strong over the last two months. The goal is to eliminate ticket sales on the train by the end of this fiscal year. Staff has addressed and continues to address complaints from riders. The Bombardier cars are in the final acceptance process. The cars are being modified to accept more bicycles. The first Baby Bullet locomotive will be delivered in February of next year.

### **ADDITIONAL ITEM:**

Motion to Effectuate Payment for CTX Supplemental Bus Support: Mr. Harvey reported in order to allow the CTX north and south construction projects to continue with the weekend shutdown, staff is proposing Board confirmation that the charges are associated with the operation of the CTX project. Staff also proposes that the Executive Director be authorized to procure those services for SamTrans and VTA, and finally approve the expenditure of funds so that payments could be made as services are provided.

The Board, by roll call, unanimously approved the proposed action.

Chair Nevin announced that in observance of the September 11 anniversary of the attacks in New York City, Washington D.C. and Philadelphia there will be ceremonies throughout the country including San Mateo County. The meeting today will close in memory of all those who died on September 11, 2001.

### **REPORT OF LEGAL COUNSEL**

Attorney Miller stated that the purpose of this closed session is to discuss the matter of a potential litigation to be initiated by this body.

Closed Session: Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation Pursuant to Subdivision C of Section 54956.9: One Case

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THE BOARD ADJOURNED INTO CLOSED SESSION AND RECONVENED IN

OPEN SESSION AT 11:45 A.M.

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Attorney Miller stated a report was given to the Board in closed session and instructions were given to counsel and the Executive Director. An update will be provided at the next meeting.

**CORRESPONDENCE TO THE BOARD**

Director Ayerdi referred to the letter received from the Division 65 of the Brotherhood of Locomotive Engineers opposing the use of Remote Control locomotives by the Union Pacific Railroad on the Caltrain right of way. Mr. Harvey stated that the issue is between the U.P. and Locomotive Engineers, and Howard Goode has been acting as JPB liaison with the U.P. He stated both JPB staff and Amtrak are working with U.P. on a demonstration basis to use remote control locomotives at times that do not interfere with Caltrain operations. Oversight of this trial use and further discussions with the U.P. will take place in September.

**ADJOURNED:** 11:57 A.M.