



JPB Board of Directors
Meeting of October 5, 2023

Supplemental Reading File

<u>#</u>	<u>Subject</u>
1	Accept On-Call Communication and Signal Services Update
2	Accept On-Call Transportation Planning and Consultant Support Services
3	Update Clipper BayPass Participation Agreement_Final
4	Contracts and Procurement Quarterly Report
5	Diridon Station Business Case Update
6	State and Federal Legislative Update
7	MTC Regional Monthly Update
8	Caltrain_4th_&_King_Enabling_Works_MOA - fully executed
9	Enabling Works MOA Amendment No. 1

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Finance Committee
Through: Michelle Bouchard, Executive Director
From: Lawrence Leung, Manager, Rail Contracts & Budget
Zouheir Farah, Director, Caltrain Engineering
Carlos Ortega, Deputy Director, Caltrain Systems Engineering
Subject: **Accept On-Call Communication and Signal Services Update**

<input type="checkbox"/> Staff Coordinating Council Reviewed	<input type="checkbox"/> Finance Committee Recommendation	<input type="checkbox"/> Technology, Operations, Planning, and Safety Committee Recommendation	<input type="checkbox"/> Advocacy and Major Projects Committee Recommendation
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Purpose and Recommended Action

This report is for information only. No Board action is required.

Discussion

This informational item is presented quarterly to the Board and reports on the following:

- Total amount of work directives (WDs) issued to each firm since contract inception
- List of WDs and amendments issued since the last reporting period with the WD number, title, description, JPB project manager, vendor, issuance date, start date, end date, and value

The tables below provide an update of contract activities from June 7th, 2023 thru September 7th, 2023. Table 1 summarizes the contract capacity status. Table 2 updates the percentage of capacity used against the percent time elapsed. Table 3 shows the Board approved dates and amounts. Table 4 aggregates the WD amounts issued to each of the vendors. Table 5 describes each of the WDs issued since the last reporting period.

Budget Impact

There is no impact on the budget.

Background

Pursuant to Resolution No. 2022-37, the Board of Directors (Board) awarded contracts to RSE Corporation, STV Incorporated, WSP USA, Inc., and Xorail, Inc., consisting of a five-year base term for an aggregate not-to-exceed amount of \$18,000,000.

Prepared By:	Lawrence Leung	Manager, Rail Contracts & Budget	650-508-6328
	Zouheir Farah	Director, Caltrain Engineering	650-622-7819
	Carlos Ortega	Deputy Director, Caltrain Systems Engineering	650-551-6191

Table 1

Contract Summary	Years	Amount
Total Capacity:	5.0	\$18,000,000
Work Directives Issued:		\$8,727,443
Remaining Exercised Capacity:		\$9,272,557

Table 2

Contract Days	Days Elapsed	% Time Elapsed	Capacity Used
1825	399	22%	48%

Table 3

Contract Information	Start	End	Years	Capacity	Resolution/ Authorized
Base	8/4/2022	8/3/2027	5.0	\$18,000,000	2022-37
Amendment			0.0		
Total:			5.0	\$18,000,000	

Table 4

Vendor	RSE	STV	WSP	Xorail
Contract #	22-J-P-024A	22-J-P-024B	22-J-P-024C	22-J-P-024D
Total WDs Issued	\$8,026,949	\$700,495	\$0	\$0
Previous Reporting Period	\$5,550,964	\$280,198	\$0	\$0
Current Reporting Period	\$2,299,914	\$420,297	\$0	\$0

Table 5

WD#	Title	Description (Updates in Bold)	Vendor	Updated	Start	(Revised) End	Current Value
10922	Railroad Signal Systems	Support to provide services for complying with all FRA and CPUC regulations by maintaining accurate InService signal plans, up to date software files, maintain the FileRequest CheckOut/CheckIn plan, provide on-call engineering support, and design service as needed.	RSE	8/10/2023	8/10/2023	6/30/2024	\$400,000.00
10859	Crossing Optimization	Support to acquire dedicated signal system engineering support services for Caltrain’s Crossing Optimization Project and PCEP Signal, 2 speed check implementation. A1 added \$405k for additional support.	RSE	8/8/2023	10/1/2022	6/30/2024	\$1,348,945
10875	Design Plans to Replace CP 4th St House	Support to replace the existing CP 4th St Interlocking House. The design will provide the signal plans which will be used to field wire a replacement.	RSE	7/20/2023	7/20/2023	6/30/2024	\$82,082.49
10923	Systems Engineering Support FY24	Support to provide systems engineering support services for Caltrain’s signal and I-ETMS PTC system.	RSE	7/7/2023	7/1/2023	6/30/2024	\$1,157,007
10872	Lead Fiber Optic Engineer	Seconded staff support to help with the management of Caltrain’s communication infrastructure, specifically, Caltrain’s fiber optic network. The consultant key personnel shall serve as the Agency’s Fiber Optic Engineer Lead. A1 added \$420k to fully fund the base proposal and extended from 6/30/23 to 6/30/24.	STV	6/29/2023	11/4/2022	6/30/2024	\$700,494.87
24091 11000	PCEP Utility Coordinator and Field Support Services FY24	To provide utility coordinator and utility field support services for the Peninsula Corridor Electrification Project (PCEP) under the guidance/direction of JPB staff.	RSE	6/29/2023	7/1/2023	6/30/2024	\$256,245.00

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Lawrence Leung, Manager, Rail Contracts & Budget
Melissa Reggiardo, Manager, Caltrain Planning
Subject: **Accept On-Call Transportation Planning and Consultant Support Services Update**

<input type="checkbox"/> Staff Coordinating Council Reviewed	<input type="checkbox"/> Finance Committee Recommendation	<input type="checkbox"/> Technology, Operations, Planning, and Safety Committee Recommendation	<input type="checkbox"/> Advocacy and Major Projects Committee Recommendation
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The tables below provide an update of contract activities from June 7, 2023 through September 7, 2023. Table 1 summarizes the contract capacity status. Table 2 updates the percentage of capacity used against the percent time elapsed. Table 3 shows the Board approved dates and amounts. Table 4 aggregates the WD amounts issued to each of the vendors. Table 5 describes each of the WDs issued since the last reporting period.

Budget Impact

There is no impact on the budget.

Background

Pursuant to Resolution No. 2020-18, the Board of Directors (Board) awarded contracts to Fehr & Peers, HNTB Corporation, Kimley-Horn & Associates, Inc., Arup North America Ltd., Mott

MacDonald Group Inc., and WSP USA, Inc., consisting of a five-year base term for an aggregate not-to-exceed amount of \$25,000,000 with two additional, one-year option terms in an aggregate not-to-exceed amount of \$5,000,000 for each option year.

Pursuant to Resolution No. 2023-26, the Board authorized amendments to the contracts with the Consultants to increase the contract amount by \$10,000,000, from \$25,000,000 to \$35,000,000, to be shared in the aggregate amongst the six firms.

Prepared By:	Lawrence Leung	Manager, Rail Contracts & Budget	650-508-6328
	Melissa Reggiardo	Manager, Caltrain Planning	650-868-9925

Table 1

Contract Summary	Years	Amount
Total Capacity:	7.0	\$45,000,000
Exercised:	5.0	\$35,000,000
Work Directives Issued:		\$27,768,105
Remaining Exercised Capacity:		\$7,231,895

Table 2

Contract Days	Days Elapsed	% Time Elapsed	Capacity Used
1825	1163	64%	79%

Table 3

Contract Information	Start	End	Years	Capacity	Resolution/ Authorized
Base	7/1/2020	6/30/2025	5.0	\$25,000,000	2020-18
Option #1	7/1/2025	6/30/2026	1.0	\$5,000,000	
Option #2	7/1/2026	6/30/2027	1.0	\$5,000,000	
Amendment			0.0	\$10,000,000	2023-26
Total:			7.0	\$45,000,000	

Table 4

Vendor	Fehr & Peers	HNTB	Kimley-Horn	ARUP	Mott	WSP
Contract #	20-J-P-006A	20-J-P-006B	20-J-P-006C	20-J-P-006D	20-J-P-006E	20-J-P-006F
Total WDs Issued	\$4,113,387	\$4,420,823	\$9,985,082	\$1,343,841	\$6,253,126	\$1,651,846
Previous Reporting Period	\$3,561,550	\$3,923,264	\$4,720,726	\$1,183,094	\$3,215,586	\$1,571,547
Current Reporting Period	\$12,430	\$497,559	\$984,166	\$25,145	\$2,017,761	\$(23,605)

Table 5

WD#	Title	Description (Updates in Bold)	Vendor	Updated	Start	(Revised) End	Current Value
10469	SF Railyards PBC - PM & Ops	Obtain Project Management services for the completion of the San Francisco Railyards Redevelopment Preliminary Business Case, and; obtain services for the completion of rail service, storage, maintenance, and operations analysis associated with this potential redevelopment, including systemwide impacts and changes across the Caltrain corridor. A1 added \$39k for additional support. A2 added \$225k for additional support. A3 extended from 6/30/23 to 10/31/23. A4 added \$801k for additional support from A2 proposal. A5 added \$84k to fully fund A2 proposal and extended from 10/31/23 to 6/30/24.	Kimley-Horn	9/7/2023	8/23/2021	6/30/2024	\$2,152,449
10701	Strategic Advising Services	Support to provide strategic advising services for Caltrain.	HNTB	8/16/2023	8/16/2023	12/31/2023	\$23,389.61
10432	Diridon Station Business Case (BC)	Mott MacDonald submitted a full proposal for the Business Case on June 30, 2022 and interviewed with the JPB and Partner Agencies on August 3, 2022. While the Mott MacDonald proposal and interview earned the highest score and the Mott MacDonald team was selected to complete the BC, revisions were needed to the scope of work to reflect recent developments, agency priorities, and a baseline amount of funding available for the effort. Additionally, discussions were needed to help determine appropriate project management structures and organizational/governance tasks, the latter which were previously identified as being optional. The team also helped prepare for the November 2022 Diridon Joint Policy Advisory Board Committee meeting. This is the work performed under the original Work Directive (WD) and A1 (extended from 1/31/23 to 2/28/23 and added \$50k). Once this scoping and early work was completed, an initial tranche of funding was provided for the Mott MacDonald team to kick off the Business Case in full per the revised and agreed upon scope, schedule and budget. This work is the subject of A2 (extended from 2/28/23 to 5/31/23 and added \$950k). Another two amendments to the WD were provided to add further funding to the WD to continue to carry out the scope, schedule and budget. Mott submitted a proposal for A3 in the amount of \$1.8M; A3 authorized \$550k due to budget availability. A4 authorized \$1.25M to fully fund Mott's A3 proposal.	Mott	8/11/2023	10/7/2022	10/31/2023	\$3,051,208
11114	Capital Planning Support	Support for capital planning initiatives being managed or supported by the Planning Department, including but not limited to the San Francisquito Creek Bridge Conceptual Design & Community Engagement and Connecting Palo Alto projects located in Palo Alto.	HNTB	8/10/2023	7/1/2023	6/30/2024	\$82,558.88
10429	PCEP Grant Application Support	Consultant shall help develop a grants strategy and grant application development to help Caltrain close a \$410 million funding gap in the Peninsula Corridor Electrification Project (PCEP). A1 added \$121k for additional support. A2 reduced \$46k for descoping. A3 extended from 12/31/22 to 1/25/23 and added \$90k for additional support. A4 extended from 1/25/23 to 12/31/23.	WSP	7/12/2023	1/25/2022	12/31/2023	\$443,945.76
24085 32000	Communications and Outreach Program Support for PCEP FY24	Communication and outreach program support including a comprehensive marketing and communications program for PCEP in FY24.	HNTB	7/10/2023	7/1/2023	6/30/2024	\$391,610.21
10450	Major Stations Planning Support	Support for major station projects managed within the Planning Department, primarily the San Francisco Railyards, Downtown Extension (DTX) and Diridon station. A1 extended from 3/31/23 to 5/5/23. A2 added \$70k for additional support and extended from 5/5/23 to 6/30/23. A3 added \$216k for additional support and extended from 6/30/23 to 12/31/23.	Mott	7/7/2023	9/1/2022	12/31/2023	\$569,915.58

WD#	Title	Description (Updates in Bold)	Vendor	Updated	Start	(Revised) End	Current Value
11115	Capital Planning Support	Support for potential capital planning initiatives, including potential capital projects that are currently being managed by the Planning Department and potential planning activities related to the lifecycle of rail capital projects including the implementation of processes to track and monitor stages of development of capital planning initiatives. Such projects require ongoing yet intermittent planning management and tracking, coordination with internal and external partners and stakeholders, development of agreements, technical reviews, etc.	Kimley-Horn	7/6/2023	7/1/2023	6/30/2024	\$140,936.00
10472	Diridon Business Case Strategic Advisory Services	Support for project management and strategic advisory services to facilitate the planning process for the Diridon Station Business Case. More specifically, Caltrain is looking for support in managing the Business Case technical work as well as associated strategic communications and outreach with Business Case Partner Agencies (including the City of San Jose, Santa Clara Valley Transportation Authority, California High Speed Rail Authority and Metropolitan Transportation Commission) and electeds. A1 extended from 6/30/23 to 8/31/23.	Kimley-Horn	6/30/2023	3/1/2023	8/31/2023	\$247,710.00
10449	SF Railyards PBC - Tech & BC Development	Obtain Technical Analysis and Business Case Development services for the completion of the San Francisco Railyards Redevelopment Preliminary Business Case. A1 added \$274k for additional support. A2 extended from 6/30/23 to 12/31/23.	Mott	6/16/2023	8/20/2021	12/31/2023	\$1,707,825
10672	Caltrain Construction Timetable Production	Support to: produce a temporary construction timetable for weekday Caltrain service to accommodate single-tracking required for the Electrification Project, produce two options for a weekend train schedule that would accommodate a midline bus bridge, and develop supporting documents including string line charts and a power point presentation describing the service plan for JPB. A1 extended from 8/31/22 to 12/31/22. A2 added \$80k for additional support and extended from 12/31/22 to 5/31/23. A3 added \$12k for additional support and extended from 5/31/23 to 12/31/23.	Fehr & Peers	6/12/2023	8/31/2022	12/31/2023	\$126,103.67



DATE: OCTOBER 5, 2023

TO: PENINSULA CORRIDOR JOINT POWERS BOARD OF DIRECTORS

FROM: KATE JORDAN STEINER
CHIEF FINANCIAL OFFICER

SUBJECT: CONTRACTS AND PROCUREMENT QUARTERLY REPORTS

Contracts and Procurement submits the following reports to the Board of Directors (Board) on a quarterly basis:

- Pursuant to Resolution 2017-14: Contracts > \$100,000 and up to \$150,000 issued pursuant to authority delegated by the Board to the Executive Director, or their designee.
- Pursuant to the current Procurement Manual, Section XII, Disposition: Disposition of non-federally funded rolling stock
- Pursuant to Resolution 2023-41: Purchase Orders >\$250,000 for Cooperatives, Sole Source and Reoccurring IT Procurements

The reports for the last quarter (July 2023-September 2023) are attached.

Contracts issued in an amount greater than \$100,000 and up to \$150,000

There is nothing to report this quarter.

Dispositions of Non-Federally Funded Rolling Stock

There is nothing to report this quarter.

FY24 JPB POs for Cooperatives, Sole Source & Recurring IT Procurements >\$250K

JPB

The purchases listed below are for Information Technology Licenses, License Renewals, Maintenance Service, and Professional Services

Board Approved Authority	
Resolution #2023-41	\$3,000,000
\$3,000,000	

July 1 - September 30, 2023

1st Quarter

PO Date	PO#	Vendor	PO Description	PO Amount	Remaining Authority
				\$ -	
				\$ -	\$ 3,000,000.00

October 1 - December 31, 2023

2nd Quarter

PO Date	PO#	Vendor	PO Description	PO Amount	Remaining Authority
				\$ -	\$ 3,000,000.00

January 1 - March 31, 2024

3rd Quarter

PO Date	PO#	Vendor	PO Description	PO Amount	Remaining Authority
				\$ -	\$ 3,000,000.00

April 1 - June 30, 2024

4th Quarter

PO Date	PO#	Vendor	PO Description	PO Amount	Remaining Authority
			TOTAL PO AMT TO DATE	\$ -	\$ 3,000,000.00

CLIPPER® BAY PASS PILOT PROGRAM PARTICIPATION AGREEMENT

This Clipper® BayPass Pilot Program Participation Agreement (the “Agreement”) is entered into as of the ____ day of _____, 2023 (the “Effective Date”), by and among the Metropolitan Transportation Commission (“MTC”) and the following transit operators participating in the Clipper® BayPass Pilot Program (referred to herein individually as an “Operator” or collectively as the “Operators”)¹:

Alameda-Contra Costa Transit District (“AC Transit”); Golden Gate Bridge Highway and Transportation District (“GGBHTD”); the San Francisco Bay Area Rapid Transit District (“BART”); the City and County of San Francisco, acting by and through its Municipal Transportation Agency (“SFMTA”); the San Mateo County Transit District (“SamTrans”); the Santa Clara Valley Transportation Authority (“VTA”); the Peninsula Corridor Joint Powers Board (“Caltrain”); Central Contra Costa Transit Authority; City of Fairfield, as the operator of Fairfield and Suisun Transit; City of Petaluma; Eastern Contra Costa Transit Authority; Livermore/Amador Valley Transit Authority; Marin County Transit District; Napa Valley Transportation Authority; Solano County Transit; Sonoma County Transit; Sonoma-Marín Area Rail Transit (“SMART”); Vacaville City Coach; Western Contra Costa Transit Authority; San Francisco Bay Area Water Emergency Transportation Authority; City of Santa Rosa; and City of Union City.

MTC and the Operators are referred to herein collectively as the “Parties” or individually as a “Party”.

RECITALS

WHEREAS, on November 15, 2021, the Fare Integration Task Force, a special committee of the Clipper Executive Board, consisting of transit operators, MTC, and county transportation agencies, adopted a Bay Area Transit Fare Policy Vision Statement which called for the “deployment of an all-transit agency institutional/employer pass demonstration pilot in 2022, with a focus on educational institutions, affordable housing properties, and employers of various sizes, pending available resources/technical considerations;” and

WHEREAS, as of January 1, 2023 several Operators offer their own employer/institutional pass products, such as AC Transit’s EasyPass Program, Caltrain’s GO Pass Program, SamTrans’ Way2Go Program, and VTA’s SmartPass Program, collectively referred to as “Preexisting Institutional Pass Products;” and

WHEREAS, the Clipper BayPass Pilot Program was created in 2022 under the direction of the Fare Integration Task Force in order to deliver on the commitment to establish an institutional/employer pass pilot to evaluate the impact that an unlimited institutional regional transit pass may have on transit ridership, revenues, and customer experience. The Clipper BayPass Pilot Program is administered by staff from MTC and BART; and

WHEREAS, the Clipper BayPass Pilot Program utilizes the Clipper fare payment system product known as the “Events Pass”. The Clipper BayPass Pilot Program provides individual participants with a transit pass good for unlimited travel on all transit services operated by the Operators that accept Clipper, with the exception of Cable Car service operated by the SFMTA (“Clipper BayPass”); and

WHEREAS, on August 1, 2022, the Parties launched Phase 1 of the Clipper BayPass Pilot Program at the University of California, Berkeley, San Francisco State University, San Jose State University, Santa Rosa Junior College and 13 affordable housing properties managed by MidPen Housing Corporation (“Clipper BayPass Phase 1 Participants”); and

WHEREAS, Operators consented to participate in Phase 1 of the Clipper BayPass Pilot Program prior to the August 1, 2022 launch of the program through written consent, consisting of governing board approval and/or executive director/general manager approval as conveyed to MTC by respective Operators; and

WHEREAS, Clipper BayPass Phase 1 Participants received Clipper BayPass at no cost as each of these institutional participants was in an existing contractual relationship with at least one Operator to purchase a transit pass product that provided access to one or more Operators' transit service. MTC allocated State Transit Assistance funds to each Operator, starting in FY 2022-23 and to continue until the conclusion of the Phase 1 Pilot, to backfill any revenue impact from use of the Clipper BayPass by Clipper BayPass Phase 1 Participants; and

WHEREAS, Phase 2 of the Clipper BayPass Pilot Program will offer the Clipper BayPass product for sale to up to 10 employers and/or institutions in the Bay Area with a combined total of up to 20,000 individuals. Each employer/institutional customer of Phase 2, with the exception of Preexisting Institutional Pass Product customers, will enter into a one-year contract with MTC which will set forth the financial terms of the purchase of the Clipper BayPass product. Contracts will be subject to renewal on an annual basis, with financial terms subject to change. Preexisting Institutional Pass Product customers will maintain their existing contractual relationship with the Operator offering their Preexisting Institutional Pass Product with a separate additional contract with MTC for Phase 2 of the Clipper BayPass Pilot unless the Operator, MTC, and customer mutually agree to another contracting arrangement; and

WHEREAS, Phase 2 of the Clipper BayPass Pilot Program will begin on December 1, 2023 and continue to no later than June 30, 2026; and

WHEREAS, the Clipper BayPass program is designed with a goal of generating new riders and new revenue sources for transit operators, and to broaden access to institutional pass programs; and

WHEREAS, During Phase 2 of the Clipper BayPass Pilot Program, Clipper BayPass will not be offered at a price that undercuts the cost of any Preexisting Institutional Pass Products. The cost of Clipper BayPass to any employer will be above the cost of any Preexisting Institutional Pass Product for operators that serve the employer's physical location. Service is defined as a rail station or bus stop within three miles of an employer's physical location; and

WHEREAS, During Phase 2 of the Clipper BayPass Pilot Program in San Mateo County and Santa Clara County, Clipper BayPass will only be offered to Preexisting Institutional Pass Product customers of Caltrain's GoPass Program within three miles of a Caltrain rail station or VTA's SmartPass Program outside of three miles of a Caltrain rail station; and

WHEREAS, Phase 2 of the Clipper BayPass Pilot program is designed in a manner that protects existing transit operator revenues, especially for operators with existing institutional pass programs; and

WHEREAS, MTC and Clipper BayPass project staff will continue to engage with operator staff and executives to share pilot findings, project updates, and to collect feedback from transit operators about the program; and

WHEREAS, MTC and Clipper BayPass project staff will proactively seek input and consent from Operators before any long-term program is established; and

WHEREAS, it is the understanding of the parties that the pricing and revenue distribution terms in this agreement do not establish a precedent for pricing or revenue distribution in any post-pilot Clipper BayPass program that might be established. The terms of any such future program are subject to later negotiation. Any Operator will have the discretion to participate or not participate in any future post-pilot Clipper BayPass program that that might be established;

NOW, THEREFORE, in consideration of the facts recited above, the Parties agree as follows:

ARTICLE I
Operator Responsibilities

Each Operator agrees to:

- A. Participate in the Clipper BayPass Pilot program for the remaining period of the Phase 1 Pilot, lasting until July 31, 2024.
- B. Participate in the Clipper BayPass pilot program for the entirety of the Phase 2 Pilot lasting from the Effective Date until no later than June 30, 2026.
- C. Provide in-kind staff and administrative support needed to successfully deliver and administer the Clipper BayPass Pilot program at the Operator.
- D. Partner with MTC, other Operators, and/or their designated third-party consultants for the Clipper BayPass Pilot to organize evaluation and research activities including surveys, focus groups, and other similar research methods over the course of the Pilot.
- E. Facilitate the payment to the Operator of revenues generated by the sale of Clipper BayPass to institutions during Phase 2 by MTC.

ARTICLE II
MTC Responsibilities

MTC agrees to:

- A. Administer the Clipper BayPass Pilot program for the remaining period of the Phase 1 Pilot, lasting until July 31, 2024.
- B. Administer the Clipper BayPass Pilot program for the entirety of the Phase 2 Pilot lasting from December 1, 2023 until no later than June 30, 2026.
- C. Provide in-kind staff and administrative support needed to successfully deliver and administer the Clipper BayPass Pilot program, including managing the contractual relationship with employer customers, customer support, new business development, financial management, public information, communications, and technology support/operations.
- D. Provide regular updates to the Fare Integration Task Force or any designated successor body on the status of the Clipper BayPass Pilot program.
- E. Conduct an evaluation of the Clipper BayPass Pilot, as directed by the Fare Integration Task Force or any designated successor body.

- F. Collect revenue generated by sales from the Phase 2 Clipper BayPass Pilot Product (“Phase 2 revenue”) under the terms of individual contracts with employer/institutional customers.
- G. Allocate Phase 2 revenues and any other approved funds to the Parties under the terms set forth in Article III.

ARTICLE III Program Revenues

- A. Any Phase 2 revenue generated by the sales of Clipper BayPass to an employer/institutional customer that was not a customer of an Operator’s Preexisting Institutional Pass Product on either January 1, 2020 or on the Effective Date shall be allocated by MTC amongst the Parties based on actual passenger usage of the Clipper BayPass Phase 2 product at a rate equal to a regular Adult Clipper fare for each trip taken.
- B. Any Phase 2 revenue generated by the sales of Clipper BayPass to an employer/institutional customer that was a customer of an Operator’s Preexisting Institutional Pass Product on either January 1, 2020 or on the Effective Date shall first be allocated to the Operator holding the Preexisting Institutional Pass Product contract with the employer/institutional customer in an amount equal to the cost of the Preexisting Institutional Pass Product for that employer/institutional customer during the current fiscal year at the time. Remaining revenues not allocated to the Operator holding the Preexisting Institutional Pass Product contract will be available to allocate according to the process described in subsection A.
- C. Should the Phase 2 revenue be in excess of the amount needed to reimburse Operators under the terms described in Article III, subsections A and B, these additional revenues up to a limit of \$1,000,000 or whatever costs were incurred by MTC to establish the Phase 2 program, whichever is less, shall be available to reimburse MTC for the operation and management of the Clipper BayPass Pilot program subject to the approval of the Fare Integration Task Force or any designated successor body. All additional excess revenues, beyond the limit described above, will be allocated to transit operators based on each operator’s share of overall Phase 2 ridership.
- D. Should the Phase 2 revenue be insufficient to reimburse Operators under the terms described in Article III, subsections A and B, MTC may use budgeted and MTC Commission approved funds (“revenue backstop”), currently \$5,000,000 as of the Effective Date, as an alternative source of funding to reimburse Operators.
- E. The project team, consisting of MTC and BART staff, will keep the Fare Integration Task Force or any designated successor body updated on a regular basis on Phase 2 revenues, usage, and interested customers, and MTC will not enter into additional contracts with employer/institutional customers if it is determined by MTC that the \$5,000,000 revenue backstop may be insufficient to fully reimburse Operators the terms described in Article III, subsections A and B.
- F. Should any existing employer/institutional customer of one of the Operators’ Preexisting Institutional Pass Products express an interest in purchasing the Clipper BayPass product, the Clipper BayPass will only be offered to the existing employer/institutional customer as upgrade to their Preexisting Institutional Pass Product. MTC will manage a

supplemental contract for the BayPass upgrade, and the Parties will strive to align operational processes between the Clipper BayPass and the Preexisting Institutional Pass programs.

ARTICLE IV Indemnification

- A. Mutual Indemnification.** No Party to this Agreement (including any of its directors, commissioners, officers, agents or employees) shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by any other Party under or in connection with this Agreement. Pursuant to Government Code Section 895.4, each Party agrees to fully indemnify and hold other Parties harmless from any liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by such indemnifying Party under or in connection with this Agreement and for which such indemnifying Party would otherwise be liable.
- B. Operator Indemnification of MTC.** Notwithstanding the provisions of Subsection A above, each Operator shall indemnify, hold harmless, and defend MTC (including any of its directors, commissioners, officers, agents or employees) from any and all claims or liability resulting from any action or inaction on the part of such Operator relating to its responsibilities under or in connection with this Agreement.
- C. MTC Indemnification of Operators.** Notwithstanding the provisions of Subsection A above, MTC shall indemnify, hold harmless, and defend each Operator (including any of its directors, commissioners, officers, agents or employees) from any and all claims or liability resulting from any action or inaction on the part of MTC under or in connection with this Agreement.

ARTICLE V Term

The term of the Agreement shall begin upon the Effective Date and continue until June 30, 2026, unless terminated by written agreement of the Parties.

ARTICLE VI Changed Circumstances

Any Party may initiate informal discussions among the Parties concerning the provisions of this Agreement, based on its assessment that changes in other factors external to the Agreement indicate that it would be in the best interests of one or more Parties to consider revisions to the Agreement. If a majority of Parties agree, the Parties will then jointly evaluate the changed circumstances to determine what, if any, revisions to the Agreement are necessary or desirable. Any agreed-upon changes shall require an amendment to the Agreement approved and executed by all Parties.

ARTICLE VII Legal Representation and Common Interest

The Parties recognize a mutuality of interest, and a need for joint cooperation in legal matters relating to Clipper. In furtherance of this common interest, any communications among Parties and counsel for any of the Parties shall be confidential and protected from disclosure to any third party by each and every privilege – including, but not limited to, the attorney-client privilege, the attorney work product privilege, and the pooled information privilege – notwithstanding the dissemination of the communications and work product among Parties by the counsel that made the information available in the first instance. If

information covered by the privileges is requested by a third party pursuant to a subpoena or other discovery request, then counsel receiving the request shall notify in a timely fashion the counsel who disclosed the information so that the privileges against disclosure may be asserted.

Should any Party withdraw from or otherwise terminate its participation in the Clipper program, such withdrawal or termination shall not impair the privileges that protect any information that has been shared prior to such action. Any Party that withdraws or terminates its participation in the Clipper program shall promptly return all privileged materials that the Party has received.

ARTICLE VIII

Confidential Information

Either MTC or an Operator (the “Receiving Party”) may, in the course of carrying out its responsibilities under this Agreement, have access to proprietary or confidential information owned by the other Party (“the Disclosing Party”), the disclosure of which to third parties may damage the Disclosing Party. Such proprietary or confidential information must be held by the Receiving Party in confidence and used only in performing its responsibilities as provided in the Agreement. The Receiving Party shall exercise at least the same standard of care it would use to protect its own proprietary or confidential information.

SIGNATURES ON SUBSEQUENT PAGES

IN WITNESS WHEREOF, this Agreement has been duly authorized and executed by the Parties hereto on the dates specified below by their duly authorized representatives.

Metropolitan Transportation Commission

Approved as to form:
Kathleen Kane, General Counsel

Name: Andrew B. Fremier
Title: Executive Director

Matthew Lavrinets, Senior Counsel

Date: _____

Alameda-Contra Costa Transit District

Approved as to form:

Name: Michael A. Hursh

Title: General Manager

Date: _____

Jill A. Sprague, General Counsel

**Golden Gate Bridge, Highway and
Transportation District**

Approved as to form:

Name: Denis J. Mulligan
Title: General Manager

Kimon Manolius, General Counsel

Date: _____

San Francisco Bay Area Rapid Transit District

Approved as to form:

Name: Robert M. Powers

Title: General Manager

Date: _____

Matthew Burrows, General Counsel

**City and County of San Francisco
Municipal Transportation Agency**

Approved as to form:
David Chiu, City Attorney

Name: Jeffrey Tumlin
Title: Director of Transportation

Robin M. Reitzes, Deputy City Attorney

Date: _____

San Mateo County Transit District

Approved as to form:

Name: April Chan

Title: General Manager/CEO

Date: _____

Joan L. Cassman, General Counsel

Santa Clara Valley Transportation Authority

Approved as to form:

Name: Carolyn Gonot
Title: General Manager/Chief Executive Officer

Evelynn Tran, General Counsel

Date: _____

Peninsula Corridor Joint Powers Board

Approved as to form:

Name: Michelle Bouchard

Title: Executive Director

Date: _____

James Harrison, General Counsel

Central Contra Costa Transit Authority

Approved as to form:

Name: William Churchill

Title: General Manager

Date: _____

Julie Sherman, General Counsel

City of Fairfield
Fairfield and Suisun Transit

Approved as to form:

Name: David Gassaway
Title: City Manager

David Lim, City Attorney

Date: _____

City of Petaluma

Approved as to form:

Name: Peggy Flynn

Title: City Manager

Date: _____

Eric W. Danly, City Attorney

Eastern Contra Costa Transit Authority

Approved as to form:

Name: Rashidi Barnes
Title: Chief Executive Officer

Eli Flushman, General Counsel

Date: _____

Livermore/Amador Valley Transit Authority

Approved as to form:

Name: Christy Wegener
Title: Executive Director

Michael N. Conneran, General Counsel

Date:_____

Marin County Transit District

Approved as to form:

Name: Nancy E. Whelan

Title: General Manager

Date: _____

Kerry Gerchow, County Counsel

Napa Valley Transportation Authority

Approved as to form:

Name: Kate Miller
Title: Executive Director

Osman Mufti, General Counsel

Date: _____

Solano County Transit

Approved as to form:

Name: Beth Kranda
Title: Executive Director

Bernadette Shilts Curry, County Counsel

Date: _____

City of Santa Rosa

Approved as to form:

Name: Maraskeshia Smith

Title: City Manager

Date: _____

Sue A. Gallagher, City Attorney

Sonoma-Marín Area Rail Transit District

Approved as to form:

Name: Eddy Cumins
Title: General Manager

Thomas Lyons, General Counsel

Date: _____

Vacaville City Coach

Approved as to form:

Name: Brian McLean
Title: Assistant Director of Public Works

Melinda C. H. Stewart, City Attorney

Date: _____

Western Contra Costa Transit Authority

Approved as to form:

Name: Robert Thompson

Title: General Manager

Date: _____

Michael N. Conneran, General Counsel

**San Francisco Bay Area Water Emergency
Transportation Authority**

Approved as to form:

Name: Seamus Murphy

Title: Executive Director

Date: _____

Steve Miller, General Counsel

Sonoma County Transit

Approved as to form:

Name: Bryan Albee
Title: Transit Systems Manager

Jeremy Fonseca, General Counsel

Date: _____

City of Union City

Approved as to form:

Name: Joan Malloy
Title: City Manager

Kristopher J. Kokotaylo, City Attorney

Date:_____



DATE: OCTOBER 5, 2023

TO: PENINSULA CORRIDOR JOINT POWERS BOARD OF DIRECTORS

FROM: KATE JORDAN STEINER
CHIEF FINANCIAL OFFICER

SUBJECT: CONTRACTS AND PROCUREMENT QUARTERLY REPORTS

Contracts and Procurement submits the following report to the Board of Directors (Board) on a quarterly basis:

- Pursuant to Resolution 2023-41: Contracts and Amendments for Information Technology Licenses, Maintenance Services and Technology- related Products and Services through Cooperative Purchasing Programs greater than \$250,000.

The report for the last quarter (July 2023-September 2023) is attached.

FY24 JPB POs for Cooperatives, Sole Source & Recurring IT Procurements >\$250K

JPB

The purchases listed below are for Information Technology Licenses, License Renewals, Maintenance Service, and Professional Services

Board Approved Authority	
Resolution #2023-41	\$3,000,000
\$3,000,000	

July 1 - September 30, 2023

1st Quarter

PO Date	PO#	Vendor	PO Description	PO Amount	Remaining Authority
				\$ -	
				\$ -	\$ 3,000,000.00

October 1 - December 31, 2023

2nd Quarter

PO Date	PO#	Vendor	PO Description	PO Amount	Remaining Authority
				\$ -	\$ 3,000,000.00

January 1 - March 31, 2024

3rd Quarter

PO Date	PO#	Vendor	PO Description	PO Amount	Remaining Authority
				\$ -	\$ 3,000,000.00

April 1 - June 30, 2024

4th Quarter

PO Date	PO#	Vendor	PO Description	PO Amount	Remaining Authority
			TOTAL PO AMT TO DATE	\$ -	\$ 3,000,000.00

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Dahlia Chazan, Deputy Chief, Caltrain Planning
Subject: **Diridon Station Business Case Update**

<input type="checkbox"/> Staff Coordinating Council Reviewed	<input type="checkbox"/> Finance Committee Recommendation	<input type="checkbox"/> Technology, Operations, Planning, and Safety Committee Recommendation	<input type="checkbox"/> Advocacy and Major Projects Committee Recommendation
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Purpose and Recommended 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”). At the March 29 Caltrain AMP Committee meeting, staff presented an overview of the Diridon Station Business Case scope and timeline and introduced the approach to the governance work as part of the Business Case. The purpose of this informational report and accompanying presentation is to share progress on the Diridon Station Business Case since the March update, including initial findings on the governance assessment.

Discussion

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

Background

Diridon Station is integral to California’s transportation network. It currently serves Caltrain, Capitol Corridor, Altamont Corridor Express (ACE), and Amtrak passenger rail, as well as VTA light rail and bus services. It is also a key part of planned and expanded services in the region, including new California High-Speed Rail and Bay Area Rapid Transit (BART) service, as well as the service expansion of Caltrain, Capitol Corridor, and ACE. To effectively accommodate such planned activity and future service needs, the station must be reconfigured to provide adequate capacity, functionality, and interconnectivity for passengers to easily use the new and expanded services alongside the existing.

In 2020, the Diridon Integrated Station Concept (DISC) process produced the Concept Layout, which is a spatial vision for future Diridon station redevelopment. For the Concept Layout to be realized, a series of separate but interrelated capital projects (i.e., Program of Projects) would also need to be carried out. The most significant of these are: (1) a potential relocation of the Caltrain Maintenance Facility (CEMOF); (2) potential modifications to the historic station; and (3) a potential relocation/reconfiguration of PG&E Substation A, which is within the footprint of

the Concept Layout. Each of these would be considered a major project on its own. Given the complexity, cost, and time required to carry out this Program of Projects, a central focus of the Business Case is to reexamine the feasibility of the Program of Projects and better understand costs, risks, and potential implementation strategies.

Business Case Update

Caltrain is leading the Partner Agencies in a Business Case to inform decision-making and help define a feasible, fundable, and implementable program that can be advanced to the environmental phase of study. The Business Case will identify the current status of the contingent and adjacent projects in the Program of Projects to define the scale of the Concept Layout relative to cost and schedule, priorities, and tradeoff considerations.

Since the project kicked off in early 2023, the Partner Agencies have agreed on a problem statement, vision statement, and have updated project goals and objectives to form the foundation of the project's evaluation process. The evaluation criteria are currently under development and will be used to compare program alternatives against a set of base case project investments to ascertain the costs of infrastructure elements, quantify measurable benefits, assess investment tradeoffs, and establish a value proposition for investment. As part of the alternative development, the Business Case team is also assessing the constraints and opportunities of the Program of Projects.

The Business Case is also exploring a range of potential organizational and governance options for future phases of the program, from planning to implementation and operation. The work is evaluating the advantages and disadvantages of existing and new organizational types and analyzing how the Partner Agencies' existing assets and capacities align with the program needs. Some initial findings indicate that the Partner Agencies have the authority and experience necessary to deliver planning and environmental-related tasks for a Diridon station redevelopment. However, funding is a significant constraint and there is no single agency focused on and accountable for program advancement. A formal decision-making structure would help solidify Partner relationships, oversight, and funding expectations. The next step for the governance assessment is to identify specific governance options and implementation considerations, including decision-making frameworks for all phases of project development.

The Business Case is currently on target to narrow a list of program alternatives to two and deliver a governance recommendation by the summer of 2024. If funded, the second phase of the Business Case will then commence with six months of additional analysis to deliver a full business case for the "best" program. This will include the economic and strategic case for the program as well as a financial and deliverability analysis.

Budget Impact

There is no direct budget impact associated with this informational update.

Prepared By:	Gwen Buckley	Principal Planner	650-722-6827
	Melissa Reggiardo	Manager, Caltrain Planning	650-868-9925

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors
Through: Michelle Bouchard, Executive Director
From: Casey Fromson, Chief Communications Officer
Subject: **State and Federal Legislative Update**

<input type="checkbox"/> Staff Coordinating Council Reviewed	<input type="checkbox"/> Finance Committee Recommendation	<input type="checkbox"/> Technology, Operations, Planning, and Safety Committee Recommendation	<input type="checkbox"/> Advocacy and Major Projects Committee Recommendation
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Purpose and Recommended Action

Staff proposes the Committee recommend the Board:

1. Receive the attached State and Federal Legislative Updates

Discussion

The 2023 Legislative Program establishes the principles that will guide the legislative and regulatory advocacy efforts. Based on those principles, staff coordinates closely with our Federal and State advocates on a wide variety of issues that are considered in Congress and the State legislature. The attached reports highlight the recent issues and actions that are relevant to the Board.

Budget Impact

None.

Prepared By:	Devon Ryan	Government & Community Affairs Officer	650.730.6172
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September 7, 2023

TO: Caltrain Board of Directors

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

RE: **STATE LEGISLATIVE UPDATE – October 2023**

General Update

The Legislature met the fiscal committee deadline of September 1. On this day, both the Senate and Assembly Appropriations Committees held their Suspense File hearings, where they dispensed with hundreds of bills at once. The Senate held a little over 20% of the Assembly bills in this Committee while the Assembly held a little over 15% of the Senate bills that it heard on the Suspense File. Bills that are held in the Appropriations Committee are generally considered dead, aside from a small portion of bills that are held as “two year bills” that are eligible to move again early in January.

The Legislature is now in the final two weeks of session— Legislators must pass bills off the floor of the second house, and if needed, the floor of the house of origin for concurrence, before the Legislature adjourns on September 14.

The Governor will then have a month to consider the bills that were placed on his desk at the end of session. The Legislature will remain on recess until 2024, reconvening on January 3.

Senate Leadership Update. On Monday August 28, the Senate Democratic Caucus announced its next leader – Senator Mike McGuire was selected as the Senate Pro Tem Designee. Once the transition occurs, he will replace the current Pro Tem, Senator Toni Atkins, who is terming out in 2024. At this point, it is expected the transition will occur in 2024 and Senator Atkins will remain in her post for the duration of session. Senator McGuire terms out in 2026.

Bills with Action Taken

ACA 1 (Aguiar – Curry) – Local Government Financing. Assemblymember Aguilar-Curry reintroduced ACA 1, which would reduce the voter-approval threshold from 2/3 to 55% for cities and counties to issue bonds or raise taxes for public infrastructure and affordable housing projects. Caltrain supported this measure in 2021. The bill passed out of the Assembly Local Government Committee in July, and the Assembly Appropriations Committee with amendments on Friday, September 1. The bill then passed out of the Assembly and is now in Senate Appropriations. *Support.*

AB 463 (Hart) - Public Transit Electricity Prioritization. This bill would require the California Public Utilities Commission (CPUC) to consider the impacts of stopping electrical service to the operation of public transit vehicles when establishing priorities for electrical services that provide public benefits. This bill was held in the Assembly Appropriations Committee so it will not move further. *Support.*

AB 557 (Hart) - AB 361 Sunset Extension. This bill would remove the sunset established in AB 361 (R. Rivas) as well as increase the time period when the Board must renew the findings of an emergency or need for social distancing from 30 days to 45 days. This bill was recently amended with chaptering amendments and is now on the Senate Floor. *Support.*

AB 1377 (Friedman) - Homeless Housing, Assistance, and Prevention Program. This bill would require applicants for the Homeless Housing, Assistance, and Prevention Program to include data and a narrative summary of steps taken to improve the delivery of housing and services to people experiencing homelessness on transit properties in their jurisdiction. The bill is pending a vote on the Senate Floor. *Support.*

SB 410 (Becker) – Powering Up Californians Act. This bill would require the California Public Utilities Commission (CPUC) to set targets for investor-owned utilities for energization time periods to give more certainty on the time to connect to the grid as well as reporting requirements. The bill passed out of the Assembly Appropriations Committee on September 1 with amendments to require third-party review of distribution grid infrastructure as a condition of using the rate making mechanisms. The bill is now on the Assembly Floor. *Support.*

Bills of Interest

AB 96 (Kalra) – Local Public Transit Agencies: New Technologies. Assemblymember Kalra reintroduced a version of AB 2441 from last year, which was ultimately vetoed by the Governor. The bill imposes requirements on public transit employers relating to the introduction of new technologies that could eliminate job functions and requires public transit employers to provide notice to employee representatives prior to procuring, acquiring or deploying these technologies and subject this to collective bargaining, among other requirements. The bill was amended on September 6 to add new language relating to Public Employees Retirement Board (PERB) jurisdiction. The bill is on the Senate Floor.

AB 610 (Holden) - Free Youth Transit Passes. This bill would, upon appropriation of funding by the Legislature, create the Student Transit Pass Pilot Program for awarding grants to transit agencies for the costs of creating, designing, developing, advertising, distributing, and implementing free student transit passes to persons attending public educational institutions, and persons 18 years of age or younger, providing free transit service to holders of those passes, and administering and participating in the program. Grants would be awarded based on the aggregate enrollment of students at eligible educational institutions within the county served by those transit agencies. The bill would authorize a transit agency to submit a grant application in partnership with one or more public educational institutions and would also authorize grant funds to be used to maintain, subsidize, or expand an existing fare free program.

The bill is pending a vote on the Senate Floor after passing out of the Senate Appropriations Committee on Friday, September 1.

AB 817 (Pacheco) – Open Meeting Flexibility for Subsidiary Bodies. This bill allows subsidiary bodies to use teleconferencing without regard to a state of emergency if they meet certain requirements. Subsidiary bodies are bodies that serve in an advisory capacity and do not take final action on specified items. This bill was not heard in the Assembly Local Government Committee and will not move further this year.

AB 1379 (Papan) - Teleconference Flexibilities. AB 1379 expands various flexibilities for local agencies under the Brown Act including, but not limited to, relaxing requirements for posting teleconference locations, relaxing certain quorum requirements, removing the existing January 1, 2026 sunset date of flexibilities in current law, removing restrictions that prohibit members from participating remotely for more than two meetings a year, among other changes. The bill also requires that a legislative body have at least two meetings a year where members are in person at a single designated location. Like AB 817, this bill was not heard in the Assembly Local Government Committee and will not move further this year.

SB 532 (Wiener) Bridge Toll Increase. This bill would increase the toll for vehicles for crossing toll bridges in the San Francisco Bay area by \$1.50 until December 31, 2028, and require the revenues collected from this toll to be used by MTC for allocation to transit operators that provide service within the San Francisco Bay area and experiencing an operations funding challenge. Any transit operator seeking an allocation would be required to submit a 5-year projection of its operating need.

Last month, Senator Wiener announced that he is putting the bill on pause to allow more discussion among stakeholders. The bill will not move further this year.

SB 537 (Becker) - Teleconference Flexibilities. This bill was amended to provide a narrow exemption under the Brown Act for certain legislative bodies to participate in meetings via teleconferencing outside of a declared state of emergency without posting the physical location of members, but still requiring a quorum to be present at a meeting location within the jurisdiction and would only allow remote participation without posting the specific location for members participating from a public location more than 40 miles from the in-person meeting location. The bill would define “legislative body” to mean a board, commission, or advisory body of an appointed multijurisdictional cross county agency and defines “multijurisdictional” to mean a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity. The bill would expand the circumstances of “just cause” under the AB 2449 (Rubio) authorization to apply to the situation in which an immunocompromised child, parent, grandparent, or other relative requires the member to participate remotely. Amendments from the Assembly Local Government Committee require members who are compensated for their service to participate in person, among other changes.

The bill is now on the Assembly Floor.

Grants

On September 1, the CTC released the Formal Draft Guidelines for the SB 125 Transit and Intercity Rail Capital Program and Zero-Emission Transit Capital Program, available [here](#), with a virtual workshop on the guidelines occurring on September 7. Caltrain staff are reviewing the guidelines in advance of the comment deadline September 14.

On August 31, Caltrans announced FY 2023-24 [Sustainable Transportation Planning Grant program awards](#). Caltrain received \$474,000 to complete the Caltrain Climate Change Vulnerability Study.

Grade Separation Funding - Below is a list of the funding sources that we are aware of and/or that have been used to fund grade separations in the recent years. The funding sources below are managed across various state agencies and departments, including the Public Utilities Commission (PUC), the California State Transportation Agency (CalSTA), the California Transportation Commission (CTC), and Caltrans.

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

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

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

Caltrain Federal Report August - September 2023

Leadership Prepares for Continuing Resolution and Spending Votes

- Members left Washington at the beginning of August with significant progress to be made on appropriations. The House Appropriations Committee has held full committee markups of all FY 2024 appropriations bills excluding the Commerce, Justice, and Science and the Labor, Health and Human Services, and Education bill.
- The House was only able to pass one appropriations on the floor—the FY 2024 Military Construction-VA bill. Leadership had planned for consideration of additional bills votes but was unable to pass the Agriculture-FDA funding bill when Republican conservatives refused to move forward on the bill due to a lack of spending cuts.
- The House and Senate are now back in session and have plans to vote on their respective spending legislation. First, the Senate will vote on a three-bill spending package the week of September 11th consisting of the Agriculture-FDA, Military Construction-VA, and Transportation-HUD bills. The House plans to vote on its Defense Appropriations bill the week of September 11th.
- Congressional leadership in the House and Senate have indicated their support for short-term spending legislation, a continuing resolution (CR) to keep the federal government funded and to provide members additional time to complete FY 2024 appropriations legislation. The White House has released its list of “anomalies,” items it seeks to include in a short-term deal, as Congress prepares the resolution. However, Congress will determine which items are included in the spending package and is not bound by the President’s request.
- Despite bipartisan work on a CR, the likelihood of a government shutdown at the end of the calendar year is possible. Conservative members of the House Republican caucus may want to decreased funding levels further. If they decline to move forward, it could prevent the House from moving forward and lead to a government shutdown.

Bipartisan Rail Safety Bill Expected to Get Floor Vote this Fall

- This fall, the Senate is likely consider the Railway Safety Act of 2023 ([S.576](#)) – the bipartisan rail safety bill introduced in the wake of the train derailment in East Palestine OH – on the floor. This bill requires the Department of Transportation (DOT) to issue improved safety regulations for trains carrying hazardous materials, as well as increases to maximum fines that DOT can impose for violating said regulations.

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- Earlier in September, Senator J.D. Vance (R-OH) stated in a press conference that Democratic leadership confirmed that a vote will take place on the bill this fall. Senator Vance expressed confidence in the bill passing, and said that he’s “pretty sure” the nine GOP votes needed to pass are there, in addition the full support of the Democratic caucus.

DOT Opens SMART Funding Opportunity

- On August 8, the DOT announced the next funding round for the Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program. The current funding round is for Stage 1 Planning and Prototyping grants which will utilize data and technology capacity to improve transportation systems.
- The Department has made approximately \$500 million available for the current funding round. Applications are due on October 10. Interested parties may view the NOFO on [grants.gov](https://www.grants.gov) using this [link](#).

DOT Announces Next Phase of Clean Energy Tax Credit Implementation

- DOT is expected to issue guidance for the Inflation Reduction Act (IRA)’s energy efficiency home credit and sustainable aviation fuel (SAF) credit in the near future, as well as implementation guidance for the law’s investment tax credit, advanced manufacturing production tax credit, electric vehicle (EV) provision for “foreign entities of concern”, and clean hydrogen subsidies before the end of the year.
- DOT’s first phase of IRA implementation includes released guidance on tax incentives for EVs, energy communities, domestic content, new direct pay incentives, transferability, and prevailing wages.

DOT Names Sue Lawless as Key Motor Safety Officer at the Federal Motor Carrier Safety Administration (FMCSA)

- On August 30, DOT announced that Sue Lawless would be Assistant Administrator and Chief Safety Officer for the FMCSA. Lawless was previously Director of the FMCSA’s Motor Carrier, Driver, and Vehicle Standards Division.
- Lawless has also represented motor carriers and drivers as an attorney in the private sector. She assumed her new role starting September 10.

DOT Issues Waiver of Buy America Requirements for De Minimus Costs and Small Grants

- On August 22, DOT issued a public interest for [Waiver of Buy America Requirements for De Minimus Costs and Small Grants](#). The waiver is intended to ensure DOT and its

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grant recipients make efficient use of resources by focusing domestic sourcing efforts on products that provide the greatest manufacturing opportunities for American workers and firms, consistent with the Biden-Harris Administration's implementation of the Build America, Buy America Act.

- The waiver is also intended to reduce delays in the delivery of important transportation infrastructure projects that provide jobs and promote economic growth. More information about the public interest waiver and DOT's implementation of the Build America, Buy America Act can be found [here](#).

Round-Up of Open Grant Opportunities

- [Neighborhood Access and Equity \(NAE\) Program](#). \$3.1 billion available. All applications due September 28, 2023.
- [Reconnecting Communities Pilot \(RCP\) Program](#). \$198 million available. All applications due September 28, 2023.
- [Pilot Program for Transit-Oriented Development \(TOD\) Planning](#). \$13 million available. All applications due October 6, 2023.
- [SMART Grants](#). \$100 million available. All applications due October 10, 2023.
- [Pilot Program for Transit-Oriented Development](#). \$13 million available. All applications due October 10, 2023.

Caltrain

State Legislative Matrix 9/7/2023

Bill Number (Author)	Summary	Location	Position
<p>AB 6 (Friedman D)</p> <p>Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions.</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>Amended: 3/16/2023</p>	Senate 2 year	Watch
<p>AB 7 (Friedman D)</p> <p>Transportation: planning: project selection processes.</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>Amended: 9/1/2023</p>	Senate Third Reading 9/7/2023 #236 SENATE ASSEMBLY BILLS - THIRD READING FILE	Watch
<p>AB 96 (Kalra D)</p> <p>Public employment: local public transit agencies: autonomous transit vehicle technology.</p>	<p>Existing law creates various transit districts and prescribes requirements applicable to their labor relations, including those that address the recognition and certification of exclusive employee representatives, unit determinations, and procedures for meeting and conferring on matters subject to collective bargaining. Existing law establishes the Public Employment Relations Board (PERB) in state government as a means of resolving disputes and enforcing the statutory duties and rights of specified public employers and employees under various acts regulating collective bargaining. Existing law includes within PERB's jurisdiction the resolution of disputes alleging violation of rules and regulations adopted by a public agency, as defined, concerning unit determinations, representations, recognition, and elections, as specified. Existing law authorizes PERB to adopt rules and regulations to carry out its purposes, as provided. Existing law does not apply the above provisions to employees of specified public transit agencies. This bill would require a public transit employer, at least 10 months before beginning a procurement process to acquire or deploy any autonomous transit vehicle technology for public transit services that would eliminate job functions or jobs of a</p>	Senate Second Reading 9/7/2023 #17 SENATE ASSEMBLY BILLS - SECOND READING FILE	Watch

	<p>workforce, to provide written notice to the exclusive employee representative of the workforce affected by the autonomous transit vehicle technology of its determination to begin that procurement process. The bill would require the public transit employer and exclusive employee representative, upon written request by the exclusive employee representative, to commence collective bargaining within a specified time period on certain subjects, including creating plans to train and prepare the affected workforce to fill new positions created by the autonomous transit vehicle technology. The bill would vest PERB with jurisdiction to process unfair practice charges alleging violations of these provisions, but only as to transit district employers where PERB has jurisdiction to process unfair practice charges. Should an employee organization file an unfair practice charge with PERB, the bill would require PERB's powers and duties to apply, as appropriate, and would require PERB's regulations to apply. The bill would authorize PERB to make additional emergency regulations, as specified.</p> <p>Amended: 9/6/2023</p>		
<p><u>AB 241</u> (<u>Reyes D</u>)</p> <p>Vehicular air pollution: Clean Transportation Program: vehicle registration and identification plate service fees: smog abatement fee: extension.</p>	<p>Existing law, until January 1, 2024, increases the smog abatement fee on certain vehicles by a specified amount and requires the revenues generated by the increase to be deposited in the Air Quality Improvement Fund and the Alternative and Renewable Fuel and Vehicle Technology Fund. Existing law, until January 1, 2024, increases vehicle registration fees and certain service fees for identification plates by specified amounts. Existing law requires the revenue generated by the increase in those fees to be deposited in the Alternative and Renewable Fuel and Vehicle Technology Fund and either the Air Quality Improvement Fund or the Enhanced Fleet Modernization Subaccount, as provided. This bill would extend the increases in those charges to July 1, 2035. This bill contains other related provisions.</p> <p>Amended: 6/26/2023</p>	<p>Assembly Third Reading</p> <p>9/7/2023 #123 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS</p>	<p>Watch</p>
<p><u>AB 457</u> (<u>Patterson, Joe R</u>)</p> <p>Surplus Land Act: exempt surplus land: leases.</p>	<p>Existing law prescribes requirements for the disposal of surplus land, as defined, by a local agency, as defined. Existing law requires land to be declared surplus land or exempt surplus land, as supported by written findings, before a local agency takes any action to dispose of it consistent with the agency's policies or procedures. Existing law requires any local agency disposing of surplus land to send, prior to disposing of that property or participating in negotiations to dispose of that property with a prospective transferee, a written notice of availability of the property pursuant to prescribed procedures. Under existing law, the disposal of exempt surplus land is not subject to these requirements. Existing law defines "exempt surplus land" for these purposes to include, among other things, surplus land that a local agency is transferring to another local, state, or federal agency for the agency's use. This bill would expand that definition of "exempt surplus land" to include a parcel that (1) is identified in the local agency's circulation element or capital improvement program for future roadway development, (2) is no larger than 2 acres, (3) is zoned for retail commercial use, and the use of the parcel is consistent with the underlying zoning, and (4) abuts a state highway right-of-way. This bill would become operative only if SB 747 of the 2023–24 Regular Session is enacted and takes effect on or before January 1, 2024. This bill contains other related provisions.</p> <p>Amended: 6/29/2023</p>	<p>Senate Third Reading</p> <p>9/7/2023 #100 SENATE ASSEMBLY BILLS - THIRD READING FILE</p>	<p>Watch</p>
<p><u>AB 463</u> (<u>Hart D</u>)</p> <p>Electricity: prioritization of service: public transit vehicles.</p>	<p>Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law requires the commission to establish priorities among the types or categories of customers of every electrical corporation and every gas corporation, and among the uses of electricity or gas by those customers, to determine which of those customers and uses provide the most important public benefits and serve the greatest public need, and to categorize all other customers and</p>	<p>Assembly 2 year</p>	<p>Support</p>

	<p>uses in order of descending priority based on these standards. Existing law requires the commission, in establishing those priorities, to consider, among other things, the economic, social, and other effects of a temporary discontinuance in electrical or gas service to certain customers or for certain uses, as specified. If an electrical or gas corporation experiences a shortage of capacity or capability and is unable to meet all demands by its customers, existing law requires the commission to order that service be temporarily reduced by an amount that reflects the established priorities for the duration of the shortage. This bill would require the commission, in establishing those priorities, to also consider the economic, social equity, and mobility impacts of a temporary discontinuance in electrical service to the customers that rely on electrical service to operate public transit vehicles. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 2/6/2023</p>		
<p>AB 480 (Ting D) Surplus land.</p>	<p>Existing law prescribes requirements for the disposal of surplus land by a local agency, as defined, and requires, except as provided, a local agency disposing of surplus land to comply with certain notice requirements before disposing of the land or participating in negotiations to dispose of the land with a prospective transferee, particularly that the local agency send a notice of availability to specified entities that have notified the Department of Housing and Community Development of their interest in surplus land, as specified. Under existing law, if the local agency receives a notice of interest, the local agency is required to engage in good faith negotiations with the entity desiring to purchase or lease the surplus land. Existing law requires a local agency to take formal action in a regular public meeting to declare that land is surplus and is not necessary for the agency’s use and to declare land as either “surplus land” or “exempt surplus land,” as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency’s policies or procedures. This bill would exempt a local agency, in specified instances, from making a declaration at a public meeting for land that is “exempt surplus land” if the local agency identifies the land in a notice that is published and available for public comment at least 30 days before the exemption takes effect. This bill contains other related provisions and other existing laws.</p> <p>Amended: 7/3/2023</p>	<p>Senate Third Reading 9/7/2023 #188 SENATE ASS SEMBLY BILLS - THIRD READING FILE</p>	<p>Watch</p>
<p>AB 557 (Hart D) Open meetings: local agencies: teleconferences.</p>	<p>(1)Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency’s jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect. Those circumstances are that (1) state or local officials have imposed or recommended measures to promote social distancing, (2) the legislative body is meeting for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (3) the legislative</p>	<p>Senate Third Reading 9/7/2023 #319 SENATE ASS SEMBLY BILLS - THIRD READING FILE</p>	<p>Support</p>

	<p>body has previously made that determination. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. This bill would revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect. Specifically, the bill would extend indefinitely that authority in the circumstances under which the legislative body either (1) meets for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (2) has previously made that determination. The bill would also extend the period for a legislative body to make the above-described findings related to a continuing state of emergency to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures. This bill contains other related provisions and other existing laws.</p> <p>Amended: 9/1/2023</p>		
<p><u>AB 610</u> (<u>Holden D</u>)</p> <p>Youth Transit Pass Pilot Program: free youth transit passes.</p>	<p>Existing law declares that the fostering, continuance, and development of public transportation systems are a matter of state concern. Existing law authorizes the Department of Transportation to administer various programs and allocates moneys for various public transportation purposes. Upon the appropriation of moneys by the Legislature, this bill would create the Youth Transit Pass Pilot Program, administered by the department, for purposes of awarding grants to transit agencies for the costs of creating, designing, developing, advertising, distributing, and implementing free youth transit passes to persons attending certain educational institutions, providing free transit service to holders of those passes, and administering and participating in the program, as specified. The bill would authorize a transit agency to submit a grant application in partnership with one or more educational institutions and would also authorize grant funds to be used to maintain, subsidize, or expand an existing fare-free program, as provided. The bill would authorize a transit agency with an existing fare-free program that enables a person 18 years of age or younger to use a transit agency's bus and rail services without paying any additional fare or charge to submit an application without an educational institution partner, as provided. The bill would require the department to submit a report to specified committees of the Legislature on or before January 1, 2027, on, among other things, the outcomes of the program and the funding conditions associated with offering free youth transit passes, the status of transit pass programs statewide, and whether these provisions led to reductions in the emissions of greenhouse gases and vehicle miles traveled, as provided. The bill would repeal its provisions as of January 1, 2028. This bill contains other existing laws.</p> <p>Amended: 8/14/2023</p>	<p>Senate Third Reading</p> <p>9/7/2023 #355 SENATE ASSEMBLY BILLS - THIRD READING FILE</p>	<p>Watch</p>
<p><u>AB 744</u> (<u>Carrillo, Juan D</u>)</p> <p>California Transportation Commission: data, modeling, and analytic software tools procurement.</p>	<p>Existing law establishes the California Transportation Commission in the Transportation Agency. Existing law vests the California Transportation Commission with various powers and duties relative to the programming of transportation capital projects and allocation of funds to those projects pursuant to the state transportation improvement program and various other transportation funding programs. This bill would require the commission to convene relevant state agencies to assess the procurement and implementation of data, modeling, and analytic software tools to support the state's sustainable transportation, congestion management, affordable housing, efficient land use, air quality, economic, and climate change strategies and goals, as provided. On or before July 1, 2025, the bill would require the commission to develop</p>	<p>Senate Third Reading</p> <p>9/7/2023 #454 SENATE ASSEMBLY BILLS - THIRD READING FILE</p>	<p>Watch</p>

	<p>a proposal to procure data, modeling, and analytic software tools and a process to grant access to the data it procures directly, or provide a process for direct allocation of funding to agencies for data procurement, or both of those, as provided.</p> <p>Amended: 9/1/2023</p>		
<p>AB 756 (Papan D)</p> <p>Department of Transportation: contaminated stormwater runoff: salmon and steelhead trout bearing surface waters.</p>	<p>Existing law vests the Department of Transportation with full possession and control of all state highways. This bill would require the department, in consultation with the State Water Resources Control Board, the Department of Toxic Substances Control, and the Department of Fish and Wildlife, to develop a programmatic environmental review process to prevent 6PPD and 6PPD-quinone from entering salmon and steelhead trout bearing surface waters of the state. The bill would require the department's 6PPD and 6PPD-quinone programmatic environmental review process to include, among other specified components, a pilot project at a particular highway crossing over the San Mateo Creek to study the effectiveness and cost effectiveness of installing and maintaining bioretention and biofiltration comparatively along department rights-of-way to eliminate the discharge of 6PPD and 6PPD-quinone into surface waters of the state, as specified. The bill would require, no later than December 31, 2026, the Director of Transportation to submit a report to the Legislature describing the department's strategy to eliminate the discharge of 6PPD and 6PPD-quinone by the department to all salmon and steelhead trout bearing surface waters of the state. This bill contains other related provisions.</p> <p>Amended: 3/2/2023</p>	Assembly 2 year	Watch
<p>AB 761 (Friedman D)</p> <p>Transit Transformation Task Force.</p>	<p>Existing law establishes the Transportation Agency, which consists of various departments and state entities, including the California Transportation Commission and the Department of Transportation. Under existing law, the agency is under the supervision of an executive officer known as the Secretary of Transportation, who is required to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, and coordinated planning and policy formulation in the matters of public interest related to the agency. Existing law provides for the funding of public transit, including under the Transportation Development Act. This bill would require the secretary, on or before July 1, 2024, to establish and convene the Transit Transformation Task Force to include representatives from the department, the Controller's office, various local agencies, academic institutions, nongovernmental organizations, and other stakeholders. The bill would require the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit ridership and improve the transit experience for all users of those services. The bill would require the secretary, in consultation with the task force, to prepare and submit a report of findings based on the task force's efforts to the appropriate policy and fiscal committees of the Legislature on or before January 1, 2025. The bill would require the report to include a detailed analysis of specified issues and recommendations on specified topics. The provisions of the bill would be repealed on January 1, 2028. This bill contains other existing laws.</p> <p>Introduced: 2/13/2023</p>	Senate 2 year	Watch
<p>AB 817 (Pacheco D)</p> <p>Open meetings: teleconferencing: subsidiary body.</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</p>	Assembly 2 year	Watch

	<p>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, 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. This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. 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 existing laws.</p> <p>Amended: 3/16/2023</p>		
<p>AB 819 (Bryan D)</p> <p>Crimes: public transportation: fare evasion.</p>	<p>Existing law makes it a crime, punishable as an infraction and subsequently as a misdemeanor, for an adult to evade payment of a fare of a public transportation system, the misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare, or the unauthorized use of a discount ticket, as specified. Under existing law, a 3rd or subsequent violation of fare evasion or other listed associated violations is a misdemeanor and punishable by a fine of up to \$400 or by imprisonment in a county jail for a period of not more than 90 days, or both. This bill would no longer categorize as a misdemeanor a 3rd or subsequent violation, by an adult, of evading the payment of a fare of a public transportation system, the misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare, or the unauthorized use of a discount ticket, and would make a 3rd or subsequent violation punishable only by a fine of up to \$400.</p> <p>Enrollment: 9/6/2023</p>	<p>Assembly Enrollment</p>	<p>Watch</p>
<p>AB 832 (Cervantes D)</p> <p>California Transportation Commission: membership.</p>	<p>Existing law establishes the California Transportation Commission in the Transportation Agency. Existing law vests the California Transportation Commission with various powers and duties relative to the programming of transportation capital projects and allocation of funds to those projects pursuant to the state transportation improvement program and various other transportation funding programs. Under existing law, the commission consists of 13 members, including 9 members appointed by the Governor with the advice and consent of the Senate, one member appointed by the Speaker of the Assembly, and one member appointed by the Senate Committee on Rules, as specified. Existing law requires the Governor, in appointing those members to the commission, to make every effort to ensure, among other things, the commission has a diverse membership with expertise in transportation issues, taking into consideration factors, including, but not limited to, socioeconomic background and professional experience, which may include experience working in, or representing, disadvantaged communities. This bill would require that at least one of those Governor-appointed members of the commission have expertise in transportation issues and professional experience that includes experience working in, or representing, disadvantaged communities.</p> <p>Amended: 3/1/2023</p>	<p>Senate Third Reading</p> <p>9/7/2023 #114 SENATE ASSEMBLY BILLS - THIRD READING FILE</p>	<p>Watch</p>
<p>AB 837 (Alvarez D)</p>	<p>Existing law prescribes requirements for the disposal of surplus land by a local agency.</p>	<p>Senate 2 year</p>	<p>Watch</p>

<p>Surplus land: exempt surplus land: sectional planning area.</p>	<p>Existing law defines terms for these purposes, including, among others, “surplus land” to mean land owned in fee simple by any local agency for which the local agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use. Existing law defines “exempt surplus land” to mean, among other things, surplus land that a local agency is exchanging for another property necessary for the agency’s use and surplus land that a local agency is transferring to another local, state, or federal agency for the agency’s use. Existing law provides that an agency is not required to follow the requirements for disposal of surplus land for “exempt surplus land,” except as provided. This bill would provide, until January 1, 2024, that land that is subject to a sectional planning area, as described, is not subject to the above-described requirements for the disposal of surplus land if specified conditions are met. The bill would, commencing April 1, 2025, and annually thereafter, require a local agency that disposes of land pursuant to these provisions submit a specified report to the Department of Housing and Community Development. The bill would make a local agency that disposes of land in violation of these provisions liable for a civil penalty, as specified. This bill contains other related provisions.</p> <p>Amended: 5/1/2023</p>		
<p>AB 980 (Friedman D)</p> <p>Active Transportation Program: report.</p>	<p>Existing law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking. Existing law requires the California Transportation Commission to develop guidelines and project selection criteria for the program and authorizes the commission to amend the adopted guidelines after conducting at least one public hearing. This bill would require an applicant that receives funding under the program for a project to, within one year of completing the project, submit a report to the commission describing how the project met active transportation goals.</p> <p>Amended: 3/13/2023</p>	<p>Assembly 2 year</p>	<p>Watch</p>
<p>AB 1335 (Zbur D)</p> <p>Local government: transportation planning and land use: sustainable communities strategy.</p>	<p>Existing law requires specified designated transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, as described. Existing law requires the plan to include specified information, including a sustainable communities strategy prepared by each metropolitan planning organization, and requires each transportation planning agency to adopt and submit, every 4 years, an updated plan to the California Transportation Commission and the Department of Transportation. Existing law requires the sustainable communities strategy to include specified information, including an identification of areas within the region sufficient to house all the population of the region over the course of the planning period of the regional transportation plan, as specified, and an identification of areas within the region sufficient to house an 8-year projection of the regional housing need for the region, as specified. This bill would additionally require each metropolitan planning organization to include in the sustainable communities strategy the total number of new housing units necessary to house all the population of the region over the course of the planning period of the regional transportation plan, as specified, and the total number of new housing units necessary to house the above-described 8-year projection, as specified. By imposing additional duties on metropolitan planning organizations, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p>Amended: 6/22/2023</p>	<p>Senate 2 year</p>	<p>Watch</p>
<p>AB 1377 (Friedman D)</p>	<p>Existing law establishes, among various other programs intended to address homelessness in this state, the Homeless Housing, Assistance, and Prevention program for the purpose of</p>	<p>Senate Third Reading</p>	<p>Support</p>

<p>Homeless Housing, Assistance, and Prevention Program.</p>	<p>providing jurisdictions with one-time grant funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges informed by a best-practices framework focused on moving homeless individuals and families into permanent housing and supporting the efforts of those individuals and families to maintain their permanent housing. Existing law provides for the allocation of funding under the program among continuums of care, cities, counties, and tribes in 4 rounds, which are to be administered by the Interagency Council on Homelessness. This bill would require applications or planning materials for additional state funding appropriated on or after July 1, 2024, as specified, to include data and a narrative summary of specific and quantifiable steps that the applicant has taken to improve the delivery of housing and services to people experiencing homelessness or at risk of homelessness on transit facilities owned and operated by a transit agency, as defined.</p> <p>Amended: 8/31/2023</p>	<p>9/7/2023 #176 SENATE ASSEMBLY BILLS - THIRD READING FILE</p>	
<p>AB 1379 (Papan D)</p> <p>Open meetings: local agencies: teleconferences.</p>	<p>Existing law, the Ralph M. Brown Act, requires, with specified exceptions, 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. This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The bill would instead provide that, for purposes of establishing a quorum of the legislative body, members of the body may participate remotely, at the designated physical location, or at both the designated physical meeting location and remotely. The bill would require the legislative body to have at least 2 meetings per year in which the legislative body's members are in person at a singular designated physical meeting location. This bill contains other existing laws.</p> <p>Amended: 3/23/2023</p>	<p>Assembly 2 year</p>	<p>Watch</p>
<p>AB 1475 (Fong, Vince R)</p> <p>Transportation Agency: performance dashboard.</p>	<p>Existing law establishes the Transportation Agency, which has the power of general supervision over specified state entities. Existing law requires the agency to develop and report on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, coordinated planning and policy formation in the matters of public interest related to the agency. This bill would require the agency to create and maintain on its internet website a performance dashboard that, for every project overseen by the Department of Transportation, provides metrics, fiscal information, and operational information, as specified. The bill would require the agency to update the dashboard quarterly, using publicly available information. The bill would authorize the department to partner with other state or local agencies to collect the data required to be included in the performance dashboard.</p> <p>Amended: 4/10/2023</p>	<p>Assembly 2 year</p>	<p>Watch</p>
<p>AB 1525 (Bonta D)</p>	<p>Existing law establishes within state government the Transportation Agency, which consists of</p>	<p>Assembly 2 year</p>	<p>Watch</p>

<p>Transportation projects: priority populations.</p>	<p>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. This bill would require the agency, the Department of Transportation, and the California Transportation Commission, on or before July 1, 2025, to jointly develop and adopt criteria and an evaluation process for purposes of jointly evaluating each agency, Department of Transportation, or California Transportation Commission project, as defined, to, among other things, determine if the project would be located in a priority population, address an important need of a priority population, and provide a direct, meaningful, and assured benefit to a priority population, as specified. The bill would require the agency, the Department of Transportation, and the California Transportation Commission, on and after July 1, 2025, to jointly evaluate all new proposed projects by the criteria, and, on or before July 1, 2026, and annually thereafter, to jointly submit a report to the Legislature that evaluates how projects funded during the prior year impacted priority populations, as specified. The bill would require the agency, the California Transportation Commission, and the Department of Transportation, on or before July 1, 2026, and triennially thereafter, to jointly establish a percentage, of at least 60%, of moneys allocated for agency, Department of Transportation, or California Transportation Commission projects, excluding administrative costs, to be allocated for projects that are located in priority populations, address an important need of priority populations, and provide at least 5 direct, meaningful, and assured benefits, or additional co-benefits, to priority populations, and would require those entities to allocate moneys consistent with that established percentage.</p> <p>Amended: 4/19/2023</p>		
<p><u>ACA 1 (Aguiar-Curry D)</u></p> <p>Local government financing: affordable housing and public infrastructure: voter approval.</p>	<p>The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, including downpayment assistance, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, city and county, or special district, as applicable, and the proposition includes specified accountability requirements. The measure would prohibit a city, county, city and county, or special district from placing a proposition on the ballot pursuant to these provisions if the voters have previously approved a proposition pursuant to these provisions or the below special tax provisions until all funds from the previous proposition are committed to programs and projects listed in the specific local program or ordinance, as described. The measure, subject to certain vote thresholds, would authorize the Legislature to enact laws establishing additional accountability measures and laws for the downpayment assistance programs authorized by the measure, as specified. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure. This bill contains other related provisions and other existing laws.</p>	<p>Senate Appropriations</p>	<p>Support</p>

	Amended: 9/5/2023		
<u>SB 84</u> (<u>Gonzalez D</u>) Air quality programs: funding.	Existing law creates the Enhanced Fleet Modernization Program to provide compensation for the retirement and replacement of passenger vehicles and light-duty and medium-duty trucks that are high polluters. Existing law requires the Bureau of Automotive Repair to administer the program and the State Air Resources Board to adopt the guidelines for the program. Existing law requires the guidelines to ensure vehicle replacement or a mobility option be an option for all motor vehicle owners and may be in addition to compensation for vehicles retired. Existing law creates the Enhanced Fleet Modernization Subaccount in the High Polluter Repair or Removal Account and makes available, upon appropriation, all moneys in the account to establish, implement, and administer the program. This bill would require the guidelines to ensure each replacement vehicle in the program be either a plug-in hybrid or zero-emission vehicle unless the state board makes a specified determination in consultation with the State Energy Resources Conservation and Development Commission, as specified. This bill contains other related provisions and other existing laws. Amended: 5/18/2023	Senate Inactive File	Watch
<u>SB 229</u> (<u>Umberg D</u>) Surplus land: disposal of property: violations: public meeting.	Existing law prescribes requirements for the disposal of land determined to be surplus land by a local agency. Those requirements include a requirement that a local agency, before disposing of a property or participating in negotiations to dispose of that property with a prospective transferee, send a written notice of availability of the property to specified entities, depending on the property's intended use, and send specified information in regard to the disposal of the parcel of surplus land to the Department of Housing and Community Development. Existing law, among other enforcement provisions, makes a local agency that disposes of land in violation of these disposal provisions, after receiving notification of violation from the department, liable for a penalty of 30% of the final sale price of the land sold in violation for a first violation and 50% for any subsequent violation. Under existing law, except as specified, a local agency has 60 days to cure or correct an alleged violation before an enforcement action may be brought. This bill would require a local agency that is disposing of surplus land by sale and has received a notification of violation from the department to hold an open and public meeting to review and consider the substance of the notice of violation. The bill would require the local agency's governing body to provide prescribed notice no later than 14 days before the public meeting. The bill would prohibit the local agency's governing body from taking final action to ratify or approve the proposed sale of surplus land until a public meeting is held as required. The bill would exempt from its provisions a local agency that ceases to dispose of surplus land after receiving the notice of violation. By imposing new duties on local agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. Amended: 8/24/2023	Assembly Third Reading 9/7/2023 #172 ASSEMBLY T HIRD READING FILE - SENATE BILLS	Watch
<u>SB 410</u> (<u>Becker D</u>) Powering Up Californians Act.	Existing law vests the Public Utilities Commission (PUC) with regulatory authority over public utilities, including electrical corporations. Existing law authorizes the PUC to establish an expedited distribution grid interconnection dispute resolution process with the goal of resolving disputes over interconnection applications within the jurisdiction of the PUC in no more than 60 days from the time the dispute is formally brought to the PUC. Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission), in collaboration with the State Air Resources Board, the PUC, and other relevant stakeholders, to annually gather from state agencies, as provided, specified entities' fleet data for on-road and off-road vehicles in the medium- and heavy-duty sectors and share that data with electrical	Assembly Third Reading 9/7/2023 #369 ASSEMBLY T HIRD READING FILE - SENATE BILLS	Support

	<p>corporations to help inform electrical grid planning efforts, as specified. Existing law requires electrical corporations, as part of their distribution planning processes, to consider that produced fleet data, and other available data, to facilitate the readiness of their distribution systems to support the state’s anticipated level of electric vehicle charging, as specified. This bill, the Powering Up Californians Act, would require the PUC to establish, on or before September 30, 2024, reasonable average and maximum target energization time periods, as defined, certain reporting requirements so that electrical corporation performance can be tracked and improved, and a procedure for customers to report energization delays to the PUC, as provided. The bill would require the PUC to require the electrical corporation to take remedial actions necessary to achieve the PUC’s targets and would require all reports to be publicly available, among other reporting requirements. This bill contains other related provisions and other existing laws.</p> <p>Amended: 9/5/2023</p>		
<p>SB 411 (Portantino D)</p> <p>Open meetings: teleconferences: neighborhood councils.</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. This bill, until January 1, 2026, would authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define “eligible legislative body” for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act. The bill would require an eligible legislative body authorized under the bill to provide publicly accessible physical locations for public participation, as prescribed. The bill would also require that at least a quorum of the members of the neighborhood council participate from locations within the boundaries of the city in which the neighborhood council is established. The bill would require that, at least once per year, at least a quorum of the members of the eligible legislative body participate in person from a singular physical location that is open to the public and within the boundaries of the eligible legislative body. This bill contains other related provisions and other existing laws.</p> <p>Enrollment: 9/6/2023</p>	<p>Senate Enrollment</p>	<p>Watch</p>
<p>SB 434 (Min D)</p> <p>Transit operators: street harassment survey.</p>	<p>Existing law creates various transit districts throughout the state, with specified powers and duties relative to providing public transit service. Existing law provides various provisions applicable to all public transit and transit districts. Existing law requires the Mineta Transportation Institute at San Jose State University to, on or before December 31, 2023, develop and make available on its internet website a survey for the purpose of promoting consistency in the collection of specified survey data to inform efforts to improve the safety of riders and reduce street harassment on public transit. This bill would require a transit operator, as defined, upon appropriation of funds by the Legislature, to collect and publish specified</p>	<p>Assembly Third Reading</p> <p>9/7/2023 #219 ASSEMBLY T HIRD READING FILE - SENATE BILLS</p>	<p>Watch</p>

	<p>survey data for the purpose of informing efforts to improve the safety of riders and reduce street harassment on public transit on or before December 31, 2024. The bill would require a transit operator to conduct outreach activities with subpopulations of riders who are underrepresented in surveys and impacted by street harassment to gain insight into the perspectives of these riders based on their experiences. The bill would authorize a transit operator to collect survey data in multiple languages to reach limited-English-proficient riders impacted by street harassment, as provided. The bill would require a transit operator to publish and make publicly available on its internet website the survey data collected pursuant to these provisions and promptly notify the Governor and the Legislature of publication of the survey data. The bill would provide that specified information collected by a transit operator in the 5 years before the effective date of this bill is deemed to be survey data collected by the transit operator for purposes of the bill, and that specified outreach activity conducted by a transit operator in the 5 years before the effective date of this bill is deemed to be outreach activities conducted by the transit operator for purposes of the bill. To the extent the bill imposes additional duties on a local agency, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p>Amended: 3/16/2023</p>		
<p>SB 532 (Wiener D)</p> <p>San Francisco Bay area toll bridges: tolls: transit operating expenses.</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>Amended: 6/29/2023</p>	<p>Assembly Appropriations <i>Senator Wiener announced that he is putting the bill on pause to allow more discussion among stakeholders. The bill will not move further this year.</i></p>	<p>Watch</p>
<p>SB 537 (Becker D)</p> <p>Open meetings: multijurisdictional, cross-county agencies: teleconferences.</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</p>	<p>Assembly Third Reading 9/7/2023 #152 ASSEMBLY THIRD READING FILE - SENATE BILLS</p>	<p>Watch</p>

	<p>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>Amended: 9/5/2023</p>		
<p>SB 617 (Newman D)</p> <p>Public contracts: progressive design-build: local and regional agencies: transit.</p>	<p>Existing law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project that treats, pumps, stores, or conveys water, wastewater, recycled water, advanced treated water, or supporting facilities. Existing law defines “progressive design-build” as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Existing law requires the selected entity and its general partners or joint venture members to verify specified information under penalty of perjury. Existing law requires local agencies to report to the Legislature by January 1, 2028, regarding the use of the progressive design-build process, as specified. This bill, until January 1, 2029, would similarly authorize a transit district, municipal operator, consolidated agency, joint powers authority, regional transportation agency, or local or regional agency, as described, to use the progressive design-build process for up to 10 public works projects in excess of \$5,000,000 for each project. The bill would, similarly, require information to be provided under penalty of perjury and would require submission of a similar report to the Legislature. The bill would specify that this authority to use the progressive design-build process does not include inspection services for projects on, or interfacing with, the state highway system. This bill contains other related provisions and other existing laws.</p>	<p>Senate Enrollment</p>	<p>Watch</p>

<p>SB 670 (Allen D)</p> <p>State Air Resources Board: vehicle miles traveled: maps.</p>	<p>Enrolled: 9/5/2023</p> <p>Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. Existing law imposes various requirements related to transportation planning, including a requirement that certain transportation planning agencies prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires each regional transportation plan to include, among other things, a sustainable communities strategy prepared by each metropolitan planning organization, as specified, which is designed to achieve certain targets for 2020 and 2035 established by the state board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. This bill would require the state board, in consultation with the Office of Planning and Research and the Department of Transportation, to develop a methodology for assessing and spatially representing light-duty vehicle miles traveled and to develop maps accordingly to display average light-duty vehicle miles traveled per capita in the state at the local, regional, and statewide level, as provided. The bill would require the state board to adopt the methodology no later than January 1, 2025, and to publish the maps no later than 6 months after the methodology is adopted. The bill would require the state board to update the methodology and maps at least once every 4 years. The bill would require the state board to make the methodology and the maps publicly available on its internet website. Under certain circumstances, the bill would require the state board, in consultation with the Office of Planning and Research, to provide technical assistance with regard to the usage and interpretation of the statewide map to a local agency requesting assistance.</p> <p>Amended: 4/27/2023</p>	<p>Senate 2 year</p>	<p>Watch</p>
<p>SB 747 (Caballero D)</p> <p>Land use: surplus land.</p>	<p>Existing law prescribes requirements for the disposal of surplus land by a local agency. Existing law defines terms for these purposes. Existing law defines “surplus land” to generally mean land owned in fee simple by a local agency for which the local agency’s governing body takes formal action in a public meeting declaring that the land is surplus and not necessary for the agency’s use. Existing law defines “agency’s use” to include land that is being used, is planned to be used pursuant to a written plan adopted by the local agency’s governing board, or is disposed of to support agency work or operations. Existing law excludes from “agency’s use” commercial or industrial uses or activities, or property disposed of for the sole purpose of investment or generation of revenue, unless the local agency is a district, except as specified, and the agency’s governing body takes specified actions in a public meeting. Existing law excludes from these requirements the disposal of exempt surplus land by an agency of the state or any local government. Existing law requires a local agency to declare land as either surplus land or exempt surplus land, as supported by written findings, before a local agency may take any action to dispose of it. Under existing law, exempt surplus land includes, among other types of land, property that is used by a district for an “agency’s use” as expressly authorized, land for specified developments, including a mixed-use development, if put out to open, competitive bid by a local agency, as specified, and surplus land that is subject to specified valid legal restrictions. Existing law defines for a local agency that is a district, except for those districts whose primary mission is to supply the public with a transportation system, “agency’s use” to include commercial or industrial uses or activities, or property disposed of for the sole purpose of investment or generation of revenue. This bill would define the term “dispose” for these purposes to mean the sale of the surplus property or a lease of any surplus property entered into on or after January 1, 2024, for a term longer than 15 years, including renewal options, as specified. The bill would also redefine the term “agency’s use” to include use for</p>	<p>Assembly Third Reading</p> <p>9/7/2023 #263 ASSEMBLY THIRD READING FILE - SENATE BILLS</p>	<p>Watch</p>

transit, property owned by a port that is used to support logistics uses, sites for broadband equipment or wireless facilities, and waste disposal sites. The bill would specify that for a local agency that is a district, “agency’s use” includes commercial or industrial uses or activities, or property disposed of for the sole purpose of investment or generation of revenue, without exception. This bill contains other related provisions and other existing laws.

Amended: 8/14/2023

**Peninsula Corridor Joint Powers Board
Staff Report**

To: Board of Directors

Through: Michelle Bouchard, Executive Director

From: Sam Sargent, Director, Strategy and Policy

Subject: **Metropolitan Transportation Commission (MTC) / Regional Update**

<input type="checkbox"/> Staff Coordinating Council Reviewed	<input type="checkbox"/> Finance Committee Recommendation	<input type="checkbox"/> Technology, Operations, Planning, and Safety Committee Recommendation	<input type="checkbox"/> Advocacy and Major Projects Committee Recommendation
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Purpose and Recommended Action

The Metropolitan Transportation Commission (MTC) provides planning, funding, coordination, and technical assistance to cities, counties, transit agencies, and other partners to bring the region together. The California Legislature created MTC in 1970 to plan and provide a cohesive vision for the Bay Area’s transportation system. This item is for the reading file only.

Discussion

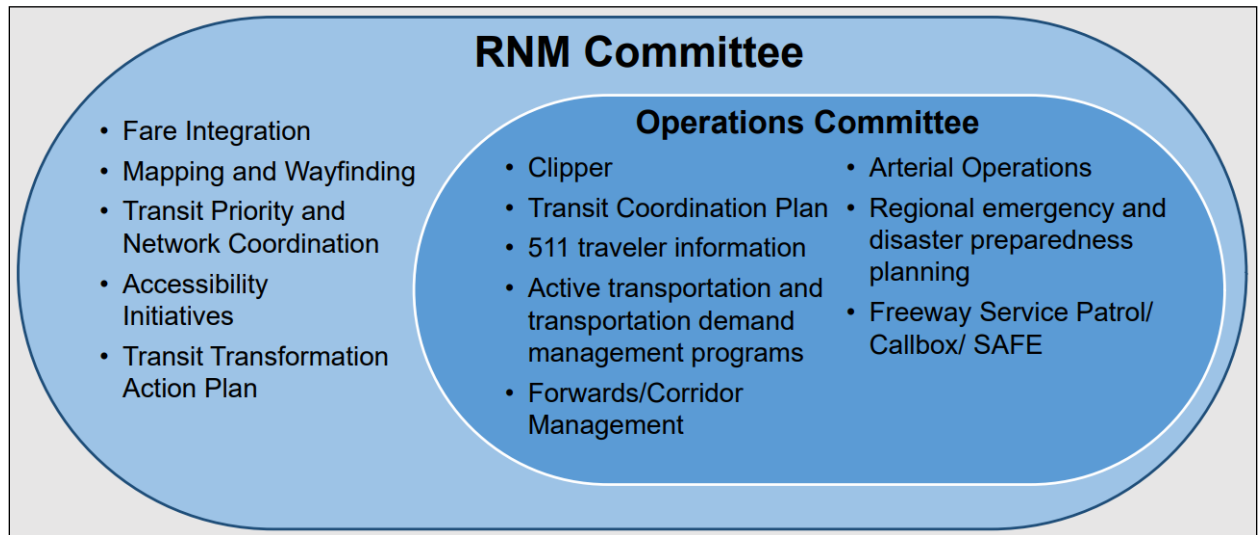
MTC is actively considering several key policy and funding decisions that affect Caltrain, and staff wants to ensure the Joint Powers Board (JPB) is apprised of these discussions and other items with regional impact.

Budget Impact

No budget impact.

1. Regional Network Management Update

On July 14, the MTC Regional Network Management (RNM) Committee met for the first time, after transitioning from the MTC Operations Committee. Membership has remained the same, with Commissioners David Canepa and Matt Mahan representing the Caltrain service area. The RNM Committee's scope includes the former Operations Committee responsibilities, as well as five broad RNM functional areas, discussed in previous updates:



In the RNM framework, an RNM Council, sits below the MTC RNM Committee. The RNM Council consists of MTC Executive Director Andy Fremier, six large transit operator general managers, including Executive Director Bouchard, and three small operator representatives. Caltrain staff has been working closely with MTC and consultant staff on an RNM Council Charter and work plan, that will be presented at the first RNM Council meeting, currently scheduled for Monday, November 27.

In short, the RNM Council Charter will memorialize decision-making processes and council member roles and responsibilities. The Charter will also memorialize the need for an annual work plan and the relationship of dedicated MTC RNM staff to the Council. Currently, the draft RNM Council work plan focuses on “quick wins” by operators for FY24, including coordinated customer information, operations planning, accessibility, fare integration, and future funding. More detail on the RNM Council Charter and work plan will be available for next month's MTC-Regional Update.

On Thursday, September 28, MTC announced the selection of Melanie Choy as the first MTC Director of RNM. Ms. Choy previously served as MTC's Assistant Director for Funding Policy.

- **Recommended JPB Action:** no action at this time, informational only.

2. Potential Regional Transportation Measure

In January 2023, MTC staff updated the Joint MTC/ABAG Legislation Committee and MTC Policy Advisory Council on early efforts to engage stakeholders on potential 2026 regional transportation ballot measure. This month, MTC staff presented to the Legislation Committee on three proposed focus for a potential measure, aligned with the vision and guiding principles of the previously approved Plan Bay Area 2050:

- **Focus Areas:** (1) stabilize transit funding; (2) make transit faster, safer, and easier to use; and (3) enhance mobility and access for all.
- **Draft Guiding Principles:** (i) advancing equity, (ii) advancing the state’s goal of carbon neutrality by 2045, (iii) adaptability, and (iv) cohesiveness, to maximize regional impact and easily communicate a ballot measure to the public.

MTC staff provided an overview of potential funding priorities and revenue options:

- **Funding Priorities:** (1) transit operations, (2) transit transformation including fare integration, mapping and wayfinding, ambassador programs, etc., (3) Main Streets, meaning multimodal roadway improvements, (4) climate resilience, and (5) closing funding gaps for “priority projects” that have been impacted by cost increases.
- **Revenue Options:** (i) sales tax, (ii) income tax, (iii) parcel tax, (iv) corporate head tax, (v) payroll tax, and (vi) road usage charge, or Vehicle Miles Traveled (VMT) fee.

MTC staff will return to the Legislation Committee by the end of 2023 to present a finalized transportation ballot measure concept as an action item, before advancing authorizing legislation during the 2024 legislative session for a 2026 ballot. A planned Bay Area Housing Finance Authority affordable housing bond is anticipated in 2024.

- **Caltrain Staff Recommendation:** No action, information only. Caltrain staff are actively engaged with MTC staff, as well as local and state policymakers on the development of a 2026 regional transportation ballot measure.

**DTX RAIL PROGRAM
ENABLING WORKS PLANNING
MEMORANDUM OF AGREEMENT**

This Enabling Work Planning Memorandum of Agreement (“Agreement”), dated as of March 2, 2023, is between the Transbay Joint Powers Authority, a joint powers authority (“TJPA”) and the Peninsula Corridor Joint Powers Board (“Caltrain”) (collectively, the “Parties”).

RECITALS

- A. The TJPA is a joint exercise of powers authority created by the City and County of San Francisco (“City”), the Alameda-Contra Costa Transit District, Caltrain, the California High Speed Rail Authority (“CHSRA”), and Caltrans (ex officio). The TJPA is responsible for the financing, design, development, construction, and operation of the Transbay Program (the “Program”). In particular, the Program includes (a) the design, development, construction, and operation of the Salesforce Transit Center, including open space on the roof, a bus ramp, a bus storage facility, and the core and shell of an underground train box (Phase 1); (b) the extension of rail tracks from the current Caltrain San Francisco terminus at Fourth and King Streets (the “Downtown Rail Extension” or “DTX”) to a new underground terminus beneath the transit center to accommodate Caltrain and CHSRA (Phase 2); and (3) in coordination with the Office of Community Investment and Infrastructure, the successor agency to the former San Francisco Redevelopment Agency, certain transit infrastructure activities related to implementation of the Redevelopment Plan for the Transbay Redevelopment Project Area.
- B. To build the DTX, the TJPA will be required to acquire the fee, easements, or use rights for property (“ROW”) owned or controlled by private entities and project stakeholders, including the State, the City, and Caltrain. The attached map at Appendix A summarizes the current anticipated ROW requirements for the DTX. (The design of the DTX and associated ROW requirements are subject to refinement. The expected ROW requirements may also require refinement based on further due diligence related to title conditions, surveys, environmental conditions, and other factors.)
- C. Particular to Caltrain ROW and existing Caltrain railroad improvements, delivery of the DTX requires the “reconstruction of the current storage yard” and “the addition of a new underground Caltrain station on the northern portion [of the storage yard] near Townsend and Fourth Streets.” (FEIS/EIR at 2-25).
- D. Caltrain’s ROW at Fourth and King is critical to Caltrain’s operation. It is the location of Caltrain’s current San Francisco terminal and is also the location of Caltrain’s northern rail yard where trains are stored and maintained. Both facilities will continue to be used by Caltrain both during construction and once DTX is completed. Finally, there is also a concurrent planning effort to determine how Prologis, a private company, may potentially redevelop the rail yard site in conjunction with Caltrain.
- E. In June 2020, the TJPA and Caltrain, together with the San Francisco County Transportation

Authority (“SFCTA”), Metropolitan Transportation Commission (“MTC”), CHSRA, and the City entered into a Memorandum of Understanding (“MoU”), describing a new organizational structure that will support the efforts of the TJPA in the development of the DTX to a ready-for-procurement status.

- F. The MoU commits the parties to participation in a process outlined in the MoU, but does not constitute a commitment of financial resources, and the parties acknowledged that they would need to work together to identify the necessary resources to support their respective activities to carry out the DTX work program.
- G. The TJPA, as project sponsor, and Caltrain, as rail operator and partner, have a unique relationship to the DTX and each other, and the TJPA and Caltrain are developing a Master Cooperative Agreement (“MCA”) that outlines each agency’s responsibility to deliver the entire DTX project, with an expected execution date of summer 2023.

As contemplated by the MoU, the TJPA, in cooperation with the parties to the MoU, has developed an Accelerated Comprehensive Work Plan, leading to an August 2023 submittal of a Full Funding Grant Agreement (“FFGA”) request to the Federal Transit Administration. The Accelerated Work Plan identifies certain tasks and activities to achieve the objective to “Perform technical studies and design to re-define and deliver a DTX initial operating phase as soon as possible” (Task 11). TJPA staff has determined that enabling works at the Fourth and King Yard are critical to meeting that objective of early delivery and will consult on this criticality with Caltrain to jointly determine and coordinate an agreed optimal approach for planning, design, and delivery of the enabling works.

- H. In the interim period before the MCA can be presented to the agencies’ boards for approval, the TJPA requires information sharing, design, operational input, and other coordination with Caltrain to ensure the TJPA meets critical milestones in the Accelerated Work Plan.
- I. All efforts for the enabling works must lead to interim and final outcomes that are fully compatible and integrated into the electrified Caltrain system during and after construction.
- J. The TJPA has been coordinating with Caltrain on work relating to advancing design for enabling sitework and infrastructure relocation on Caltrain ROW (“Enabling Works Planning”). Caltrain is committed to supporting the TJPA in the implementation of the Accelerated Work Plan and advancing the Enabling Works Planning. The work will utilize a multi-stage construction program to allow Caltrain to maintain continuous operations. To assist with planning and managing this complex work, Caltrain needs to dedicate certain staff resources and retain a consultant(s) responsible for developing, managing, and administering the DTX work located in Caltrain’s ROW in coordination with the TJPA. Caltrain requires funding to pay for these dedicated resources.
- K. The TJPA has certain limited resources to reimburse Caltrain for certain of its staff and consultant costs in support of the Enabling Works Planning.
- L. The TJPA receives federal, state, and local funding and all reimbursements contemplated in

this Agreement must meet certain federal, state, and local requirements.

- M. To the extent the Parties reach agreements hereunder related to the Enabling Works Planning before the MCA can be completed, such agreements will be binding on the Parties once approved by their respective boards and until superseded by the MCA.

AGREEMENT

ACCORDINGLY, in consideration of the public benefits and other matters described in the foregoing recitals, the obligations contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged, the TJPA and Caltrain agree as follows:

1. **Agreement Purpose.** The purpose of this Agreement is to outline roles and responsibilities of the TJPA and Caltrain with respect to the administration and funding of the Enabling Works Planning.
2. **Scope.** This Agreement is limited to the Enabling Works Planning set forth in Appendix B.
3. **Budget.** This Agreement will be for a not-to-exceed amount of Five Hundred Ninety Five Thousand Dollars (\$595,000). This amount shall be revised, if necessary, by agreement of the parties, each in their sole discretion. If the budget exceeds the total amount of \$595,000 and no such agreement is reached, the parties will cease work and the parties will not perform any further work or services beyond those described in Appendix B. The parties shall adhere to the budget and invoicing procedures set forth in Appendix C. Any changes to the budget and invoicing procedures may only be made pursuant to Section 7, Modification, of this Agreement.
4. **Term.** The term of this Agreement shall commence on March 2, 2023. The term of this Agreement shall terminate on the earliest of: (a) the execution of the MCA between the Parties; (b) termination by either Party pursuant to Section [10]; or (c) March 31, 2024.
5. **Indemnification; Insurance**
 - A. Caltrain shall indemnify, defend, and hold harmless TJPA, its Board of Directors, representatives, agents or employees from and against all claim, injury, suits, demands, liability, losses, damages and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), arising from acts carried out by Caltrain pursuant to this Agreement, its officers, employees or agents in connection with this Agreement, except those arising by reason of the sole negligence or willful misconduct of TJPA, its officers, employees and agents.
 - B. The TJPA shall indemnify, defend, and hold harmless Caltrain, its Board of Directors, representatives, agents or employees from and against all claim, injury, suits, demands, liability, losses, damages and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), arising from acts carried out by TJPA pursuant to this Agreement, its officers, employees or agents in connection with this

Agreement, except those arising by reason of the sole negligence or willful misconduct of Caltrain, its officers, employees and agents.

- C. The foregoing provisions regarding indemnification are included pursuant to the provisions of Section 895.4 of the Government Code and are intended by the parties to modify and supersede the otherwise applicable provisions of Chapter 21, Part 2, Division 3.6, Title I of the Government Code.
- D. Caltrain shall ensure that its consultant(s) retained for the Enabling Works Planning names the TJPA as an additional insured in the same form and manner as Caltrain requires the consultant to provide for Caltrain.

6. **Notices.** Unless otherwise indicated elsewhere in this Agreement, all written communications sent by the Parties may be by U.S. mail or e-mail, and shall be addressed as follows:

TJPA: Executive Director
Transbay Joint Powers Authority
425 Mission Street, Suite 250
San Francisco, CA 94105
E-mail: avandewater@tjpa.org

Caltrain: Executive Director, cc: General Counsel
Peninsula Corridor Joint Powers Board
1250 San Carlos Avenue
San Carlos, CA 94070
E-mail: bouchardm@caltrain.com, with a copy to jharrison@olsonremcho.com

Any notice of default must be sent by registered mail.


- 7. **Modification of Agreement.** This Agreement may not be modified, nor may compliance with any of its terms be waived, except by written instrument executed and approved in the same manner as this Agreement.
- 8. **Agreement Made in California; Venue.** The formation, interpretation and performance of this Agreement shall be governed by the laws of the State of California. Venue for all litigation relative to the formation, interpretation and performance of this Agreement shall be in San Francisco.
- 9. **Audit and Inspection of Records.** The Parties agree to maintain and make available to each other, during regular business hours, accurate books and accounting records relating to their work under this Agreement and the work of any third parties performing work on the Operations Analysis. The Parties will permit each other to audit, examine and make excerpts and transcripts from such books and records, and to make audits of all invoices, materials, payrolls, records or personnel and other data related to all other matters covered by this Agreement, whether funded in whole or in part under this Agreement. The Parties shall maintain such data and records in an accessible location and condition for a period of not less than three years after Caltrain receives final payment from the TJPA. The State of California or any federal agency having an interest in the subject matter of this Agreement shall have

the same rights conferred upon the Parties by this Section.

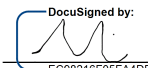
10. **Termination for Convenience/Cause/or Suspension.** Either Party may for any reason (convenience or cause) terminate or suspend this Agreement, in whole or in part, at any time by written notice to the other Party. Upon termination of this Agreement, Caltrain and its consultant shall cease performing the services described in Appendix B. Caltrain's consultant shall be paid its costs for work performed up to the termination of this Agreement, plus any costs reasonably necessary to effect the termination, if termination is for convenience. If the Agreement is terminated or suspended for cause, Caltrain shall be paid expenses actually incurred by Caltrain in accordance with the terms of the Agreement as of the effective date of termination. Sections [5, 6, and 9] shall survive termination or expiration of this Agreement.
11. **Compliance with Laws.** The parties shall keep themselves fully informed of all federal, state, and local laws in any manner affecting the performance of this Agreement, and must at all times comply with such laws, as they may be amended from time to time.
12. **Relationship of the Parties.** Caltrain shall at all times treat all persons working for or under the direction of Caltrain as agents or employees of Caltrain, and not as agents or employees of the TJPA.
13. **Entire Agreement.** This Agreement constitutes the entire agreement of the Parties with respect to its subject matter and supersedes any prior oral or written understanding on the same subject.
14. **Electronic Signature.** Unless otherwise prohibited by law or policy, the Parties agree that an electronic copy of this Agreement, or an electronically signed Agreement, has the same force and legal effect as the Agreement executed with an original ink signature. The term "electronic copy of this Agreement" refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of the original signed agreement in a portable document format. The term "electronically signed Agreement" means the Agreement that is executed by applying an electronic signature using technology approved by the TJPA and Caltrain.

IN WITNESS WHEREOF, The Parties have executed this AGREEMENT on the date set forth above:

TRANSBAY JOINT POWERS AUTHORITY

By: 
400C997A90834EE...
Adam Van de Water, Executive Director

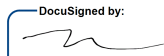
APPROVED AS TO FORM:

By: 
EC98216F05FA4DB...
TJPA Legal Counsel

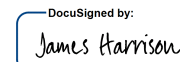
Transbay Joint Powers Authority
Board of Directors
Resolution No. 23-010
Adopted: February 9, 2023

Attest: 
3057E788BF5D46...
Secretary, TJPA Board

PENINSULA CORRIDOR JOINT POWERS BOARD

By: 
D9A17749C0944F0...
Michelle Bouchard, Executive Director

APPROVED AS TO FORM:

By: 
F49067091796413...
PCJPB Legal Counsel

APPENDIX A
Map of Anticipated DTX ROW

Transbay Program DTX ROW

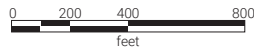
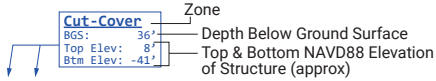
Transit Center (Phase 1)

Public ROW in Natoma, Minna, First, Fremont, and Beale Streets acquired as part of Phase 1

- TJPA Parcel
- CCSF ROW
- State Parcel
- Rock Dowel Encro.
- Private Parcel
- Burton Act Parcel
- Parcel w/ Rock Dowel Encro.
- Caltrain Parcel

Block Number

Elevation Data



Oct 05, 2022

Sheet 1 of 4

For planning purposes only. All elements subject to change. Measurements provided for information but should not be relied on.

Salesforce Transit Center

Train Box Extension

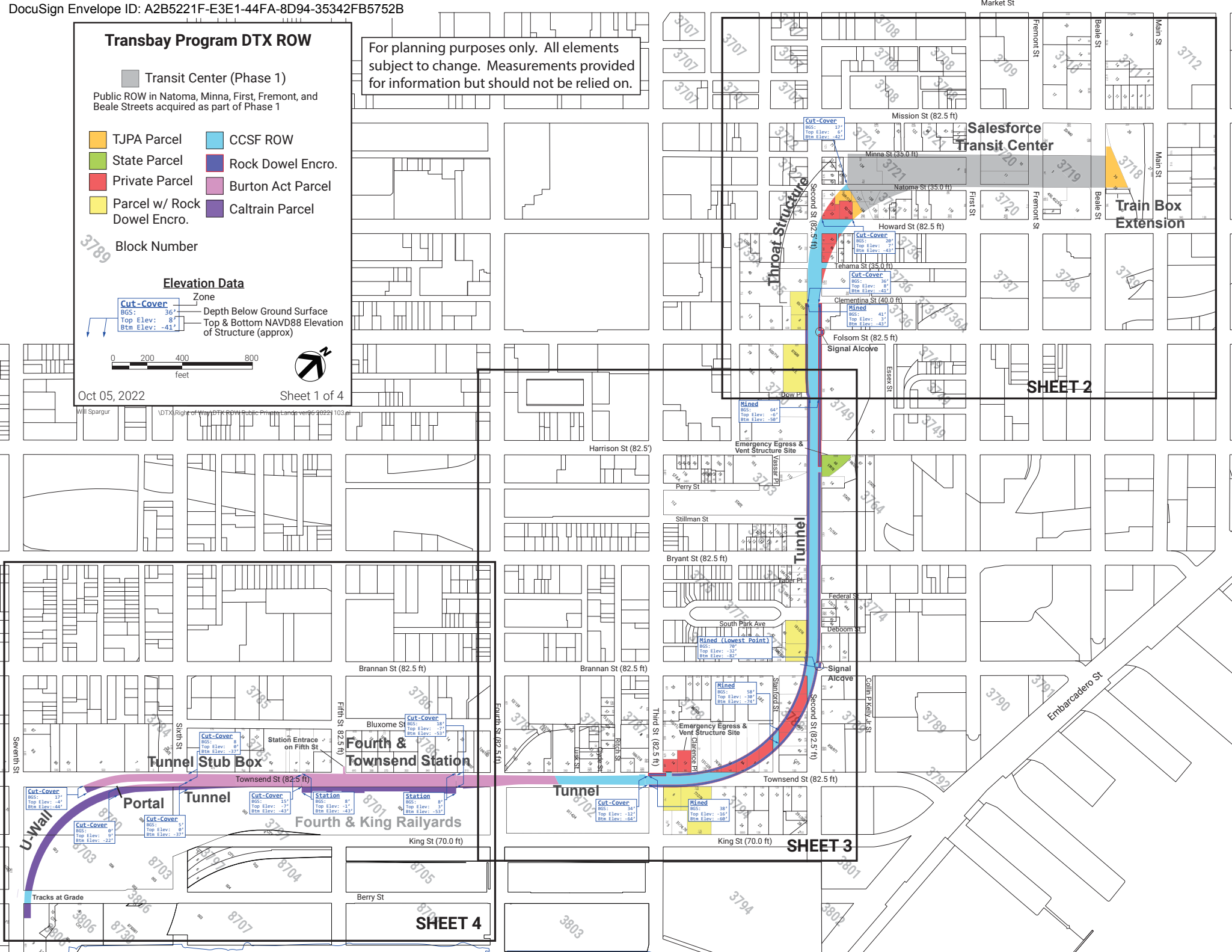
SHEET 2

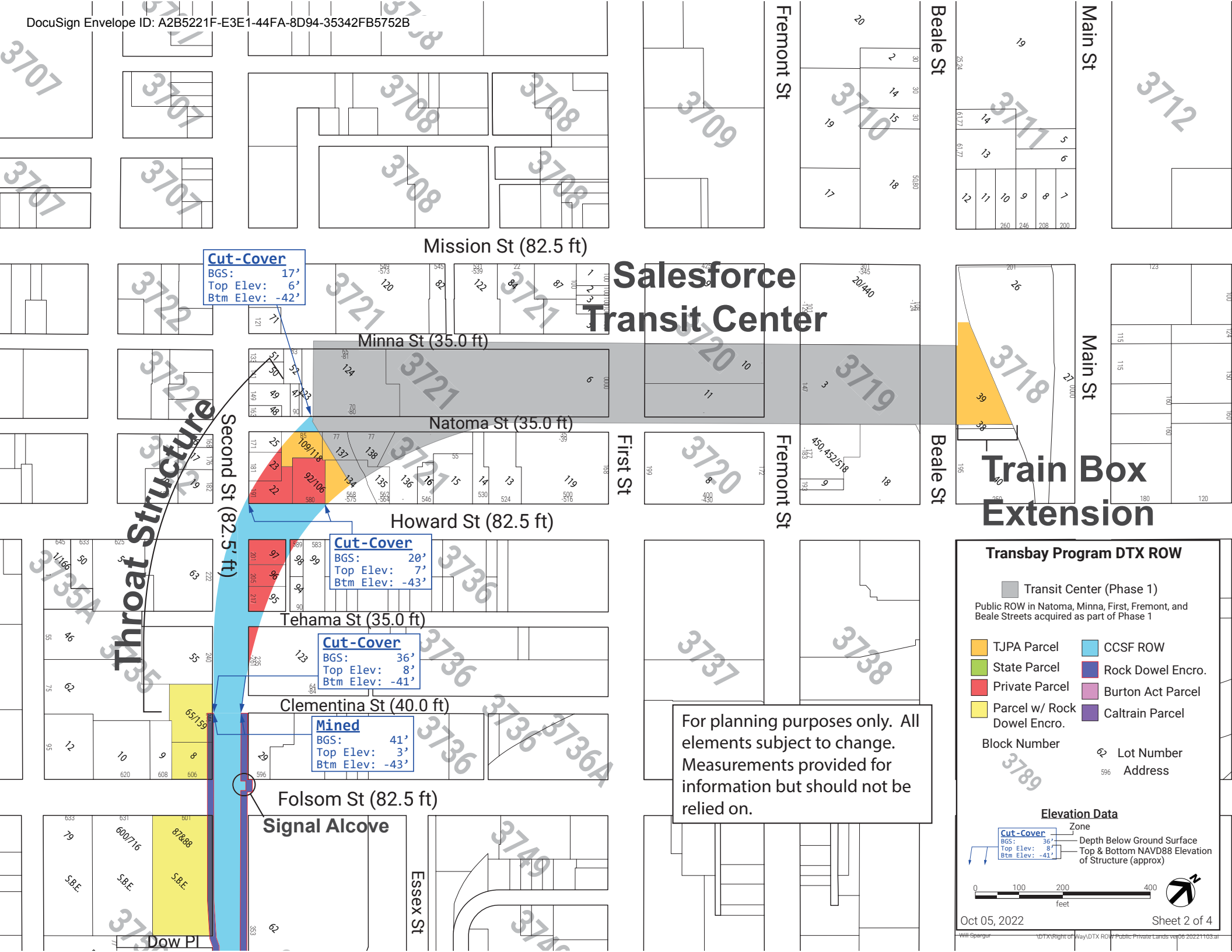
Fourth & Townsend Station

Fourth & King Railyards

SHEET 3

SHEET 4





Cut-Cover
 BGS: 17'
 Top Elev: 6'
 Btm Elev: -42'

Cut-Cover
 BGS: 20'
 Top Elev: 7'
 Btm Elev: -43'

Cut-Cover
 BGS: 36'
 Top Elev: 8'
 Btm Elev: -41'

Mined
 BGS: 41'
 Top Elev: 3'
 Btm Elev: -43'

Salesforce Transit Center

Train Box Extension

For planning purposes only. All elements subject to change. Measurements provided for information but should not be relied on.

Transbay Program DTX ROW

- Transit Center (Phase 1)
- Public ROW in Natoma, Minna, First, Fremont, and Beale Streets acquired as part of Phase 1
- TJPA Parcel
- State Parcel
- Private Parcel
- Parcel w/ Rock Dowel Encro.
- CCSF ROW
- Rock Dowel Encro.
- Burton Act Parcel
- Caltrain Parcel

Block Number Lot Number
 Address

Elevation Data

Zone
 Depth Below Ground Surface
 Top & Bottom NAVD88 Elevation of Structure (approx)

0 100 200 400 feet

Oct 05, 2022 Sheet 2 of 4

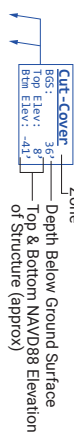
Transbay Program DTX ROW

- Transit Center (Phase 1)
- Public ROW in Natomia, Minna, First, Fernport, and Beale Streets acquired as part of Phase 1

- TJPA Parcel
- State Parcel
- Private Parcel
- Parcel w/ Rock Dowel Encro.
- CCSF ROW
- Rock Dowel Encro.
- Burton Act Parcel
- Caltrain Parcel

- Block Number
- Lot Number
- Address

Elevation Data



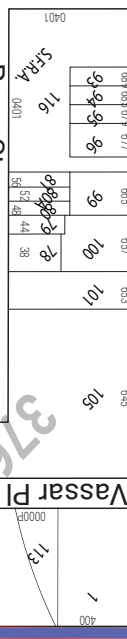
Oct 05, 2022
 Sheet 3 of 4

For planning purposes only. All elements subject to change. Measurements provided for information but should not be relied on.

Harrison St (82.5')

Mined
 BGS: 64'
 Top Elev: -6'
 Btm Elev: -50'

Emergency Egress & Vent Structure Site



Stillman St

Bryant St (82.5 ft)

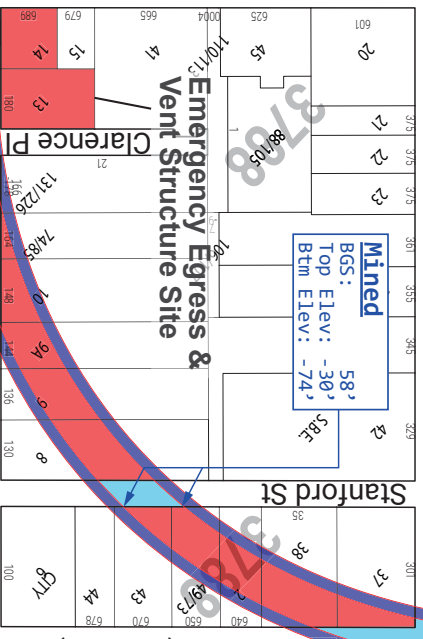
Tunnel

Mined (Lowest Point)
 BGS: 70'
 Top Elev: -32'
 Btm Elev: -82'

Brannan St (82.5 ft)

Mined
 BGS: 58'
 Top Elev: -30'
 Btm Elev: -74'

Emergency Egress & Vent Structure Site



Fourth St (82.5 ft)

Townsend St (82.5 ft)

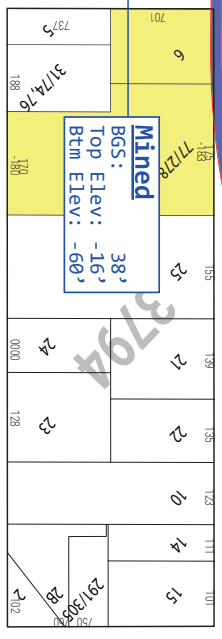
Tunnel

Cut-Cover
 BGS: 34'
 Top Elev: -12'
 Btm Elev: -64'

Mined
 BGS: 38'
 Top Elev: -16'
 Btm Elev: -60'

Signal Alcove

King St (70.0 ft)

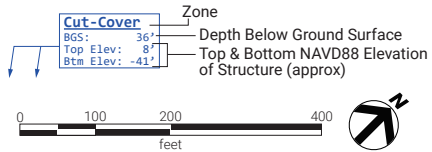


Second St (82.5 ft)

For planning purposes only. All elements subject to change. Measurements provided for information but should not be relied on.

- Transit Center (Phase 1)
- Public ROW in Natoma, Minna, First, Fremont, and Beale Streets acquired as part of Phase 1
- TJPA Parcel
- State Parcel
- Private Parcel
- Parcel w/ Rock Dowel Encro.
- CCSF ROW
- Rock Dowel Encro.
- Burton Act Parcel
- Caltrain Parcel
- Block Number
- Lot Number
- Address

Elevation Data



Oct 05, 2022 Sheet 4 of 4

Will Spargo 10/19/2022 City of Berkeley Public Works Public Private Lands version 2022-1103 at

Seventh St

Sixth St

Fifth St (82.5 ft)

Brannan St (82.5 ft)

Bluxome St

Cut-Cover
 BGS: 8
 Top Elev: 0'
 Btm Elev: -37'

Station Entrance on Fifth St

Cut-Cover
 BGS: 18'
 Top Elev: -7'
 Btm Elev: -53'

Tunnel Stub Box

Fourth & Townsend Station

Townsend St (82.5 ft)

Cut-Cover
 BGS: 17'
 Top Elev: -4'
 Btm Elev: -44'

Portal

Tunnel

Cut-Cover
 BGS: 15'
 Top Elev: -7'
 Btm Elev: -43'

Station
 BGS: 8'
 Top Elev: -1'
 Btm Elev: -43'

Station
 BGS: 8'
 Top Elev: 3'
 Btm Elev: -53'

Fourth & King Railyards

U-Wall

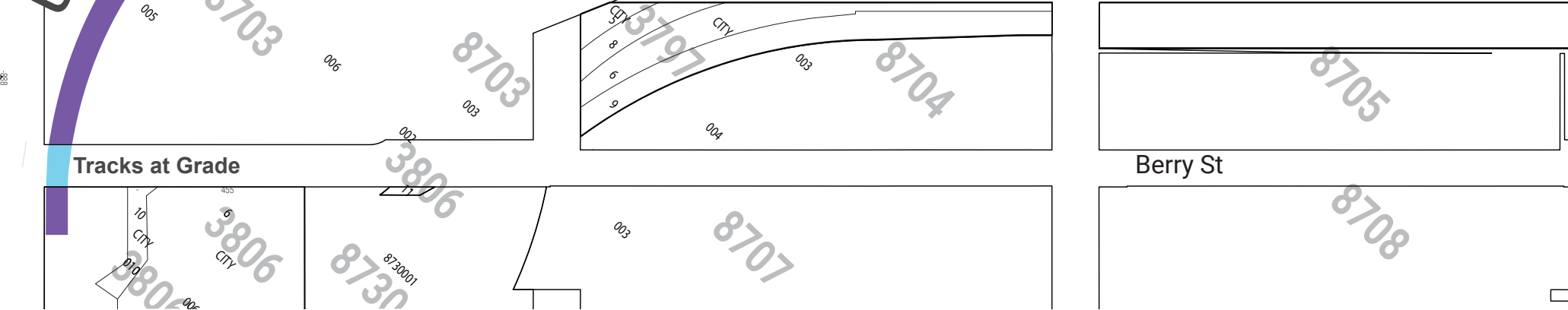
Cut-Cover
 BGS: 0'
 Top Elev: 9'
 Btm Elev: -22'

Cut-Cover
 BGS: 5'
 Top Elev: 0'
 Btm Elev: -37'

King St (70.0 ft)

Tracks at Grade

Berry St



APPENDIX B
Enabling Works Planning
Scope of Work

Pursuant to Caltrain's competitive procurement process, Caltrain intends to retain consultant(s) from a bench of consultants pre-qualified to provide On-Call Program Management Oversight services related to advancing design for enabling sitework and infrastructure relocation ("Enabling Works Planning") for the Downtown Rail Extension (DTX) project on property Caltrain owns or holds an easement interest ("Caltrain ROW").

The consultant(s) will work under Caltrain staff supervision and on Caltrain's behalf on all matters related to TJPA's Enabling Works Planning for the DTX project on Caltrain ROW. In particular, the consultant(s) will act as a liaison and coordinate with TJPA staff and consultants on Enabling Works Planning, including planning, design, scope, schedule, budget, procurement, project delivery, integration, commissioning, testing, safety, and quality from initiation to closeout. Under Caltrain direction, the consultant(s) will review, identify modifications as necessary and appropriate, ensure Caltrain input is reflected in, approve, and oversee the implementation of TJPA's Enabling Works Planning.

The consultant(s)'s function and objectives are to ensure the TJPA's Enabling Works Planning is consistent with Caltrain standards, protects Caltrain's existing interests (including interests in operations, safety, ROW, and improvements), and does not impair Caltrain's existing rights. The DTX is a critical regional project that will connect Caltrain's regional rail system and the California High-Speed Rail Authority's statewide system to the Salesforce Transit Center in downtown San Francisco. The Enabling Works Planning on Caltrain ROW is critical to the progression of the DTX project; it is on the project's critical path so there is severe time pressure to complete this work. The Parties intend the consultant(s) services and TJPA's reimbursement under this Agreement will facilitate completion of the Enabling Works Planning and delivery of the DTX on the approved accelerated schedule.

APPENDIX C Budget and Invoicing

This agreement will be for a not-to-exceed amount of Five Hundred Ninety Five Thousand Dollars (\$595,000). This amount shall be revised, if necessary, by agreement of the parties, each in their sole discretion. If the budget exceeds the total amount of \$595,000 and no such an agreement is reached, the parties will cease work and the parties will not perform any further work or services beyond those described in Appendix B. The parties shall adhere to the budget and invoicing procedures set forth in this Appendix C. Any changes to the budget and invoicing procedures may only be made pursuant to Section 7, Modification, of this Agreement). Caltrain consultant costs are estimated based on actual proposal pricing, to which ICAP multiplier (0.0389) is added ("Fully-Loaded Budget").

Rates and Charges: TJPA shall reimburse Caltrain for actual costs incurred for actual consultants providing the Enabling Works Planning, in amounts not to exceed the budget specified above.

Invoices: Caltrain will bill the TJPA on a cost reimbursable basis. Invoices furnished by Caltrain must be in a form reasonably acceptable to the TJPA. Caltrain shall submit invoices monthly to the TJPA. Notwithstanding the foregoing, all invoices for work in a Fiscal Year must be received by the TJPA within the period of time after the close of the Fiscal Year specified by the TJPA. The TJPA shall make a good faith effort to pay all undisputed amounts within forty-five (45) days following receipt of a proper invoice from Caltrain. In no event shall the TJPA be liable for interest or late charges for any payments made after this time period. To the extent the TJPA disputes any invoice, the Parties shall meet and confer in a good faith effort to resolve the dispute.



BOARD OF DIRECTORS 2023

JEFF GEE, CHAIR
DEVORA "DEV" DAVIS, VICE CHAIR
PAT BURT
CINDY CHAVEZ
STEVE HEMINGER
RICO E. MEDINA
RAY MUELLER
SHAMANN WALTON
MONIQUE ZMUDA

MICHELLE BOUCHARD
EXECUTIVE DIRECTOR

[date]

Adam Van de Water
Executive Director
Transbay Joint Powers Authority
425 Mission St # 250
San Francisco, CA 94105

Subject: Amendment No. 1 to the DTX Rail Program Enabling Works Planning Memorandum of Agreement

Dear Mr. Van de Water:

The purpose of this letter is to confirm the terms for Amendment #1 to the March 3, 2023, Memorandum of Agreement ("MOA") by and between the Peninsula Corridor Joint Powers Board ("JPB" or "Caltrain") and the Transbay Joint Powers Authority ("TJPA" and, together with the JPB, the "Parties").

The Parties executed the MOA to ensure on-going cooperation, including information sharing, design, operational input, and other coordination, in furtherance of TJPA's critical milestones in the Accelerated Work Plan for the enabling works for the Portal Extension in the interim period before the MCA can be presented to the agencies' boards for approval. The MOA established a not-to-exceed amount of Five Hundred Ninety-Five Thousand Dollars (\$595,000). The Parties now wish to increase the not-to-exceed amount described in the MOA by an additional Four Hundred and Sixty Thousand Dollars (\$460,000), for a total not-to-exceed amount of One Million, Fifty-Five Thousand Dollars (\$1,055,000).

The Parties now enter into this Amendment #1, with an effective date [x], to increase the total amount of budget authorized by the Parties and specifically agree to amend the following sections of the MOA in their entirety to read as follows:

I. Section 3, Budget of the MOA is hereby modified as follows:

3. Budget. This Agreement will be for a not-to-exceed amount of One Million, Fifty-Five Thousand Dollars (\$1,055,000). This amount shall be revised, if necessary, by agreement of the parties, each in their sole discretion. If the budget exceeds the total amount of \$1,055,000 and no such agreement is reached, the parties will cease work and the parties will not perform any further work or services beyond those described in Appendix B. The parties shall adhere to the budget and invoicing procedures set forth in Appendix C. Any changes to the budget and invoicing procedures may only be made pursuant to Section 7, Modification, of this Agreement.

PENINSULA CORRIDOR JOINT POWERS BOARD
1250 San Carlos Ave. – P.O. Box 3006
San Carlos, CA 94070-1306 (650) 508-6200

[date]

Page 2 of 3

II. Paragraph 1 of Appendix C of the MOA is hereby modified as follows:

This agreement will be for a not-to-exceed amount One Million, Fifty-Five Thousand Dollars (\$1,055,000). This amount shall be revised, if necessary, by agreement of the parties, each in their sole discretion. If the budget exceeds the total amount of \$1,055,000 and no such an agreement is reached, the parties will cease work and the parties will not perform any further work or services beyond those described in Appendix B. The parties shall adhere to the budget and invoicing procedures set forth in this Appendix C. Any changes to the budget and invoicing procedures may only be made pursuant to Section 7, Modification, of this Agreement). Caltrain consultant costs are estimated based on actual proposal pricing, to which ICAP multiplier (0.0389) is added ("Fully Loaded Budget").

The MOA is amended only to the extent expressly provided herein; all other provisions of the MOA shall remain in full force and effect. The individuals executing this Amendment No. 1 to the MOA represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities.

In witness whereof the Parties have signed this Amendment No. 1 to the MOA on the date first written above with the intent to be legally bound.

PENINSULA CORRIDOR JOINT POWERS BOARD

By: _____
Michelle Bouchard
Executive Director

Approved as to Form by:

By: _____
James Harrison
General Counsel, JPB

TRANSBAY JOINT POWERS AUTHORITY

By: _____
Adam Van de Water
Executive Director

[date]

Page 3 of 3

Approved as to Form by:

By:

Deborah Miller
Legal Counsel, TJPA