



## SAN FRANCISCO PENINSULA RAIL PROGRAM EXECUTIVE STEERING COMMITTEE MEETING

### MEETING MINUTES

Friday, November 20, 2020

11:00 a.m. to 12:00 p.m.

### WATCH LIVE:

<https://transbaycenter.webex.com/transbaycenter/onstage/g.php?MTID=e12371e7fbfe328546e9f5301651f0a8f>

PUBLIC COMMENT CALL-IN: 1-855-282-6330 -- Access Code: 126 193 6510

Due to the COVID-19 health emergency, the Executive Steering Committee (ESC) will meet via teleconference. Members of the public are encouraged to participate remotely. Please see additional information on the next page for remote meeting access.

In compliance with the Governor's Executive Order N-25-20 (March 12, 2020) as superseded by Order N-29-20 (March 17, 2020), this meeting will be held *exclusively* via teleconference participation of a quorum of ESC members in locations not open to the public. The purpose of the orders is to provide the safest environment for all persons consistent with San Francisco Department of Public Health Orders of the Health Officer and current public health recommendations, while allowing the public to observe and address the ESC.

### EXECUTIVE STEERING COMMITTEE

San Francisco County Transportation Authority, Tilly Chang (Chair)  
Metropolitan Transportation Commission, Andrew Fremier (Vice Chair)  
Transbay Joint Powers Authority, Nila Gonzales  
Peninsula Corridor Joint Powers Board/Caltrain, Jim Hartnett  
California High Speed Rail Authority, Boris Lipkin  
City and County of San Francisco, Alex Sweet

**REMOTE MEETING ACCESS**

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**PUBLIC COMMENT CALL-IN:** 1-855-282-6330 -- Access Code: 126 193 6510

**Providing Public Comment**

Ensure you are in a quiet location – Speak Clearly – Turn off any TVs or radios around you

1. When prompted, “raise hand” to speak by pressing \*3 (star, 3) to be added to the queue.
2. Callers will hear silence when waiting for their turn to speak.
3. When prompted, callers will have the standard three minutes to provide comment.

**AGENDA**

1. Call to Order

Chair Chang called the meeting to order at 11:01 a.m.

2. Roll Call

Secretary Pollitt noted that alternates Lisa Klein, Sebastian Petty and Erin Roseman were attending on behalf of Andrew Fremier, Jim Hartnett and Nila Gonzales, respectively.

Members Present: Lisa Klein, Boris Lipkin, Sebastian Petty, Erin Roseman, Alex Sweet and Tilly Chang

Members Absent: Andrew Fremier, Nila Gonzales and Jim Hartnett

3. Communications

Secretary Pollitt provided instructions on the Public Call-in/Comment process.

4. Action Item:

Approval of Special Meeting Minutes: October 23, 2020

Member Klein expressed concern that Vice Chair Fremier’s comments were not accurately captured and asked that the October 23 Special Meeting minutes be revised. Chair Chang acknowledged her request and agreed that more time was needed on the minutes before they could be approved.

ESC members unanimously concurred to continue Item 4 to the next meeting.

5. Informational Item:

Overview of the Federal Transit Administration New Starts Process

Stephen Polechronis, Interim Project Director (PD), introduced the item and Gavin Poindexter, Senior Transportation Planner with AECOM, who presented an overview of the Federal Transit Administration (FTA) New Starts process.

Chair Chang thanked Mr. Poindexter and the Integrated Program Management Team (IPMT), which received a similar presentation and asked if there was anything the ESC members should know from the IPMT's discussions. Interim PD Polechronis stated that the obvious concern was regarding the region's ability to meet the funding thresholds, as described by Mr. Poindexter; he noted that the primary concern is to ensure that the IPMT's technical work is linked with policy decisions of the ESC, TJPA Board, and other regional boards. Interim PD Polechronis also expressed concern regarding the two-year timeline in project development, not so much in terms of completing the required technical work but in terms of assurance that the region can come up with the 30 percent of the non-federal share commitment that is required at the end of the two-year project development period. Chair Chang asked Interim PD Polechronis if he or Member Roseman could provide an update on where the funding stands as of November 20. Member Roseman stated that the percentage is in part based on the overall cost of the project. As the cost of the project has not been updated from the 2016 cost estimate, the snapshot that could be calculated today would not be reflective of the percentage of the current project. She explained that some dollars allocated to Phase 2 that have been spent would not be calculated towards the 30 percent of the non-federal commitment because the project has not yet entered the New Starts process when non-federal matching funds begin counting against the 30 percent requirement, and noted that it would be a misleading calculation if provided today. Mr. Poindexter stated the FTA starts the counting process on the exact day the FTA approves a project into project development. Chair Chang concurred and noted for the record and public that the Downtown Rail Extension (DTX)/Phase 2 project has secured several pieces of funding.

Member Klein stated that Mr. Poindexter's presentation did not capture numbers for the Bay Area and stated that there is one fully executed funding agreement—BART's Core Capacity project for \$1.2 billion. Additionally, she stated that a second project on the cusp of securing a full funding grant agreement (FFGA) is Santa Clara Valley Transportation Authority's BART Silicon Valley Phase II Extension project for \$1.5 to \$2 billion and noted that the FTA is investing in the region and its projects.

Member Lipkin asked where the DTX fits into the FTA New Starts pipeline, noting how important it is to know where the region stands, where the project stands within the region, and what other projects are lining up around the same time as the DTX. He agreed that DTX is still in the early stages of the project but wanted to know if the right people are in place to look further into these types of questions. Interim PD Polechronis stated that currently Los Angeles and New York both have major grant programs with more than one project involving several billion dollars of FTA FFGAs. He further stated that from a national perspective, the DTX is not the largest project being funded and should be considered at the regional level, as there are many other projects competing for funding. Member Klein noted the Metropolitan Transportation Commission's (MTC) historical involvement in understanding the comprehensive regional picture in terms of FTA asks and that the MTC is in the process of updating its regional transportation plan—Plan Bay Area 2050—by taking a closer look at reevaluating the regional picture. Addressing Member Lipkin, Member Klein said she did not have an immediate answer to his question but wanted to provide reassurance that the work is important and that MTC is preparing to continue to advance the project.

Chair Chang clarified for the public's understanding and the ESC's that the DTX/Phase 2 project has been a priority of the FTA for at least 15 years. Additionally, she stated that Resolution 3434, which was discussed at the October 23 special meeting, was one of the main documents that codified BART to San Jose and the DTX as the two FTA New Starts priorities in the region, as early as Plan Bay Area 2009 or 2004; these projects have always been longstanding commitments or priorities. Chair Chang also noted that the DTX is a federally cleared environmental project, with committed funds from the City.

Member Sweet thanked Mr. Poindexter for the presentation and asked where the project stands when it comes to funding, both in terms of competition and our current progress pursuing entry into the FTA New Starts process in 2023 versus 2024. Interim PD Polechronis stated that his principal concern relates to Regional Measure (RM) 3 and the litigation situation, as previously stated by Chair Chang. He further stated that there has been discussion in Washington, D.C., surrounding the reauthorization of the Fast Act (Fixing America's Surface Transportation Act) and how the FTA New Starts project developmental phase may be relaxed from two to three years and noted that it would be undesirable to be removed from the New Starts program simply because of its inability to meet the two-year commitment. Regarding competition, Mr. Poindexter noted that FTA rates projects using equally weighted criteria under project justification: cost-effectiveness, mobility improvements, environmental benefits, land use, economic development, and congestion relief. He noted that four of the six criteria deal with ridership and two with land use and economic development, with updates provided by the project team on a continuous basis as to how the project would potentially rate by the FTA. Additionally, he stated that a project like the DTX--with a long construction schedule--will need to develop a financial plan demonstrating how the capital and Operations & Maintenance (O&M) funds will provide for the transit system over the next 20 years. In addition, he noted that it is required that a project is to receive a medium or higher rating for both project justification and local financial commitment. Regarding local financial commitment, he noted that the reason the criteria represented in the pie chart in his presentation were not equal in size is because the financial plan and cost estimates together are half of the weighted local financial commitment rating. He noted that the project's financial plan will include a stress test and a sensitivity analysis as part of its evaluation of the financial plan, for review by FTA. Interim PD Polechronis noted that a preliminary project justification evaluation was completed three years ago by the project team without input from the FTA, but based on experience, the project achieved a rating of medium or higher rating, which would allow it to pass project justification.

Chair Chang asked if Mr. Poindexter or Interim PD Polechronis could speak to the level of design with regard to Member Sweet's original question (i.e., our current progress pursuing entry into the FTA New Starts process in 2023). More specifically, Chair Chang asked what the FTA's experience is in funding projects that use alternative delivery methods (not design-bid-build) whereby a private contractor might be engaged earlier in the design process and how the FTA would look upon that situation. Interim PD Polechronis stated that from his perspective, the variable or tradeoff is related to fixing the federal share as the project goes into engineering or as it transitions from a percentage goal to a maximum dollar goal and noted that the more design development that is completed, the higher confidence will be in the cost estimate. He further stated the importance of finding the balance between the

project's evaluation of alternate delivery methods—whether design-build or progressive design-build, whereby a contractor and designer are both brought in—and noted the importance of discussions with the ESC and TJPA Board as the IPMT proceeds with the analysis of the project delivery method and creates the report and potential recommendation. Mr. Poindexter concurred and stated that the FTA, as part of the entrance into engineering, will evaluate the project's procurement plan to ensure that everything has been planned out. Chair Chang followed up and asked if a certain percentage of the source of funds for O&M also needed to be confirmed. Mr. Poindexter stated that O&M is part of the 20-year plan. At the time of the FFGA application, the FTA will want to know the source of the funding and how reasonable and consistent it is—is it reasonable and consistent with historical practice and/or if it is a new funding source, has it been approved by voters. Interim PD Polechronis noted that the capital side needs to be locked in and reiterated that the O&M needs to be reasonable, believable, and consistent with past practice.

**Public Comment:**

Roland Lebrun thanked Chair Chang for her comments regarding the existing funding and suggested that there be an update each month to reflect what is on the table, at least in the region, if not above \$1 billion. Mr. Lebrun also stated that some funding, such as RM 2, which is Senate Bill 916, comes with legal mandates and mentions a Transbay connection mandate. Furthermore, Mr. Lebrun stated that the design of the Transbay Crossing has profound ramifications for the design of the DTX.

**6. Action Item:**

Consider recommending the Comprehensive Work Plan and Program Master Schedule to the TJPA Board for approval

Stephen Polechronis, Interim PD, presented this item.

Member Lipkin thanked Interim PD Polechronis and the IPMT on the Comprehensive Work Plan and noted he had two comments: one from his TJPA Board perspective and the other from his ESC perspective. From his Board perspective, he stated he had no qualms with moving this item forward today to the TJPA Board for approval; however, he noted that he would like to better understand the process by which the ESC would update the Board so that the Work Plan will not have to be reapproved every time an activity changes. Furthermore, he noted that there needs to be transparency into activities that are shifting or evolving, and maybe that is tied to the key milestone dates. From his ESC perspective, Member Lipkin suggested altering the cadence of the ESC meetings by tying meeting frequency to the advancing Work Plan in an effort to not have to meet every month and allow the IPMT to focus on doing the work, rather than just reporting on it. Interim PD Polechronis concurred and noted it would be his responsibility to provide progress updates on the achievements of the Master Schedule milestones with respect to the Work Plan. Additionally, he noted that the San Francisco Peninsula Rail Program Memorandum of Understanding is pretty clear about what the deliverable should be regarding the Work Plan and that any deviation from that should be reported and approval obtained.

Member Klein echoed Member Lipkin's appreciation and noted she looks forward to hearing about the cost updates. Member Klein also noted that there are a few additional areas that the

IPMT should look at a little more carefully in terms of the regional contacts; she stated that it does not have to be now, as it would not change the deliverable, but wanted to just mark it as one area. Additionally, Member Klein stated how imperative it is to acknowledge some of the risks to the schedule and that this item may move forward to the Board, noting that recommendation of the Work Plan is not an endorsement by MTC for entry into New Starts and that a separate MTC Board action would have to happen.

**Public Comment:**

Roland Lebrun requested that the risk register be included as part of the ESC packet every month. He also suggested that the FTA should be involved sooner rather than later, not wait until 2024, and recommended that the ESC reach out to the FTA and ask that they appoint a program management oversight consultant. Mr. Lebrun also suggested that ESC meetings continue to be held each month.

A motion to approve the Comprehensive Work Plan and Master Schedule was made by Member Lipkin and seconded by Member Roseman. A unanimous voice vote approved the motion.

**7. Public Comment**

Members of the public may provide comment on matters within the ESC's purview that are not on the agenda.

Roland Lebrun suggested restoring the WebEx settings to how they were previously, as the previous settings allowed him to have a single connection with both his phone and computer.

Jim Patrick expressed the need for the ESC to contact the FTA in an effort to establish a rapport and not wait two to three years.

**8. Discussion Item:**

ESC Agenda items for upcoming meetings

No new agenda items were suggested.

**9. Adjourn**

Chair Chang adjourned the meeting at 12:05 p.m.

**ACCESSIBLE MEETING POLICY**

In accordance with the Americans with Disabilities Act, California Law, and the Governor's Executive Orders, any individual with a disability may request reasonable modifications or accommodations so that they may observe and address the Executive Steering Committee at this teleconference meeting. If you are disabled and require special accommodations to participate, please contact the TJPA at 415.597.4620 or [dtx@tjpa.org](mailto:dtx@tjpa.org), at least 72 hours prior to the meeting. Late requests will be honored if possible. Calendars and minutes of the meeting may be available in alternative formats; please contact the TJPA at 415.597.4620 or [dtx@tjpa.org](mailto:dtx@tjpa.org) at least 72 hours in advance of need. Written reports or background materials for calendar items are available online at [www.tjpa.org](http://www.tjpa.org).

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Si necesita usar los servicios de un intérprete de idioma, comuníquese con TJPA llamando al 415.597.4620 o en [dtx@tjpa.org](mailto:dtx@tjpa.org). Solicitamos un aviso previo de tres días hábiles para atender su solicitud.

如果您需要使用语言口译员，请联系TJPA，电话：415.597.4620，或电子邮件：[dtx@tjpa.org](mailto:dtx@tjpa.org)。我们需要您在三个工作日之前告知，以满足您的要求

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