



SAN FRANCISCO PENINSULA RAIL PROGRAM EXECUTIVE STEERING COMMITTEE MEETING

MINUTES

Friday, July 21, 2023

TJPA Office
425 Mission Street, Suite 250
San Francisco, CA

9:30 a.m. to 11:00 a.m.

EXECUTIVE STEERING COMMITTEE

Peninsula Corridor Joint Powers Board/Caltrain, Michelle Bouchard (Chair)
San Francisco County Transportation Authority, Tilly Chang (Vice Chair)
California High Speed Rail Authority, Boris Lipkin
City and County of San Francisco, Alex Sweet
Metropolitan Transportation Commission, Alix Bockelman
Transbay Joint Powers Authority, Adam Van de Water

PUBLIC PARTICIPATION

This meeting will be held in person at the location listed above. Members of the public may attend the meeting to observe and provide public comment at the physical location listed above or may watch live online using the link below:

<https://transbaycenter.webex.com/transbaycenter/j.php?MTID=m36284db961be5f9eef775a3f8b87a32b>

PUBLIC COMMENT CALL-IN: 1-855-282-6330
Access Code: 2557 246 1526

When the item is called, dial *3 to be added to the speaker line. When prompted, callers will have two minutes to provide comment unless otherwise noted by the Chair. Please speak clearly, ensure you are in a quiet location, and turn off any TVs or computers around you.

AGENDA

1. Call to Order

Vice Chair Chang called the meeting to order at 9:34 a.m. She announced that she was filling in for Chair Bouchard.

2. Roll Call

Secretary Bonner welcomed Alix Bockelman, MTC's newly appointed representative.

Members Present: Alix Bockelman, Boris Lipkin, Alex Sweet, Adam Van de Water, Tilly Chang

Members Absent: Michelle Bouchard

3. Communications

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

- Chair's Report

Vice Chair Chang presented the Chair's report.

Public Comment:

There was no member of the public wishing to comment.

4. Action Item:

Approval of Meeting Minutes: May 19, 2023

The motion to approve the minutes was made by Member Sweet and seconded by Member Lipkin. A unanimous voice vote approved the motion.

Public Comment:

Roland Lebrun reiterated his standing request to share the executive report on the TJPA's website. Mr. Lebrun noted that he was happy to see TJPA's revised daily expenditures had decreased from \$6 million a day to \$2-3 million. He expressed concern that The Portal's procurement approach discussions during last month's meeting were closed to the public.

5. Informational Item:

Update on DTX/The Portal Capital Investment Grant Request for Project Rating and Updated 20-Year Financial Plan

San Francisco County Transportation Authority (SFCTA) Rail Program Manager Jesse Koehler presented the item and TJPA Project Director Alfonso Rodriguez, Caltrain Deputy Chief Dahlia Chazan, TJPA Chief Financial Officer Andrea Miller, and AECOM Program Manager Stephen Polechronis contributed information to the discussion.

Member Sweet inquired how “reasonableness” was defined and whether it was a factor contributing to the project’s Federal Transit Administration (FTA) rating. Mr. Koehler explained that reasonableness was a contributing factor to the FTA rating, specifically, the reasonableness of the 20-Year Financial Plan in the eyes of the FTA pertains to assumptions, base forecasts for future revenues, as well as for the cost of the project. Mr. Polechonis added that other factors contributing to the reasonableness of the financial plan are Operations and Maintenance (O&M) costs and risks in the region for transit agencies.

Member Lipkin inquired about the process of entering the engineering phase, asking if the scope will be adjustable. Mr. Rodriguez stated there will be flexibility to adjust the scope during the engineering phase. He further explained there is a requirement within the grant program to have a stable scope as well as 30% of the design developed allowing for a reasonable cost estimate, but the grant process also allows for continued development of design and refinement for value engineering.

Member Van de Water noted that TJPA’s financial consultant, Sperry Capital, completed an analysis of the TJPA’s cashflow needs for Phase 2 and estimated financing costs at \$375 million which, aligns with the estimate Mr. Koehler introduced in his presentation. Additionally, he reported a significant development that the FTA provided notice for the ability to include the cost of the preconstruction of the train box as part of the match for the grant application. Mr. Koehler explained that the two-story train box built in 2010, mostly with local sources as well as federal funds from American Recovery and Reinvestment Act, which was accelerated into Phase 1 to take advantage of both the availability of local and federal funds and the simplification of the construction method from the ground up rather than a retrofit after-the-fact.

Member Bockelman acknowledged that the FTA news was good, and inquired whether it affects the range of request for the Capital Investment Grants (CIG). Member Van de Water explained that the 49.4% number presented will not change and whether this would be based on the numbers presented by Mr. Koehler or the same numbers *plus* the train box is subject to further discussion with the FTA. Member Bockelman further inquired when a decision will be made. Mr. Rodriguez noted the upcoming August submission, and a determination will have to be made at that time.

Public Comment:

Roland Lebrun noted support on the inclusion of the train box. He expressed concerns over the plan for level boarding and the possibility of loss of rider seating. Further, Mr. Lebrun noted potential pandemic level low ridership and suggested a private sector partnership to oversee high-speed rail. Lastly, Mr. Lebrun stated that the Link 21 project is critical due to East Bay ridership numbers.

ESC Chair Bouchard extended her welcome to Alix Bockelman. She stated the importance of the O&M for The Portal and inquired about the timeframe for engaging with the FTA’s Financial Management Oversight Consultant (FMOC). Mr. Rodriguez noted engagement with the FMOC begins immediately after the August submission of the CIG grant application

to Enter into Engineering. Mr. Polechronis added there is uncertainty regarding the status of the submission.

Jim Patrick, Patrick and Co., echoed Mr. Lebrun's notion on the importance of Link 21 to The Portal.

6. Action Item

Consider Advancing the Integrated Program Management Team's DTX/The Portal Governance Blueprint to the TJPA Board of Directors for Approval.

The item was presented by Metropolitan Transportation Commission (MTC) Senior Transportation Project Controls Coordinator Trish Stoops and Mr. Koehler

Member Van de Water noted, while the parallel reporting diagrams are clear, some language in the report is not, such as the report suggesting a reporting relationship through a secondary path. He stated it is critical the TJPA is the ultimate decision-making body, and the language in the draft blueprint report needs to reflect the diagrams. Additionally, he suggested minor refinements to pages 6, 17, and 18 of the draft blueprint language, invited members for feedback, stated that overall, he is very pleased with the draft blueprint, and expressed he is looking forward to sending the report to the TJPA Board.

Mr. Koehler explained that, while preparing the blueprint, their objective was to strike a balance and make it clear that each of the agencies would be engaged in the decision-making at every level. Mr. Koehler acknowledged the linear relationship in the tables may be unclear although the intention was to clearly outline project team reporting and show that the Executive Director can bring items directly to the TJPA Board. Vice Chair Chang noted the importance of meeting minutes to document consensus or disagreements and ensure adherence to standard procedures.

Member Lipkin stated that Member Van de Water, as the TJPA Executive Director, should be able to bring whatever he wants to the Board at any time. Member Lipkin cited pages 17, 18, and 19 of the draft blueprint report as having alignment issues within the diagrams. Member Van de Water provided specific examples; showing page 17, states that as Executive Director he can bring forward items straight to The Portal Board Committee and TJPA Board which is a contradictory statement to other language that stipulates he needs to consult or inform EWG prior to taking such actions. Vice Chair Chang suggested her interpretation is that the general policy is for the TJPA Executive Director, first, to consult or inform EWG. But for urgent matters, if a forum with the EWG in a timely manner is not possible, then the Executive Director can bring the matter to the Board directly. Mr. Koehler suggested the following edit under EWG that the recommendation is that *generally* the EWG would be consulted or informed on various items. Member Bockelman suggested moving this item forward today, but recognizing there are other outstanding issues the committee needs to address. Member Van de Water agreed and requested members not to lose sight of the big picture which, with minor modifications to the draft language, the draft blueprint is nearly complete. He inquired if the committee would concur with delegating completion to Mr. Koehler's group, with a minimal consultation with staff.

Member Bockelman noted that MTC is a non-voting member of The Portal Board Committee and further noted she is unaware of the history behind this decision but anticipates engaging in Change Control Board discussions regarding voting rights. Member Van de Water offered, in response to Member Bockelman's statement, an amendment to page 6 of the draft blueprint for an opportunity for non-voting membership by MTC; by revising verbiage to state, "including non-voting membership by MTC" rather than an "opportunity for," which addresses there is not a reluctance but a hope to engage.

Public Comment:

Roland Lebrun stated he disagreed with the plan for the EWG to have quarterly meetings and suggested the meetings take place monthly.

Chair Bouchard acknowledged staff's effort in crafting the document including incorporation of previous comments received. Further, Chair Bouchard acknowledged Member Bockelman's suggestion for consideration of voting rights and expressed a hope that it can be considered as part of the definition of policy change. Additionally, she offered agreement to proceed with the friendly amendments that have been expressed, including Member Van de Water's delegation to have staff work through potential issues related to the EWG.

A motion to approve Item 6 as amended by Member Van de Water and Member Bockelman to work through refining pages 6, 17 and 18 was made by Member Van de Water and seconded by Member Sweet. A unanimous vote approved the motion.

7. Public Comment

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

Roland Lebrun highlighted to members that the TJPA is a creature of legislation as a "special purpose entity" to protect the City and County of San Francisco from liabilities and as such it could also be terminated by the same legislature.

8. Discussion Item:

ESC Agenda items for upcoming meetings

9. Adjourn

Vice Chair Chang adjourned the meeting at 11:06. a.m.

ACCESSIBLE MEETING POLICY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (Campaign and Gov't Conduct Code, Article II, Chapter 1, § 2.100, et seq.) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3124 and website: www.sfethics.org.