

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

MINUTES

Thursday, September 9, 2021

REGULAR MEETING

9:30 a.m.

WATCH LIVE ON SFGOVTV: www.sfgovtv.org/tjpa

PUBLIC COMMENT CALL-IN: 1-855-282-6330 -- Access Code: 2551 974 4074

Due to the COVID-19 health emergency, the Board's Meeting Room in City Hall is closed.

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-08-21 (June 11, 2021), this meeting will be held *exclusively* via teleconference participation of a quorum of Board members in locations not open to the public. The purpose of the order is to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic, while allowing the public to observe and address the Board.

BOARD OF DIRECTORS

Jeff Gee, Chair

Rafael Mandelman, Vice Chair

Elaine Forbes

Alicia John-Baptiste

Boris Lipkin

Diane Shaw

Jeffrey Tumlin

Dina El-Tawansy (*ex-officio*)

Interim Executive Director

Nila Gonzales

Interim Secretary

Donald Pollitt II

9:30 – REGULAR MEETING

ORDER OF BUSINESS

1. Call to Order

Chair Gee called the meeting to order at 9:32 a.m.

2. Roll Call

Interim Secretary Pollitt announced that Director El-Tawansy would not be in attendance.

Present: Elaine Forbes
Alicia John-Baptiste
Boris Lipkin
Diane Shaw
Jeffrey Tumlin
Rafael Mandelman (*arrived during Item 10*)
Jeff Gee

Absent: Dina El-Tawansy

3. Communications

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

4. Board of Director's New and Old Business

None.

5. Executive Director's Report

- Facility Operations Update
- Quarterly Financial Reports

Interim Executive Director (ED) Gonzales reported that the TJPA continues to track the City's response to COVID-19 variants and noted signage has increased at the Transit Center asking visitors to remain vigilant regarding mask wearing. She reported that the Transportation Security Administration extended the mask requirement at transit facilities, which now goes through January 2022, thereby requiring masks at and within the Transit Center except on the rooftop park. She further reported that San Francisco Mayor London Breed's standing Emergency Order requiring City boards and commissions to meet remotely will continue until early November. Interim ED Gonzales reported that the TJPA continues to see more visitors at the rooftop park and highlighted a very successful Labor Day weekend event in partnership with RAWdance, to offer "Portal", a live contemporary dance performance.

Interim ED Gonzales also reported that the TJPA continues to track the Congressional efforts on an infrastructure package, noting the TJPA is hopeful that this package will allow for several competitive grant opportunities at the Department of Transportation that the TJPA is actively evaluating for the Downtown Rail Extension (DTX). She explained that efforts to acquire federal funding include applying to the recent Notice of Funding Opportunity for the Federal Railroad Administration's (FRA) Consolidated Rail Infrastructure and Safety Improvements (CRISI) program. She explained that the TJPA is engaged in drafting an application and coordinating appropriate local, state and federal support for the application – which includes Executive Steering Committee (ESC) partners. She further reported that the TJPA recently hosted site tours for two representatives from Senator Feinstein's Washington, D.C. office, noting it is part of an ongoing conversation with the Senator's staff regarding completion of the Transit Center and the future build out of the trainbox which requires significant federal support from the Federal Transit Administration's (FTA's) Capital Investment Grants Program, FRA's CRISI program, federal loan programs and other resources to complete.

On the State level, she explained that the TJPA is being extremely active on seeking additional funding for DTX through the State budget process. Interim ED Gonzales reported that following the behind-the-scenes tour with Assembly Transportation Committee Chair Friedman, the TJPA had a follow up meeting with Ms. Friedman to discuss the DTX project in greater depth, which provided the TJPA an opportunity to outline its funding needs while emphasizing it continues to be a strong partner with the state. She stated that the TJPA's top focus for funding has been the transportation budget trailer bill; the TJPA is optimistic that Governor Newsom's administration and the legislature will resume negotiations in the Fall in hopes that there is something to approve when they return for the new session in January 2022.

Interim ED Gonzales welcomed Michelle Bouchard, Acting ED of Caltrain, who was elected as Chair for the San Francisco Peninsula Rail Program ESC along with Tilly Chang, Executive Director of the San Francisco County Transportation Authority (SFCTA), who was elected as Vice Chair. As previously reported, the TJPA has been briefing Metropolitan Transportation Commission (MTC) Commissioners the past few months and concluded its rounds with briefing San Jose Mayor Liccardo on August 26. Interim ED Gonzales stated these briefings served as a great opportunity for TJPA to introduce and reintroduce DTX as a once-in-a-generation transit investment of regional and national significance. Regarding funding for DTX, the TJPA went before the SFCTA's Board on September 14, as they considered releasing Notice-to-Proceed 2B, with a balance of \$2.6 million from the Prop K allocation, which would help ensure the project continues to move forward. In addition, she explained that the San Francisco Board of Supervisors (BOS) will hear the Community Facilities District (CFD) Bond resolution for \$35 million at the Budget and Finance Committee on September 15 and the full BOS on September 21. Interim ED Gonzales emphasized that \$30 million of the total CFD bonds are critical to the TJPA's ability to request entry into FTA's Project Development phase in October.

Interim ED Gonzales concluded her report by noting that the Quarterly Financial Reports are included in the Board packet and that she would be glad to respond to any questions.

John Updike, TJPA Facility Director, presented the Facility Operations Update.

Public Comment:

Bob Planthold expressed concern regarding wayfinding at the Salesforce Transit Center, noting it does not address the needs of visitors who may be blind and/or have low/impaired vision. He urged the Board to keep that in mind as they consider wayfinding enhancements at the Transit Center.

Roland Lebrun suggested that the ED report be hyperlinked within the agenda when posted online.

6. Citizens Advisory Committee (CAC) Update
[At the discretion of the Chair, this Item heard after Item 12]

Derrick Holt, TJPA CAC Chair, reported the CAC had a productive meeting on September 7, noting the CAC appreciated Director Shaw's attendance and participation. He also reported the CAC appreciated the staff report provided Lily Madjus Wu, TJPA Communications and Legislative Affairs Manager, especially as it related to upcoming opportunities with Department of Transportation grants, on-site visits from Senator Feinstein's staff, and the ongoing collaboration between the TJPA and Caltrain.

He stated CAC members appreciated the Facility Operations Update presentation by John Urdike, TJPA Facility Director. He also stated the CAC members appreciated the presentation on the FTA's Capital Investment Grants Program for the DTX and emphasized the importance of the Phasing Study to ensure rail service is delivered as soon as possible to the area. He noted that CAC members understand and support deferring the Pedestrian Connector, while emphasizing the need for it.

He concluded his report by noting that the CAC are advocates for and support activities that help move the DTX project forward to ensure it qualifies for all funding opportunities.

7. Public Comment

Members of the public may address the Authority on matters that are within the Authority's jurisdiction and are not on today's calendar.

Roland Lebrun suggested Board meetings be rescheduled to avoid conflicts with BART's Board meetings. He also suggested that the Board consider having Directors from BART and Capital Corridor on the TJPA Board. Mr. Lebrun described his view of an alleged violation of the Brown Act.

THE FOLLOWING MATTERS BEFORE THE TRANSBAY JOINT POWERS AUTHORITY ARE RECOMMENDED FOR ACTION AS STATED BY THE INTERIM EXECUTIVE DIRECTOR OR THE CHAIR.

CONSENT CALENDAR

8. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Transbay Joint Powers Authority, and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

(8.1) Approving the Minutes of the August 12, 2021 meeting.

(8.2) Authorizing the TJPA Custodian of Records to apply to the California Department of Justice for access to local and state level summary criminal history information for employment and licensing purposes.

RESOLUTION 21-025

No public comment.

On the motion to approve the Consent Calendar:

ADOPTED: AYES – Forbes, John-Baptiste, Lipkin, Shaw, Tumlin, and Gee

REGULAR CALENDAR

9. Authorizing the Interim Executive Director to execute a lease amendment for the iconic restaurant space on the park level of the transit center (space number P-01) and execute two new lease agreements with JSSK for suite 133 (approximately 3062 square feet) and suite 137 (approximately 1414 square feet) for complementary and supportive uses to the rooftop restaurant space for a 15-year term.

John Updike, TJPA Facility Director, presented the item. Director Forbes expressed her appreciation to staff on the good work in the negotiations, including securing capital improvements for the agency.

No public comment.

RESOLUTION 21-026

On the motion to approve:

ADOPTED: AYES – Forbes, John-Baptiste, Lipkin, Shaw, Tumlin, and Gee

10. San Francisco Peninsula Rail Program Executive Steering Committee Update.

Michelle Bouchard, ESC Chair, reported that Caltrain is committed to the DTX project as it looks to extend rail service from the Fourth and King station into the Salesforce Transit Center and deliver on a vision brought forward by the approval of Prop H over two decades ago. As the

first rail operator expected in the Transit Center, she reiterated that Caltrain is committed to the success of DTX by providing technical expertise, funding and advocacy. She stated that it is imperative that this regional project is completed, as it will help bring forward a seamless integrated transportation system in the Bay Area and region.

ESC Chair Bouchard reported that DTX is preparing to embark on key milestones to ensure the project enters into Project Development of the FTA's Capital Investment Grants New Starts Program in October. As a result, she noted that several items will be presented to the Board in the coming months, which include a configuration changes item in October and DTX Benefit Study item in November and December. She concluded her report noting that the studies presented in the coming months will ensure the project team continues to meet deadlines and milestones listed in the Accelerated Work Plan.

Chair Gee asked that a slide containing the ESC and Integrated Program Management Team (IPMT) members be shared at the next Board meeting as a reminder of the participants and roles.

Public Comment:

Roland Lebrun suggested that the ESC Chair's report be hyperlinked within the agenda when posted online. He also asked that item presentations be hyperlinked within the agenda when posted online.

11. Approving the Downtown Rail Extension Phasing Study as recommended by the Executive Steering Committee under the terms of the San Francisco Peninsula Rail Program Memorandum of Understanding.

Alfonso Rodriguez, TJPA DTX Project Director, presented the item.

Director Shaw expressed AC Transit's support for deferring the Intercity Bus Facility, with the plan to conduct future ridership studies. She expressed disappointment about the need to defer the Pedestrian Connector but understands and supports the recommendation with the understanding that the component is being phased but not eliminated.

Director Tumlin understands the importance of the Pedestrian Connector but respects the concerns expressed by BART. In his capacity as the manager of downtown San Francisco streets, he committed to identifying interim surface level wayfinding solutions. He suggested that phasing the Pedestrian Connector could provide an opportunity to better incorporate a potential connection with Link21.

Director John-Baptiste echoed both Director Shaw's and Director Tumlin's comments and emphasized it is important to continue prioritizing the work being done to ensure the DTX project continues to move forward.

Chair Gee asked the project team to formalize a Capital Improvement Program and provide updates on a quarterly basis to assist with tracking phased elements. Chair Gee also acknowledged the Board's receipt of written comments submitted by members of the public prior to the meeting.

Director Lipkin asked for information about the process for approving interim surface level improvements to assist with wayfinding and related matters. Chair Gee recommended that the CAC be involved in the effort.

Public Comment:

Bob Feinbaum, President of SaveMUNI, expressed opposition to deferral of the Pedestrian Connector, and queried FTA's position on the proposal.

Bob Planthold, CAC Member, expressed support for deferral of the Pedestrian Connector, noting concerns for certain populations that would be expected to use the Connector and the risk of building too soon and needing to reconstruct.

Laura Tolkoff, Transportation Policy Director of SPUR, expressed support for the recommendations in the phasing study to best allow the DTX project to enter the FTA's New Starts Program this October, and better allow planning for the future.

Jim Patrick suggested that instead of phasing certain items the Board should consider packaging the items as value engineering options, deleting later as needed based on cost and budget.

Herbert Winer expressed opposition to deferral of the Pedestrian Connector, noting potential safety concerns for pedestrians that are required to make transit connections at surface level.

Roland Lebrun suggested the Board consider redesigning the Pedestrian Connector to the Montgomery BART station, instead of Embarcadero. He recommended the Board eliminate the train box extension, noting the deletion would be consistent with design plans to connect to the East Bay.

Jim Schmidt expressed opposition to deferring the Pedestrian Connector, citing the need to increase ridership by reducing travel time.

RESOLUTION 21-027

On the motion to approve:

ADOPTED: AYES – Forbes, John-Baptiste, Lipkin, Shaw, Tumlin, Mandelman and Gee

12. Authorizing the Interim Executive Director to submit a letter and supporting information to the Federal Transit Administration to request entry of Phase 2 of the Transbay Program, more commonly referred to as the Downtown Rail Extension (DTX), into the Project Development (PD) phase of the Capital Investment Grants – New Starts process, subject to the City and County of San Francisco Board of Supervisors approval of a resolution authorizing the issuance of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center) Special Tax Bonds, Series 2021, for an amount not to exceed \$35,000,000, which includes \$30,000,000 for the estimated cost of PD work, plus \$5,000,000 to fund bond issuance, costs, reserves, and contingency.

Alfonso Rodriguez, TJPA DTX Project Director, presented the item.

Public Comment:

Bob Planthold expressed support for the item, noting the importance of regional coordination.

Laura Tolkoff, Transportation Policy Director SPUR, expressed support for the item.

RESOLUTION 21-028

On the motion to approve:

ADOPTED: AYES – Forbes, John-Baptiste, Lipkin, Shaw, Tumlin, Mandelman and Gee

ADJOURN – Chair Gee adjourned the meeting at 10:52 a.m.

A recording of the meeting is on file in the office of the Secretary to the Transbay Joint Powers Authority Board of Directors.

Donald Pollitt II
Interim Board Secretary

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 web site: www.sfethics.org.