



## **SAN FRANCISCO PENINSULA RAIL PROGRAM EXECUTIVE STEERING COMMITTEE MEETING**

### MINUTES

Friday, January 19, 2024

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

9:30 a.m. to 10:30 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=mef6a61bf1318a072fe16a6075cc1ff75>

Members of the public may comment on the meeting during public comment periods in person or remotely. In-person public comment will be taken first; remote public comment will be taken after. The call-in line is provided as a courtesy and its availability may be disrupted due to technical difficulties or otherwise. In-person public comment will be taken first; remote public comment will be taken after.

**PUBLIC COMMENT CALL-IN: 1-855-282-6330 Access Code: 2554 031 9010# #**

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

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

### 2. Roll Call

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

Members Absent: None

### 3. Communications

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

- Chair's Report

Chair Bouchard presented the report.

Following the Chair's report, Member Van de Water noted that this week is the 160th anniversary of Caltrain's rail service from San Jose to San Francisco. Chair Bouchard added that Caltrain is planning a celebration as soon as the weather improves.

There was no member of the public wishing to comment.

### 4. Action Item:

Approval of Amended Meeting Minutes: October 20, 2023

Approval of Meeting Minutes: November 17, 2023

There was no member of the public wishing to comment. The motion to approve the minutes was made by Chair Bouchard and seconded by Member Bockelman. A unanimous voice vote approved the motion.

5. Information Item:

The Portal Governance Memorandum of Understanding Roadmap/Executive Working Group Parameters

Stephen Wolf, Metropolitan Transportation Commission (MTC) Assistant Director, and Jesse Koehler, San Francisco County Transportation Authority (SFCTA) Rail Program Manager, presented Item 5.

Member Bockelman stated that she supports the general parameters of the Executive Working Group (EWG) and how it should function. She offered two topics for future presentations: a formal recognition of the roles and responsibilities of each of the agencies and a discussion of how the annual work plan would be married with the project's Master Schedule.

Vice Chair Chang stated that the delineation of roles does not have to be too prescriptive but is needed for work program planning and resourcing. She acknowledged that ESC members are all doing budgeting and program planning for their respective agencies, but emphasized it is important to lay out the expected activities, particularly for the first year, and also an annual process should be established. Member Sweet stated that the EWG should tackle the high-level items requiring multiagency coordination and that the Integrated Project Delivery Team (IPDT) should handle the detailed planning and work. She agreed with Vice Chair Chang that defining clear roles is necessary for efficient planning and to avoid overlap.

Member Lipkin stated that the EWG seems aligned with the governance blueprint and that following the blueprint will set up a series of working groups that have specific functions and responsibilities, such as change management. He explained the successor agreement would establish the work program for these working groups as well as any miscellaneous activities that fall outside of the purview of the working groups. He further explained the blueprint is the high-level summary, while the successor memorandum of understanding (MOU) will be more detailed, and charters will establish the "nuts and bolts."

Member Van de Water suggested members be mindful of both the blueprint and that the Federal Transit Administration (FTA) is the primary funder. He agreed with previous member statements that working collaboratively and defining clear roles and responsibilities that reflect the risk involved in decision-making at every level will only make the project better; however, he noted his concerns to avoid creating structures that could be seen as parallel paths that might confuse the FTA or contractors.

Chair Bouchard acknowledged that the work program is evolving into a new phase and until the Full Funding Grant Agreement (FFGA) is in place, partners will continue to have specific deliverables, but once the FFGA is executed, she envisions that their role will shift to the higher-level oversight more typical of the construction phase. She asked members to consider that the work program should consider span of control and duration, given that the partners will be working together for a long time. She advised that the MOU should be periodically reviewed and it should identify items that need to go to governing bodies and those that do not. She stressed that the team needs to be as agile as possible, and that the MOU needs to be durable until the end of the project. Chair Bouchard agreed with the description of the EWG and emphasized that the team will need to be disciplined in setting the agenda at the right level.

Public Comment:

Roland Lebrun commented that the decision that EWG meetings would not be governed by the Brown Act (i.e., the California law regarding the public's participation in meetings of local legislative bodies) is unfortunate and will likely face opposition. He advised the Committee to revisit the rationale behind that decision.

6. Information Item:  
The Portal Funding Strategy Update

Jesse Koehler presented Item 6 on behalf of the joint SFCTA-TJPA funding team and the Integrated Program Management Team (IPMT).

Member Lipkin agreed with the TJPA's funding strategy and focus on the state's contribution. The issue, he stated, is that the state cap-and-trade program sunsets in 2030, which means allocations start to get smaller. He noted that the California High-Speed Rail Authority's (CHSRA) proposed capital contribution from the TJPA's previous funding plan never had any funding from the state attached to it, and given the timeline for securing the matching funds, the other state strategies make more sense. Member Lipkin informed Members that CHSRA's draft business plan, issued every two years, is due out this February and it will contain updates, including recently awarded federal grant funding. He explained that once the state's cap-and-trade funding is expended, CHSRA will have no state funding.

Member Van de Water stated that the FTA's project rating and decision on entry into the New Starts Engineering phase is expected by the next ESC meeting. He explained that the FTA's formal project rating is a major milestone, which makes the project grant-eligible and one of only seven in the nation currently in the Capital Investment Grants New Starts pipeline to have received a rating and acceptance into Engineering. He further explained that regarding cap and trade, \$500 million to \$1 billion is one quarter to one half of the remaining funding gap. He stated that he hopes members will work together in their various conversations with Sacramento and be aligned as member agencies to see the cap-and-trade program continue to help the state meet its long-term climate goals. He reported that aside from BART, The Portal is the second most efficient project in terms of cost-per-metric-ton of reduction in greenhouse gas emissions.

Vice Chair Chang asked Member Van de Water to let the partners know how they can be helpful regarding joint advocacy.

Chair Bouchard asked Member Van de Water to clarify what level of commitment is required to execute the FFGA. Member Van de Water answered that his understanding is that matching funds do not necessarily need to be in a bank account, but they do need to be budgeted, committed, and not subject to further discretionary action, and further stated that there is some nuance to that which would need clarification from the FTA. Mr. Rodriguez agreed that Member Van der Water's understanding is consistent with the project management team's conversations with the FTA.

Chair Bouchard stated that she really appreciated Mr. Koehler's acknowledgement that the operations and maintenance (O&M) plan is one of the other significant challenges, along with value engineering. She also agreed with Vice Chair Chang's call for joint advocacy.

Member Bockelman noted that MTC sees the extension of state cap-and-trade funding as very important; she reported that it is a part of MTC's draft advocacy program that their commission would be considering the following Wednesday. Member Bockelman also seconded Chair Bouchard's point on the importance of the O&M plan, noting that stable funding for O&M is a common struggle for operators in the region.

Public Comment:

Roland Lebrun stated that the project is in excess of \$8 billion and rather than seeking additional funding, extensive value engineering should be done and should include a complete rethinking of the project to incorporate both the Pennsylvania Avenue Extension and Link21.

7. Public Comment

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

Jim Patrick of Patrick and Company called attention to the project schedule posted on the TJPA's website. He reported that the community engagement bar on the schedule shows community engagement ending with construction and stated that this sends the wrong message to the public, instead he suggests the community engagement should be an ongoing issue that extends into operations.

Roland Lebrun called members' attention to a January 18 article in the San Jose Mercury News that touches on the consequences of a lack of transparency with regard to a project in the South Bay. He advised members to read the article and to make sure that the same situation does not happen to The Portal.

8. Discussion Item:  
ESC Agenda items for upcoming meetings

None.

9. Adjourn

Before Chair Bouchard adjourned the meeting, Member Van de Water introduced Shima Mirzaei, the TJPA's new Chief Financial Officer. Ms. Mirzaei acknowledged the upcoming funding challenges and stated that she is happy to be working on the project. Member Van de Water noted that Ms. Mirzaei worked previously for the San Francisco Municipal Transportation Agency.

Chair Bouchard adjourned the meeting at 10:26 a.m.

#### ACCESSIBLE MEETING POLICY

In accordance with the Americans with Disabilities Act, California Law, and the Governor's Executive Order, 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).

If you require the use of a language interpreter, please contact TJPA at 415.597.4620 or [dtx@tjpa.org](mailto:dtx@tjpa.org). We require three working days' notice to accommodate your request.

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。

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](http://www.sfethics.org).