

From: VTA Board Secretary
Sent: Tuesday, August 24, 2021 1:18 PM
To: VTA Advisory Committee Members
Subject: From VTA: Progress on Restarting VTA Light Rail Service
Importance: High

VTA Board Members and Advisory Committee Members:

Below is a blog post regarding an update on restarting light rail service. Please share with your network/constituents. Here is the link: <https://www.vta.org/blog/progress-restarting-vta-light-rail-service>

Thank you.

Progress on Restarting VTA Light Rail Service
08/24/2021

VTA is making progress in our phased plan to restart light rail service. As we near the end of Phase 3, which involves track inspections, employee recertification and retraining, the public may start seeing trains out on the system. ***These trains are not in service for customers but the system is considered "live"***. Operators, along with supervisors and support staff, will run test trains from the Guadalupe yard to Baypointe Station in North San Jose along North First Street as early as this afternoon.

Safety on the tracks is paramount. Not having trains running for the past three months may have led bicyclists, pedestrians, and motorists to let their guard down around tracks. We urge the public to keep an eye out for trains and maintenance vehicles on the tracks. ***Everyone near the system should stop, look, and listen for activity.***

Phase 4 of the plan, expected to last one or two days, also includes test trains only (no passenger service). This phase allows train operators to run their regular route without support staff in the cab. Passenger service, which is Phase 5, is expected to begin towards the end of this week.

Updates will be provided as we get closer to the start of passenger service.

In the meantime, VTA is offering substitute bus service along First Street in San Jose, from the Paseo de San Antonio Station to Baypointe Station, then over to the Milpitas Transit Center along Tasman Drive. It will serve all the light rail stations along the way. This service will operate every 30 minutes on weekdays from 5:30 a.m. to 8:30

p.m., and hourly on weekends from 7 a.m. to 7 p.m. Fares will not be collected for this temporary solution which will continue until light rail service has been restored.

VTA's Light Rail Service Restoration Plan

In an effort to ensure employees feel safe, secure and confident to return to their jobs, the timeline to get service running again includes separate but parallel tracks focused on infrastructure and Guadalupe Division employees. Employees will be informed of changes such as interim work locations, new processes or procedures, and security measures that have been put in place.

The restoration of service will be carried out in phases with each phase completed before the next phase can begin:

Phase 1: (completed on June 30, 2021) Outreaching to Guadalupe employees and identifying immediate/interim work locations.

Phase 2: (completed on August 9, 2021) Moving and onboarding critical staff entails evaluations and set up of immediate work locations.

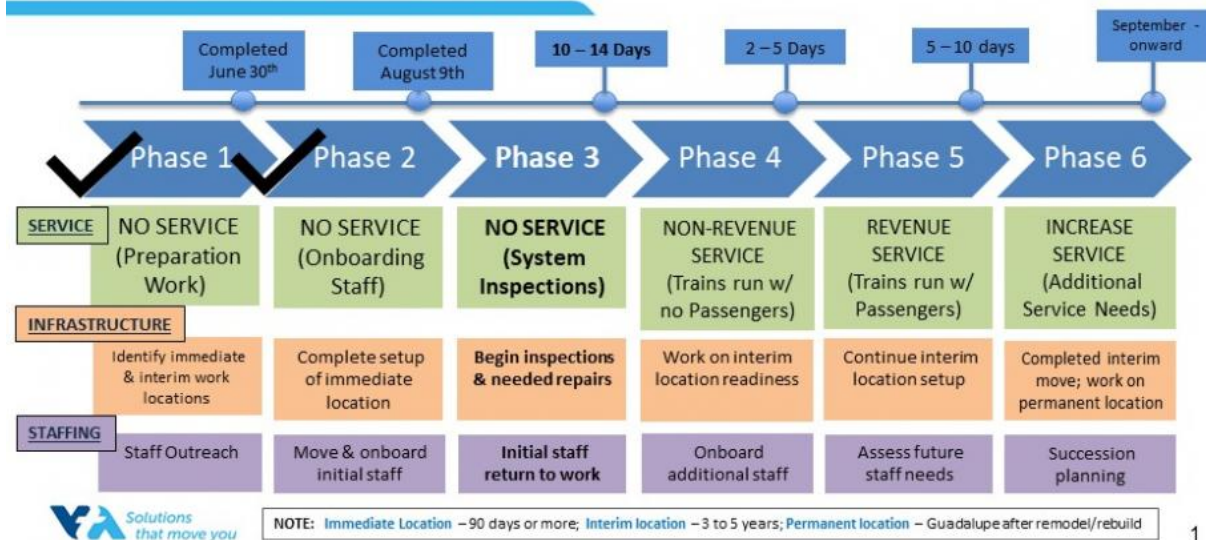
Phase 3: (almost complete!) Continuing to onboard staff and begin inspections of facilities to determine any needed repairs before operations begin

Phases 4-5 involve infrastructure repairs, and a "soft opening" in non-revenue service before being fully operational. For example, after going through the onboarding process, Light Rail Operators will operate trains in non-revenue service with no passengers before operating in revenue service. Way Power & Signal (WP&S) staff will check out their new work location and visually inspect the line rather than start actual inspections or repairs.

VTA's priority is to put our people first while also achieving the goal of providing critical transit services to our community. We ask that you keep in mind that the reopening of light rail service is a significant process considering the work that we are putting into making sure our employees are ready to return. Each successfully completed phase is critical to provide a strong foundation for the next phase.

Thank you for your patience while we work through this together.

Guadalupe Reopening Timeline



Santa Clara Valley Transportation Authority
 Office of the Board Secretary
 3331 North First Street, Building B
 San Jose, CA 95134-1927
 Phone [408-321-5680](tel:408-321-5680)
Board.secretary@vta.org



From: VTA Board Secretary

Sent: Thursday, August 26, 2021 5:58 PM

To: VTA Board of Directors

Subject: VTA Information: September 2, 2021, Board of Directors Meeting Agenda Packet

Board of Directors:

You may now access the VTA Board of Directors Agenda packet for the **Thursday, September 2, 2021, Meeting** on our [agenda portal](#).

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone **408-321-5680**

From: VTA Board Secretary
Sent: Friday, August 27, 2021 8:23 AM
To: VTA Board of Directors
Subject: From VTA: Message from VTA GM/CEO Gonot re: Restart of Light Rail Service on Sunday, 8/29/21
Importance: High

VTA Board of Directors,

Please see the message from VTA General Manager/CEO Carolyn M. Gonot regarding the restart of light rail service on Sunday, August 29, 2021. The signed pdf of the memo is attached for your reference. Thank you.

MEMORANDUM

TO: VTA Board of Directors
FROM: Carolyn M. Gonot, General Manager/CEO
DATE: August 27, 2021
SUBJECT: VTA to Restart Light Rail Service Sunday, August 29

We are pleased to announce that VTA will be operating limited light rail service **starting Sunday, August 29th**.

Trains will operate along VTA's Orange Line, which serves the Mountain View Caltrain Station, Levi's Stadium in Santa Clara, Milpitas Transit Center/BART Station and Alum Rock Light Rail Station in East San Jose. Limited train service will also operate along First Street between Civic Center and Old Ironsides stations.

Starting Monday, August 30th, and until further notice, VTA will operate the entire Orange Line, the partial segment of the Green Line between Civic Center and Old Ironsides, and continue the bus bridge that is now in place. More details on the hours of operation can be found at <https://www.vta.org/blog/limited-light-rail-service-restart-sunday-august-29>.


As we continue to bring back employees safely and compassionately, we will update the public on the level of light rail service we can safely continue to provide. Service on the remaining segments of the Green and Blue lines will come back in phases.

As a show of appreciation for the public's patience, VTA will not collect fares on VTA light rail, starting August 29 through September 13.

We want to acknowledge all the hard work and determination of our employees to get to this very important milestone. Thank you for all the support you have shown the VTA family during this extremely challenging time.

MEMORANDUM

TO: VTA Board of Directors

FROM: Carolyn M. Gonot, General Manager/CEO 

DATE: August 27, 2021

SUBJECT: VTA to Restart Light Rail Service Sunday, August 29

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We want to acknowledge all the hard work and determination of our employees to get to this very important milestone. Thank you for all the support you have shown the VTA family during this extremely challenging time.

From: VTA Board Secretary
Sent: Friday, August 27, 2021 5:19 PM
To: VTA Board of Directors
Subject: VTA Correspondence: Week ending August 27, 2021

VTA Board of Directors:

We are forwarding to you the following correspondence:

From	Topic
Roland Lebrun, Member of the Public	Comments addressed to the Caltrain Board pertaining to: 1) Systemic violations of Government Code Section 54952.2; 2) Systemic violation of Government Code Section 54957.5; 3) Stadler EMU interim revenue service (Plan B); 4) Caltrain figures requested by Director Chavez; and 5) Caltrain Governance presentation #4.

Thank you.

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone [408-321-5680](tel:408-321-5680)



Conserve paper. Think before you print.

From: Roland Lebrun
Sent: Friday, August 27, 2021 12:46 PM
To: Caltrain Board <board@caltrain.com>
Cc: SFCTA Board Secretary <clerk@sfcta.org>; MTC Info <info@bayareametro.gov>; VTA Board Secretary <Board.Secretary@vta.org>
Subject: [EXTERNAL] Systemic violations of Government Code Section 54952.2

Dear Caltrain Board,

Further to my email of 8/26 3.00 AM (below), the LPMG agenda was eventually posted around 11.00 AM yesterday or **less than 7 hours prior to the meeting:**

Please refer the matter to Caltrain special counsel for advice and action.

[https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=54954.2.](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=54954.2)

Law section - California

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.

leginfo.legislature.ca.gov

Thank You.

Roland Lebrun

CC

MTC Commissioners
SFCTA Commissioners
VTA Board of Directors
VTA PAC

From: Roland Lebrun
Sent: Thursday, August 26, 2021 3:00 AM
To: Caltrain Board <board@caltrain.com>
Subject: Missing LPMG agenda materials

Dear Caltrain Board,

Kindly be aware that the August 26th LPMG agenda has not been posted as of 8/26 3.00AM.

https://www.caltrain.com/projectsplans/CaltrainModernization/Local_Policy_Maker_Group.html

Local Policy Maker Group - Caltrain

Due to the COVID-19 public stay-at-home order, the LPMG meetings will only be available via remote access. The public may participate remotely via each meeting's unique Zoom weblink and audio number.

www.caltrain.com

This makes it very difficult for members of the public to review the material and prepare comments as appropriate.

Thank you in advance for bringing this item to staff's attention.

Roland Lebrun

From: Roland Lebrun
Sent: Friday, August 27, 2021 11:25 AM
To: Charles Stone - Mayor <cstone@belmont.gov>; Caltrain Board <board@caltrain.com>
Cc: SFCTA Board Secretary <clerk@sfcta.org>; MTC Info <info@bayareametro.gov>; VTA Board Secretary <Board.Secretary@vta.org>
Subject: [EXTERNAL] Systemic violation of Government Code Section 54957.5.

Dear Caltrain Board,

Please refer the matter to Caltrain special counsel for advice and action.

Thank You.

Roland Lebrun

CC

MTC Commissioners
SFCTA Commissioners
VTA Board of Directors
VTA PAC

From: Charles Stone - Mayor <cstone@belmont.gov>
Sent: Friday, August 27, 2021 11:12 AM
To: Roland Lebrun <ccss@msn.com>; Caltrain Board <board@caltrain.com>
Subject: Re: Missing information from the WPLP packet

Roland,

Again, the law was not broken here. If you think it was, please proceed accordingly.

Best,

Charles.

Mayor Charles Stone
City of Belmont
One Twin Pines Lane
Belmont, CA 94002

Unless otherwise noted, the opinions, viewpoints, and perspectives contained in this email are my own, and do not represent the official position of the City of Belmont or its City Council. Please do not share those opinions, viewpoints, and perspectives with other members of the Belmont City Council so as to avoid the potential development or appearance of a consensus outside a scheduled public meeting, which is prohibited under

California's Brown Act. I also respectfully request that you refrain from sharing the opinions, viewpoints, and perspectives of other Belmont City Council members with me. If you are contacting me about a development application or appeal that is pending before the City Council, I am not able to read your email because it constitutes an ex parte communication. I will, however, forward your email to city staff and it will be made part of the record. Thank you.

From: Roland Lebrun <ccss@msn.com>
Sent: Friday, August 27, 2021 9:01 AM
To: Caltrain Board <board@caltrain.com>
Subject: Re: Missing information from the WPLP packet

54957.5.

(a) Notwithstanding Section 6255 or any other law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, 6254.22, or 6254.26.

(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. **The local agency also may post the writing on the local agency's Internet Web site in a position and manner that**

makes it clear that the writing relates to an agenda item for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008.

(c) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This chapter shall not be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that a surcharge shall not be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). This chapter shall not be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

(Amended by Stats. 2013, Ch. 326, Sec. 1. (AB 382) Effective January 1, 2014.)

[https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=54957.5.](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=54957.5)

[Law section - California](#)

54957.5. (a) Notwithstanding Section 6255 or any other law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act ...
leginfo.legislature.ca.gov

From: Charles Stone - Mayor <cstone@belmont.gov>
Sent: Friday, August 27, 2021 8:21 AM
To: Roland Lebrun <ccss@msn.com>
Subject: Re: Missing information from the WPLP packet

Roland,

Thanks for your comments. While I agree that having presentations in advance is better and have asked for the same, I'm pretty sure there is no violation of the law here. If you think a law has been violated, you should definitely report it.

Best,

Charles

Mayor Charles Stone
City of Belmont
One Twin Pines Lane
Belmont, CA 94002

Unless otherwise noted, the opinions, viewpoints, and perspectives contained in this email are my own, and do not represent the official position of the City of Belmont or its City Council. Please do not share those opinions, viewpoints, and perspectives with other members of the Belmont City Council so as to avoid the potential development or appearance of a consensus outside a scheduled public meeting, which is prohibited under California's Brown Act. I also respectfully request that you refrain from sharing the opinions, viewpoints, and perspectives of other Belmont City Council members with me. If you are contacting me about a development application or appeal that is pending before the City Council, I am not able to read your email because it constitutes an ex parte communication. I will, however, forward your email to city staff and it will be made part of the record. Thank you.

From: Roland Lebrun <ccss@msn.com>
Sent: Thursday, August 26, 2021 11:25 PM
To: Caltrain Board <board@caltrain.com>
Cc: Caltrain CAC Secretary <cacsecretary@caltrain.com>
Subject: Missing information from the WPLP packet

Dear Caltrain Board,

Further to SamTrans having failed to comply with Director Chavez's request to include the staff presentation in the WPLP packet (item #6 attached for your convenience) in compliance with Government Code Section 54957.5(c)

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=54957.5.,

[Law section - California](#)

54957.5. (a) Notwithstanding Section 6255 or any other law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act ...

leginfo.legislature.ca.gov

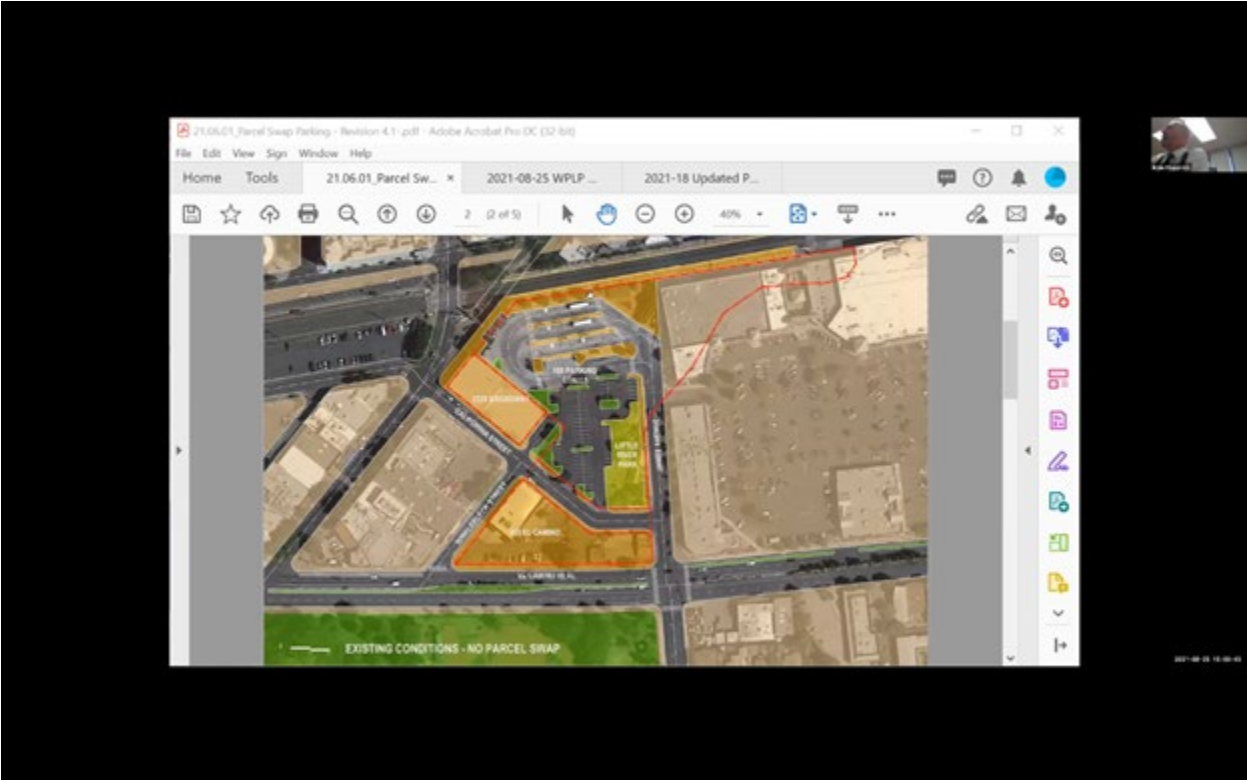
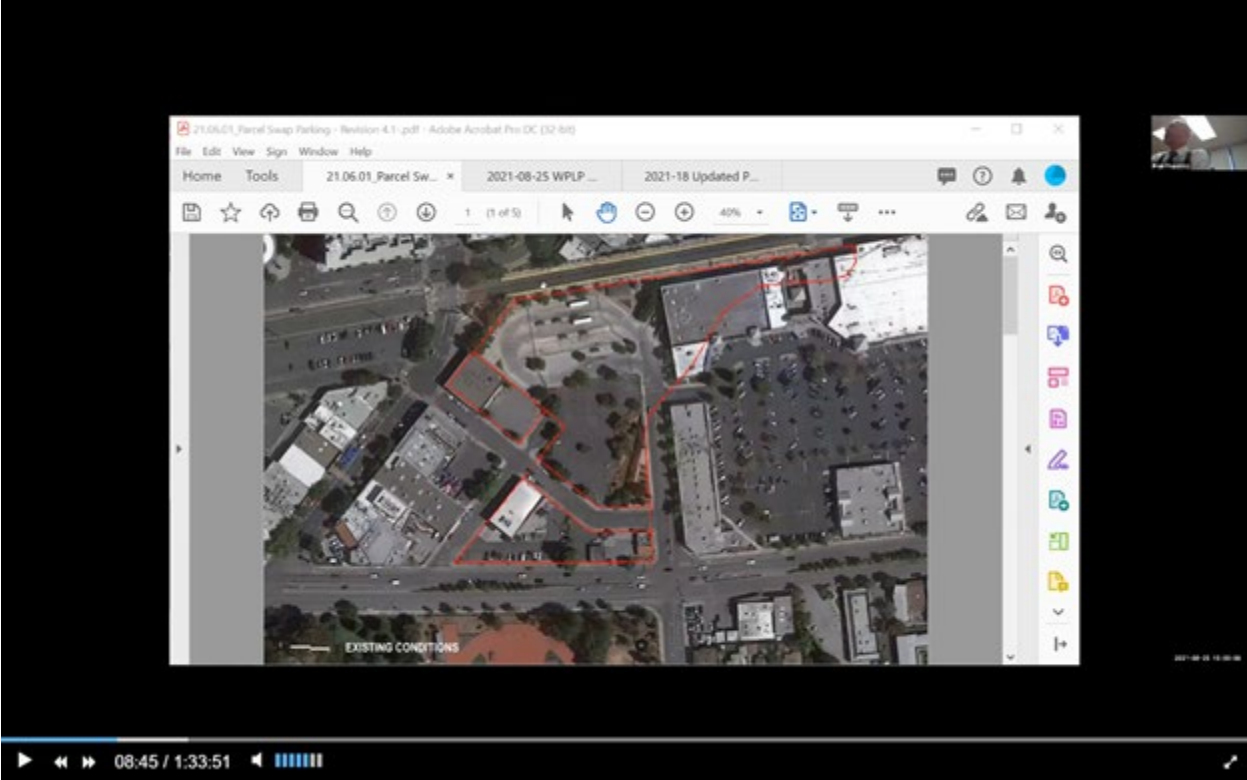
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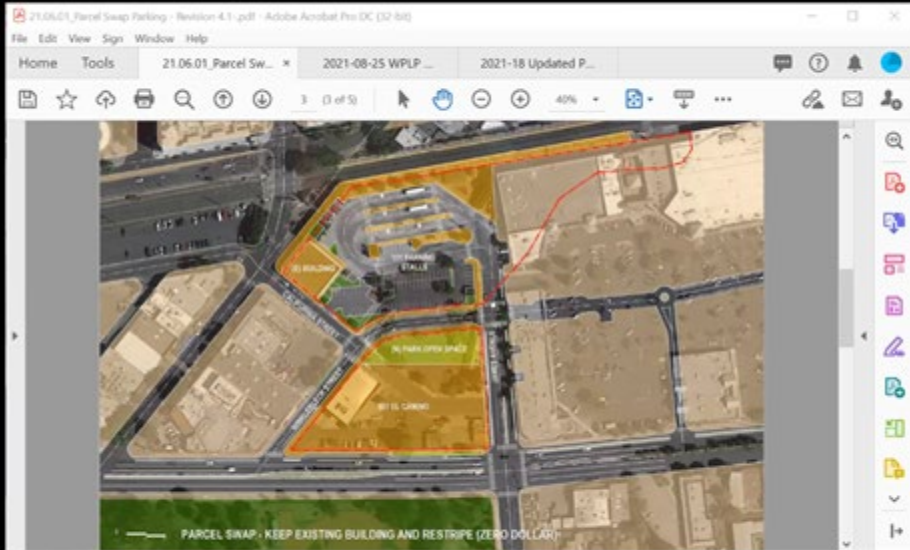
please direct staff to provide copies of the slides pursuant to Government Code Section 6250 et seq.).

Thank you in advance for your prompt response to this request.

Roland Lebrun.

PS. I am attaching screen shots of the first 3 slides for your reference.





From: Roland Lebrun
Sent: Sunday, August 22, 2021 1:16 PM
To: Caltrain Board <board@caltrain.com>
Cc: MTC Info <info@bayareametro.gov>; SFCTA Board Secretary <clerk@sfcta.org>; VTA Board Secretary <Board.Secretary@vta.org>; Caltrain CAC Secretary <cacsecretary@caltrain.com>; SFCTA CAC <cac@sfcta.org>
Subject: [EXTERNAL] Re: Stadler EMU interim revenue service (Plan B)

Dear Caltrain Board,

Further to SamTrans staff having indicated that they have no intention of following up on this recommendation, please be advised that **the PMOC made a similar recommendation in the June 2021 Risk Refresh Report:**

<https://www.caltrain.com/Assets/Caltrain+Modernization+Program/Documents/PMOC+Report/s/December+2020+-+FTA+Risk+Refresh+Report.pdf> ((page 13 attached for your convenience).

[FTA Led Risk Refresh Report - caltrain.com](https://www.caltrain.com/Assets/Caltrain+Modernization+Program/Documents/PMOC+Report/s/December+2020+-+FTA+Risk+Refresh+Report.pdf)

Doc. No.: TO 69319520F300099.PCEP.CLIN2002.01 - 021 FTA Led Risk Refresh Report
Peninsula Corridor Electrification Project (PCEP) San Francisco to San Jose, CA
www.caltrain.com

PMOC Recommendation No. 5 –

*"The PMOC recommends that the JPB consider **strategies for placing EMUs safely in service prior to the completion of all required signal modifications** if that work continues to be delayed."*

Please provide direction to staff accordingly.

Thank you.

Roland Lebrun

From: Roland Lebrun
Sent: Tuesday, July 6, 2021 12:01 AM
To: Caltrain Board <board@caltrain.com>
Cc: MTC Info <info@bayareametro.gov>; SFCTA Board Secretary <clerk@sfcta.org>; VTA Board Secretary <board.secretary@vta.org>; Caltrain CAC Secretary <cacsecretary@caltrain.com>; SFCTA CAC <cac@sfcta.org>
Subject: Stadler EMU interim revenue service (Plan B)

Dear Caltrain Board,

Further to the recent announcement that the first EMUs will be delivered in 2022 but that electrification (including signaling) may not be fully operational until mid-2025, I believe that the time has come for the Board to consider a diesel-electric hybrid alternative during the transition to fully-electrified revenue service.

Background

- Gallery railcars are over 35 years-old (5 years above life expectancy) <https://www.caltrain.com/about/statsandreports/commutefleets.html>
- There is no existing secure storage capacity for EMUs while the current railcars are in service
- The Stadler warranty period will start when the EMUs are delivered (NOT when they enter revenue service)
- **The EMUs were designed with coupler adapters designed to rescue a stranded train in an emergency** (EMU RFP Section 5 attached for your convenience).

"5.4 COUPLER ADAPTER

*If automatic couplers are provided, **the Contractor shall supply coupler adapters for coupling to the existing diesel fleet.** Each cab car shall be equipped with one coupler adapter to allow it to be connected to a conventional AAR Type-E, F, or H coupler. The removable adapter shall have a maximum weight of 65 pounds and be located outside of the car and in a position such that it will require minimal effort for the Operator to remove, install and replace the adapter in its holder. It shall be able to withstand 100,000 pounds in buff or draft without permanent deformation. The operator shall be able to manually install or remove the adapter alone and without tools. **It is anticipated that the adapter will be used during emergency or rescue situations only.**"*

Proposed testing plan

The proposal is to send two Caltrain locomotives (one F40 and one MP36) to the FRA's testing facility in Pueblo, Colorado and **certify that the coupler adapters, as designed, are capable of supporting safe and reliable revenue service in push/pull mode for a minimum of three years**, as follows: six push and six pull 7-car EMU tests at the following speeds: 65, 70, 75, 80, 85, 90 MPH for a total of 12 tests/locomotive.

The above 24 tests will be repeated with an 8-car EMU consist (total 48 tests).

The objective of these tests is to certify the following:

- That hybrid consists can be operated **safely and reliably in revenue service** at speeds of 60-79 MPH
- The existing F45 and MP36 locomotives are powerful enough to push/pull 7 and 8-car EMU consists **loaded at 150% of capacity** (Baby Bullet and special event service)

- The optimal consist configurations for Baby Bullet, Express and Local service (observed acceleration/deceleration curves)
- **That the coupler adapters, as designed, will survive the delivery trip from Salt Lake City and/or Pueblo to the JPB** <https://www.railwayage.com/passenger/intercity/first-siemens-brightline-cars-depart-sacramento/>



[First Siemens Brightline trainset departs Sacramento - Railway Age](https://www.railwayage.com/passenger/intercity/first-siemens-brightline-cars-depart-sacramento/)

Siemens announced Dec. 14 that its first Brightline trainset, comprised of two locomotives and four coaches adorned in Brightline Blue, is complete and has left the company's manufacturing hub in Sacramento, Calif.. The first trainset is approximately 489 feet long and is being transported across the country via rail, journeying 3,052 miles from Sacramento to Florida.

www.railwayage.com

Respectfully submitted for your consideration.

Roland Lebrun

CC

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VTA CAC

interconnection agreement is currently on-hold due to a disagreement between the JPB, PG&E, and Silicon Valley Power over a largely complete Single-Phase Study which looks at the impacts of the PCEP load on the local electric grid.

- The original budget for Electrification related work included scope for a Supervisory Control and Data Acquisition (SCADA) system. However, the SCADA scope was not included in the Electrification contract and a separate contract was awarded on a sole-source basis after the start of the project. *This work is underway and mostly complete.*
- The Electrification contract included an Option for construction of an Overhead Contact System within the four (4) existing tunnels. The JPB was unsuccessful in negotiating an acceptable Change Order with the Electrification contractor, and the work had to be added to the tunnel notching contract via modification. *This work is complete except for final integrated testing.*
- The PCEP did not assign responsibility for integration of the electrification, signals, SCADA, and EMU vehicles contracts and the JPB's PTC system to a single individual, consultant, or contractor, which leaves responsibility for this vital function resting with the JPB. Currently a single individual is leading this effort on a part-time basis along with other responsibilities.

3.2 PMOC Assessment of Project Delivery

The PCEP is using a combination of delivery methods. The Electrification work is being delivered using a design-build contract. The tunnel notching contract was competitively bid as was the CEMOF Modifications contract. The EMU procurement was a competitive two-step procurement. The tunnel contract is complete except for final integrated testing. The CEMOF modification contract is expected to be substantially complete in March 2021. The delivery of the first EMU trainset to the JPB is scheduled for July 2021. Substantial completion of the Electrification contract is currently projected for July 14, 2023. The PMOC's opinion is that the delivery plan for the PCEP was thoughtfully conceived and reasonable given the scope of the project.

One consequence of the delayed completion of the electrified railroad is the change in testing and acceptance of the EMU trainsets. Performance testing and acceptance of the first trainset was to be conducted on the JPB's system. Because the JPB's railroad is not currently electrified, and TS 1 is ready for dynamic testing, the JPB and Stadler arranged for dynamic testing to be conducted at the Association of American Railroads' (AAR) Transportation Technology Center, Inc. (TTCI) in Pueblo, Colorado. TS 1 is now being reassembled at the TTCI prior to starting the testing process. TS 1, as well as all subsequent trainsets, will be accepted after being delivered to the JPB's tracks and completing all contractual requirements.

- **PMOC Recommendation No. 4** – The PMOC recommends that the PCEP complete full integration of the Rail Activation and Testing and Commissioning schedules with the Master Project Schedule for more effective project management.
- **PMOC Recommendation No. 5** – The PMOC recommends that the JPB consider strategies for placing EMUs safely in service prior to the completion of all required signal modifications if that work continues to be delayed.
- **PMOC Recommendation No. 6** - The PMOC has previously recommended that the JPB obtain a second opinion from a well-qualified construction attorney with substantial experience in defending complex contractor claims, particularly those related to schedule delays. The second opinion should address the JPB's proposed approach to resolving the complex issues currently subject to the technically facilitated mediation process between the JPB and BBII.

From: Roland Lebrun

Sent: Friday, August 20, 2021 2:04 PM

To: Caltrain Board <board@caltrain.com>

Cc: SFCTA Board Secretary <clerk@sfcta.org>; MTC Info <info@bayareametro.gov>; VTA Board Secretary <Board.Secretary@vta.org>; Caltrain CAC Secretary <cacsecretary@caltrain.com>; SFCTA CAC <cac@sfcta.org>

Subject: [EXTERNAL] Caltrain figures requested by Director Chavez

Dear Caltrain Board,

See attached list of Caltrain administrative positions.

Please be aware that the SamTrans Board approved an additional 29 Caltrain administrative positions without specific position titles or salaries at the July 4th meeting: https://www.samtrans.com/Assets/_Agendas+and+Minutes/SamTrans/Board+of+Directors/Agendas/2021/2021-08-04+ST+BOD+Agenda.pdf (page 58)

The SamTrans Board additionally approved the reclassification of the following positions:

- All Deputy Director classifications have been reclassified from Level 21 to Level 22
- Business to Business (B2B) Specialist, Level 14 has been reclassified to Business to Business (B2B) Analyst, Level 17.
- Deputy Director, Rail Infrastructure Maintenance has been reclassified to Director, Rail Maintenance, Level 23
- Director, Information Technology (IT), Level 23 has been reclassified as Executive Director, IT, Level 24
- IT Computer Support Representative, Level 12 has been reclassified to IT System Administrator I, Level 14
- Manager, Fare Revenue, Level 19 has been reclassified as Manager, Revenue Management, Level 20
- Supervisor, Facilities Maintenance, Level 16 has been reclassified as Assistant Manager, Facilities Maintenance, Level 18

Sincerely,

Roland Lebrun

CC

SFCTA Commissioners
MTC Commissioners
VTA Board of Directors
VTA PAC
SFCTA CAC

Caltrain CAC
VTA CAC

Table of Caltrain Position Classifications (Ord. 107 effective 07/01/2021)

Exhibit "C"

Job Title	Authorized Positions	FTE Offloads (a)	Pay Grade	Salary Range	
Administrative Analyst II	2	2	16	81,306	121,960
Administrative Analyst III	1	1	18	99,511	149,267
Administrative Support Specialist	2	2	12	54,279	89,167
Budget Analyst III	2	2	18	99,511	149,267
CAD Technician	1	1	14	66,432	101,441
Chief of Staff	1	1	25	201,830	302,745
Chief Officer, Caltrain Modernization Program	1	1	25	201,830	302,745
Chief Operating Officer, Rail	1	1	25	201,830	302,745
Construction Liaison Manager	1	1	17	89,949	134,924
Contract Administrator	2	2	18	99,511	149,267
Cost Estimator	1	1	18	99,511	149,267
Cyber Security Analyst	1	1	18	99,511	149,267
Deputy Chief Officer, CalMod Program Delivery	1	1	24	182,437	273,655
Deputy Chief, Caltrain Planning	1	1	24	182,437	273,655
Deputy Chief, Rail Business	1	1	24	99,511	149,267
Deputy Chief, Rail Development**	1	1	24	182,437	273,655
Deputy Chief, Rail Operations	1	1	24	182,437	273,655
Deputy Director, Capital Program Delivery	1	1	22	149,062	223,592
Deputy Director, Capital Program Planning	1	1	22	149,062	223,592
Deputy Director, Policy Development	1	1	22	149,062	223,592
Deputy Director, Program Management and Environmental Compliance	2	2	22	149,062	223,592
Deputy Director, Project Controls	1	1	22	149,062	223,592
Deputy Director, Project Delivery	1	1	22	149,062	223,592
Deputy Director, Quality Assurance & Standards	1	1	22	149,062	223,592
Deputy Director, Rail Infrastructure Engineering	1	1	22	149,062	223,592
Deputy Director, Rail Vehicle Maintenance	1	1	22	149,062	223,592
Deputy Director, Railroad Systems Engineering*	1	1	22	149,062	223,592
Deputy Director, Transit Oriented Development (TOD) & Real Estate	1	1	22	149,062	223,592
Director, Capital Program Delivery	1	1	23	164,907	247,361
Director, Capital Program Management	1	1	23	164,907	247,361
Director, Engineering*	1	1	23	164,907	247,361
Director, Rail Contracts and Budget	1	1	23	164,907	247,361
Director, Rail Maintenance	1	1	23	164,907	247,361
Director, Rail Network and Operations Planning	1	1	23	164,907	247,361
Director, Rail Operations*	1	1	23	164,907	247,361
Director, Rail Program Integration	1	1	23	164,907	247,361
Director, Special Projects and Initiatives	1	1	23	164,907	247,361
Director, Systemwide and Caltrain Planning	1	1	23	164,907	247,361
Document Controls Specialist	1	1	12	54,279	89,167
Engineer II	2	2	18	99,511	149,267
Engineer III*	11	11	19	110,089	165,134
Executive Assistant II	1	1	14	66,432	101,441
GIS Administrator/Analyst	1	1	18	99,511	149,267
Manager, Budgets	1	1	20	121,792	182,688
Manager, Caltrain Planning	1	1	20	121,792	182,688
Manager, Configuration Management	1	1	20	121,792	182,688
Manager, Construction Services	1	1	21	134,739	202,108
Manager, Cost Control	1	1	20	121,792	182,688
Manager, Engineering	3	3	21	134,739	202,108

Table of Caltrain Position Classifications (Ord. 107 effective 07/01/2021)

Exhibit "C"

Job Title	Authorized Positions	FTE Offloads (a)	Pay Grade	Salary Range	
Manager, Engineering, Traction and Power*	1	1	20	121,792	182,688
Manager, Facility Engineering	1	1	20	121,792	182,688
Manager, Maintenance Rail Equipment	1	1	20	121,792	182,688
Manager, Project Controls	1	1	20	121,792	182,688
Manager, Project Estimates	1	1	20	121,792	182,688
Manager, Project Schedules	1	1	20	121,792	182,688
Manager, Quality Control/Auditor	1	1	20	121,792	182,688
Manager, Rail Compliance	1	1	20	121,792	182,688
Manager, Rail Contracts and Budget	3	3	20	121,792	182,688
Manager, Rail Network Engineering	1	1	20	121,792	182,688
Manager, Rail Operations	2	2	19	110,089	165,134
Manager, Rail Operations Planning	1	1	20	121,792	182,688
Manager, Records Management	1	1	19	110,089	165,134
Manager, Signal and Crossing	1	1	20	121,792	182,688
Manager, Standards and Procedures	1	1	20	121,792	182,688
Manager, Stations and Communications Maintenance	1	1	19	110,089	165,134
Manager, Technology Research & Development	1	1	20	121,792	182,688
Manager, Third Party Projects	1	1	20	121,792	182,688
Manager, Train Control Systems*	1	1	20	121,792	182,688
Manager, Transportation Communications (Rail)	1	1	20	121,792	182,688
Manager, Utility	1	1	20	121,792	182,688
Network Administrator II, Rail	1	1	18	99,511	149,267
Office Assistant	1	1	11	49,063	82,707
Operations Contract Analyst	1	1	16	81,306	121,960
Planning Administrator	7	7	19	110,089	165,134
Planning Analyst II	1	1	16	81,306	121,960
Planning Analyst III	1	1	17	89,949	134,924
Process Coordinator, Standards and Procedure	1	1	18	99,511	149,267
Program Management Administrator, CalMod	1	1	18	99,511	149,267
Project Controls Administrator	1	1	19	110,089	165,134
Project Controls Analyst II	1	1	16	81,306	121,960
Project Controls Specialist III	1	1	18	99,511	149,267
Project Manager*	6	6	19	110,089	165,134
Rail Liaison	1	1	18	99,511	149,267
Rail Vehicle Maintenance Program Administrator	1	1	19	110,089	165,134
Senior Project Manager*	6	6	20	121,792	182,688
Senior Project Specialist	1	1	18	99,511	149,267
Talent Management Analyst (Rail)	1	1	18	99,511	149,267
Utility Coordinator	1	1	18	99,511	149,267

Notes:

*Market conditions require that certain positions be regarded as highly competitive to attract employees and must be provided a level of compensation reflective of the competitiveness of the marketplace.

** Position added effective June 1, 2020.

(a) The expenses associated with 221 positions are 50% or more funded in the District's Capital Budget and/or JPB's and TA's Operating and Capital Budgets.

Table of Represented Position Classifications (Ord. 107 effective 07/01/2021)**Exhibit "D"**

Job Title	Authorized Positions	FTE Offloads (a)	Class	Salary Range
Bus Contracts Inspector	3		IBT2	c
Bus Operator (full-time/part-time) (b)	348		ATU1	c
Bus Operator Trainee	as needed		ATU1	\$25.00 hour
Bus Transportation Supervisor	14		IBT1	c
Customer Service Representative 2	2		ATU2	c
Customer Service Representative 1 (extra-help)	8		ATU2	c
Customer Service Representative 1 (full-time)	8		ATU2	c
Customer Service Representative 1 (part-time)	4		ATU2	c
Dispatcher	4		IBT1	c
Facilities Technician	5		IBT5	c
Maintenance Instructor	2		IBT4	c
Maintenance Supervisor	8		IBT4	c
Mechanic "A"	34		ATU1	c
Mechanic "B"	19		ATU1	c
Mechanic "C"	11		ATU1	c
Radio Controller	3		IBT1	c
Receptionist	1		ATU2	c
Storeskeeper	7		ATU1	c
Transit Instructor	5		IBT3	c
Utility Maintenance Supervisor	2		IBT4	c
Utility Worker	29		ATU1	c

Notes:

(a) The expenses associated with 221 positions are 50% or more funded in the District's Capital Budget and/or JPB's and TA's Operating and Capital Budgets.

(b) Part-time operators shall not exceed 17 percent of the total number of operators, in accordance with the current Amalgamated Transit Union (ATU1) Collective Bargaining Agreement.

(c) Wages established in accordance with the Collective Bargaining Agreements with the Amalgamated Transit Union, Local 1574 (ATU1 - Bus Operators and Maintenance Employee Unit and ATU2 - Customer Service Unit) and the International Brotherhood of Teamsters, Local 856 (IBT1 - Bus Transportation Supervisory Unit, IBT2 - Bus Contracts Inspector Unit, IBT3 - Transit Instructor Unit, IBT4 - Maintenance Supervisor Unit, and IBT5 - Facilities Technician Unit).

From: Roland Lebrun

Sent: Friday, August 20, 2021 3:57 AM

To: Caltrain Board <board@caltrain.com>

Cc: SFCTA Board Secretary <clerk@sfcta.org>; MTC Info <info@bayareametro.gov>; VTA Board Secretary <Board.Secretary@vta.org>; SFCTA CAC <cac@sfcta.org>; Caltrain CAC Secretary <cacsecretary@caltrain.com>

Subject: [EXTERNAL] Caltrain Governance presentation #4

Dear Caltrain Board,

I was delighted to read that a majority of Board members have identified option 3 as the correct Governance option but **there is nothing in Section 6.B of the 1996 agreement that mandates the complete "abandonment of the managing agency model"**, specifically that the Board has the option to appoint another agency to provide the administrative services currently provided by SamTrans.

Section 6.B. Managing Agency

*"SamTrans hereby is appointed as Managing Agency for the duration of the term, provided, however, that the JPB may **REPLACE SamTrans as the Managing Agency upon one (1) year's prior written notice** given at the end of any fiscal year after SamTrans has been fully repaid monies advanced by it to cover the ROW purchase price."* [https://www.caltrain.com/assets/public+affairs/pdf/restated+joint+powers+agreement+peninsula+corridor+project+\(oct.+1996\).pdf](https://www.caltrain.com/assets/public+affairs/pdf/restated+joint+powers+agreement+peninsula+corridor+project+(oct.+1996).pdf) (page 6)

In other words, there does not appear to be any compelling reason why the JPB should not be able to terminate its managing agency contract with SamTrans (**just like it terminated its rail operations contract with Amtrak back in 2012**) or why a new agency responsible for Caltrain administration should not be able to rehire a subset of SamTrans employees currently providing administrative services to Caltrain (**just like TASI rehired a subset of former Amtrak employees providing rail services to Caltrain**): <https://smart-union.org/news/caltrain-pact-protects-utu-members-in-changeover/>



Caltrain pact protects UTU members in changeover - Smart Union

In preparation for a new operator of Caltrain commuter service in Northern California, the UTU has moved to protect its members who choose to transfer from Amtrak to the new operator. Caltrain operates south from...



I hope that the entire Board will consider this solution **which keeps the JPB intact** because the only alternative is Section 12 which reads as follows...

Section 12. WITHDRAWAL FROM AGENCY

"If two or more of the parties to this Agreement withdraw, then this Agreement shall terminate at the end of the fiscal year following expiration of the one-year's notice given by the second party to withdraw from the Agreement, at which time the property and funds of the JPB shall be distributed to the Member Agencies pursuant to the terms of Section 13."

I trust that common sense will prevail and that the Board will be able to achieve consensus on the next chapter in Caltrain's success story.

Please find attached my comments on the legal and financial issues discussed in this afternoon's Governance presentation.

Sincerely,

Roland Lebrun

CC

SFCTA Commissioners
MTC Commissioners
VTA Board of Directors
VTA PAC
SFCTA CAC
Caltrain CAC
VTA CAC

Dear Caltrain Board,

Here are my written comments on the current status of the discussions on Caltrain Governance

Background

I first became interested in Caltrain as something more than a mode of transportation after hearing that its pending collapse was caused by SamTrans financial difficulties back in 2010. A root cause analysis of the issues quickly uncovered that SamTrans was nothing more than some kind of f-bomb zoo headed by a gorilla with the brain of a chipmunk. The individual in question was subsequently dismissed after an NBC investigation into questionable accounting practices (<https://www.nbcbayarea.com/news/local/former-samtrans-accountant-alleges-second-set-of-books-hid-millions/79709/>) and a disturbing pattern of retaliations against employees who had reported multiple accounting irregularities (<https://www.nbcbayarea.com/news/local/whistleblower-lawsuit-alleges-samtrans-ignored-questions-of-fraud/88519/>)

I subsequently came across the 1996 Agreement and came to the conclusion that the problem could be easily addressed pursuant to Section 6.B MANAGING AGENCY which reads as follows:

*“SamTrans hereby is appointed as Managing Agency for the duration of the term, **provided, however, that the JPB may replace SamTrans as the Managing Agency upon one (1) year's prior written notice given at the end of any fiscal year after SamTrans has been fully repaid monies advanced by it to cover the ROW purchase price.**”*

[https://www.caltrain.com/assets/public+affairs/pdf/restated+joint+powers+agreement+peninsula+corridor+project+\(oct.+1996\).pdf](https://www.caltrain.com/assets/public+affairs/pdf/restated+joint+powers+agreement+peninsula+corridor+project+(oct.+1996).pdf) (page 8)

Please note that, contrary to the staff presentation (slide 13), ***“replacing SamTrans as the Managing Agency” DOES NOT require “Dissolving the managing agency model and replacing it with a separate, independent Caltrain agency to directly manage and administer the railroad, either through reorganizing JPA or forming a special district.”***

Special Meeting #4 presentation

Slide 7

“Letters have been exchanged between the partners and there is a difference of views as to the amount owed as reimbursement to SamTrans for the ROW purchase”

It is unclear how there could be any *“difference of views as to the amount owed as reimbursement to SamTrans for the ROW purchase”* when the amounts are clearly spelt out in the 2008 AMENDMENT TO REAL PROPERTY OWNERSHIP AGREEMENT

(<https://www.caltrain.com/Assets/government+affairs/pdf/Amendment+to+Real+Property+Ownership+Agreement.PDF>)

Slide 13 Option 3 Independent Agency

“Dissolve the managing agency model and replace with a separate, independent Caltrain agency to directly manage and administer the railroad, either through reorganizing JPA or forming a special district.”

It is unclear why it should be necessary to *“Dissolve the managing agency model and replace with a separate, independent Caltrain agency”* because **Caltrain already is an independent agency**. Specifically, **the JPB has an administration contract with SamTrans which can be terminated with one year’s notice** (1996 agreement Section 6.B), **just like Caltrain terminated its rail operations contract with Amtrak** and awarded a new 5-year contract to TASI back in 2012.

Slide 18 Option 3 for Analysis

“B) Employer of Staff:

- *JPB directly employs all Caltrain staff.”*

It is unclear why the JPB should *“directly employ all Caltrain staff.”* for the same reason that the JPB does not employ any TASI staff and **the Capitol Corridor does not directly employ any of the BART staff responsible for providing administrative services to the Capitol Corridor:** <https://www.capitolcorridor.org/wp-content/uploads/2021/02/CCJPA-BFS-Report-FY2020.pdf> (page 6)

“Option 3 would involve approximately ten currently represented staff in the Customer Service department, which would require negotiations with their bargaining unit (all other administrative staff are not currently represented). Any other large scale changes to labor representation for either Caltrain management or contractors would likely have additional cost and legal implications that would require further analysis”

Once again, **this has nothing to do with the JPB**, specifically, the new Caltrain managing agency may or may not elect to supplement its existing customer service resources to support Caltrain **just like TASI invited former Amtrak employees to transition to TASI:** http://www.tillier.net/stuff/caltrain/FINAL_UTU_TASI_agreement_020912.pdf

Slide 28 Financial Operating Cost Results

- **Annual incremental costs**
 - **Option 3 = \$9.2M**

Should the JPB elect to appoint BART at its managing agency, option 3 would result in a **DECREASE in administration costs of approximately \$20M/year**. Not an increase.

- **One-time cost**
 - **Option 3 = \$48.9M - due in large part to IT system costs to support a fully independent agency**

Should the JPB elect to appoint BART at its managing agency, option 3 would enable access to vastly superior computer systems at little to no one-time costs.

Slide 29 Pension, OPEB and Compensated Absences Liability Results

“Pension, OPEB and Compensated Absences Liabilities are extremely complex issues that would require extensive negotiations between SMCTD and Caltrain.”

As stated earlier, the JPB should start afresh and avoid *“extensive negotiations with SMCTD”*

Slide 38 Caltrain Obligation Estimates

“The cost to Caltrain of each of these liabilities is a function of a negotiation between Caltrain and SMCTD”

As stated earlier, a smooth transition from a SamTrans to a BART administration would eliminate any of these issues by transferring a limited number of SamTrans employees to BART, just like the Amtrak employees who transferred to TASI when the Amtrak contract was terminated: ***“In preparation for a new operator of Caltrain commuter service in Northern California, the UTU has moved to protect its members who choose to transfer from Amtrak to the new operator.”***

<https://smart-union.org/news/caltrain-pact-protects-utu-members-in-changeover/>

Slide 50 High Level Conclusions

“Option 3 would likely consume the greatest amount of legal services and time because of the need to establish Caltrain as the employer for all employees.”

As stated multiple times above, **option 3 is the simplest and most cost-effective option because it continues the managing agency model** whereby Caltrain does not directly employ any staff other than a Chief Executive and a small number of executives.

Conclusion

Option 3 is clearly the ultimate option **as long as it transitions to a different managing agency instead of terminating the managing agency model entirely**. The best outcome would be for all Board members to agree on a new agency responsible for Caltrain administration (1996 agreement Section 6.B).

Should it become impossible to achieve a consensus on the selection of a new managing agency for Caltrain, the JPB would have to be dissolved pursuant to Section 12: WITHDRAWAL FROM AGENCY of the 1996 agreement:

“If two or more of the parties to this Agreement withdraw, then this Agreement shall terminate at the end of the fiscal year following expiration of the one-year's notice given by the second party to withdraw from the Agreement, at which time the property and funds of the JPB shall be distributed to the Member Agencies pursuant to the terms of Section 13.”

[https://www.caltrain.com/assets/_public+affairs/pdf/restated+joint+powers+agreement+peninsula+corridor+project+\(oct.+1996\).pdf](https://www.caltrain.com/assets/_public+affairs/pdf/restated+joint+powers+agreement+peninsula+corridor+project+(oct.+1996).pdf) (page 16)

Respectfully presented for your thoughtful consideration

Roland Lebrun