

**ITEM 3A.**

**SAN JOAQUIN REGIONAL RAIL COMMISSION**

**MINUTES**

For the meeting of November 2, 2006

The regular meeting for November 2, 2006 of the San Joaquin Regional Rail Commission was held at the Robert J. Cabral Station, South Hall Meeting Room, 949 E. Channel St., Stockton, CA. 95202.

**1. Call to Order/Pledge of Allegiance/Roll Call:**

Chairman Ives called the meeting to order at 8:00 a.m. and asked Commissioner Restuccia to lead the audience in the Pledge of Allegiance.

Commission Members Present: Giovanetti, Harris, Rhodes, Sieglock,  
Vice-Chair Restuccia, Chairman Ives

Ex-Officio Members Present: Chesley

**2. Public Presentations and Recognitions**

New Fare Enforcement Officer Marilyn Carloss was introduced.

(Commissioner Haggerty and Commissioner Blalock arrived)

**3. Consent Calendar:**

All items listed immediately below will be acted upon under one vote unless specifically requested to be removed from the Consent Calendar by a member of the Commission, a member of staff, or a member of the public.

A. Minutes of October 5, 2006	ACTION
B. Rail Commission/ACE Monthly Expenditure Report	INFORMATION
C. Monthly ACE Fare Revenue	INFORMATION
D. State and Federal Legislative Updates	INFORMATION
F. ACEPac Meeting Minutes	INFORMATION

M/S/C (Restuccia/Haggerty) to approve the Consent Calendar. Passed and Adopted by the San Joaquin Regional Rail Commission on the 2nd day of November, 2006, by the following vote to wit:

Ayes: 8 Harris, Rhodes, Haggerty, Giovanetti, Blalock, Sieglock, Vice-Chair Restuccia, Chairman Ives  
Noes: 0

- 4. Report on ACE Ridership, On-Time Performance and approve Change of reporting tolerance for the purpose of calculating the on time performance of the Altamont Commuter Express Trains, from 5 minutes to 10 minutes.**

(Mr. Dumas arrived)

Mr. Baxter discussed the history of ACE on-time performance utilizing a 5-minute threshold. He also provided a comparison of what other rail agencies use as a tolerance for calculating OTP. Mr. Baxter noted that the ACE Service was most similar to the CAPITOL Corridor in terms of length and operating characteristics and they utilize a 10-minute tolerance.

Commissioner Haggerty commented that in his leadership role on the National Association of Counties Transportation Committee, the issue of securing adequate trackage rights and train performance from the Railroads is at the forefront of many legislative discussions. He recommended that the Commission not retreat from its' current 5 minute OTP threshold. To engage the legislative support necessary to make significant changes, people will need to see the history of problems with performance, and that would be watered down if that threshold was changed to 10-minutes. Commissioner Harris and Chairman Ives expressed similar sentiments.

Commissioner Rhodes noted that the radio stations often report when the trains are late and that it might be a deterrent to potential riders. A brief discussion occurred about making sure the passengers and public were informed about the particular causes of the delays.

The Commissioners opted not to take action on the item and leave the OTP tolerance at 5 minutes.

- 5. Approve Professional Services Agreement with EIP Associates to conduct an Initial Study/Environmental Review Assessment and Mitigated Negative Declaration/Finding of No Significant Impact for the proposed ACE Maintenance Facility in Stockton, CA, Not-to-Exceed \$145,165 and Authorize and Direct the Executive Director to Execute All Necessary Documents.**

Mr. Baxter described the potential site for the equipment maintenance facility and the proposed environmental process to evaluate the site. Commissioner Giovanetti wanted assurances that a review of potential hazardous materials were part of the scope of work. Commissioner Restuccia expressed some concern that Union Pacific could still change their mind about selling the property and hoped a purchase agreement could be expeditiously achieved. Commissioner Sieglock asked if the Commission could secure an option to purchase or first right of refusal. Mr. Baxter noted that the federal funds for the project precluded any form of purchase agreement until the environmental process was complete.

M/S/C (Restuccia/Harris) to approve Professional Services Agreement with EIP Associates to Conduct an Initial Study/Environmental Review Assessment and Mitigated Negative Declaration/Finding of No Significant Impact for the proposed ACE Maintenance Facility in Stockton, CA, Not-to-Exceed \$145,165 and Authorize and Direct the Executive Director to Execute All Necessary Documents. Passed and Adopted by the San Joaquin Regional Rail Commission on the 2nd day of November, 2006, by the following vote to wit:

Ayes: 8 Harris, Rhodes, Haggerty, Giovanetti, Blalock, Sieglock, Vice-Chair Restuccia, Chairman Ives  
Noes: 0

**6. Approve a 1-Year Extension to the Rail commission and ACE Insurance Brokerage and Consulting Agreement with Marsh (formerly J&H Marsh McLennan) for ACE Insurance Brokerage and Consulting Services, Not to Exceed \$235,400 and Authorize the Executive Director to Bind Insurance Coverage within the Approved Budget Limits and Execute all Necessary Documents.**

M/S.C ( Haggerty/Restuccia) to approve a 1-Year Extension to the Rail commission and ACE Insurance Brokerage and Consulting Agreement with Marsh (formerly J&H Marsh McLennan) for ACE Insurance Brokerage and Consulting Services, Not to Exceed \$235,400 and Authorize Executive Director to Bind Insurance Coverage within the Approved Budget Limits and Execute All Necessary Documents. Passed and Adopted by the San Joaquin Regional Rail Commission on the 2nd day of November, 2006, by the following vote to wit:

Ayes: 8 Harris, Rhodes, Haggerty, Giovanetti, Blalock, Sieglock, Vice-Chair Restuccia, Chairman Ives  
Noes: 0

**7. Preliminary Discussion on 2007/2008 Legislative Priorities**

Ms. Mortensen summarized the prior years' legislative project submittals. She noted that at the last Commission meeting, CJ strategies suggested that these next appropriations requests be kept small and quickly deliverable, due to 2007/2008 being in the middle of the federal authorization cycle. The dilemma is that the Commission's highest priority is the acquisition of a corridor for the ACE service, but that kind of request does not fit in the middle of a federal funding cycle. Ms. Mortensen highlighted several other smaller projects such as the Phase II Central Valley Rail Service Implementation Plan and a Technology Demonstration for an alternative fuel locomotive.

Commissioners had a lengthy discussion about the need to keep the ACE ROW acquisition as the highest priority, and to ask for an adequate amount to fund the project. Commissioners also discussed the community impacts of acquiring one alignment versus another. Ms. Mortensen noted that the alignment possibilities would be dictated by Union Pacific's willingness to sell off corridor segments, or to allow dedicated public agency tracks to be constructed on portions of their ROW.

Commissioner Haggerty noted that Alameda County owns a significant percentage of the ROW of the old Tracy Subdivision alignment from the Alameda/San Joaquin County line to Fremont. He offered himself as a resource in the discussion for the ACE Service to utilize that ROW.

Mr. Chesley, SJCOG noted that the Commission is not only positioning for the federal appropriations process, but also the State Infrastructure Bonds, and getting the overall plan for the corridor acquisition and piecing together all of the funding sources over the next couple months will be very critical.

Commissioner Haggerty reiterated the need to use legislative efforts to pressure the Railroads into prioritizing the performance for commuter rail. Commissioners directed staff to keep the ACE Corridor acquisition as the highest federal legislative priority.

**8. San Joaquin Regional Rail Commission Expansion Update**

Commissioners Blalock and Haggerty had to leave the meeting at this time.

Carl Schiermeyer, on behalf of the Service Expansion Study Team, summarized the planned process for evaluating all of the potential rail service corridors benefiting the San Joaquin County region. He identified a draft list of evaluation criteria, potential minimal service scenarios, likely upgrades needed for competitive travel times and potential ridership models

Chairman Ives asked about the Mococco line. Mr. Schiermeyer noted that the study will incorporate the San Joaquin region's interest in service on the Mococco line and tie that into the existing BART concepts for feeder service from Brentwood to the Pittsburg BART station.

**9. Report on the 2006 ACE Student Trip Program**

Ms. Farley reported on the very successful 2006 School Program which carried 3,104 students for educational field trips and graduation events. This is a 79% increase over the prior year. Ms. Farley noted that this success is great for revenue generation and public awareness, but puts capacity constraints on the ACE Service during the months of May and June.

Mr. Baxter noted that the addition of the ACE 4<sup>th</sup> train has activated all of the spare railcars into service. In the past, the student groups could be accommodated by adding cars to the regular commuter trains, or in the case of 500-700 students on a particular day, running a special train. Mr. Baxter summarized various options from leasing cars from other agencies, trimming down commuter trains to create an additional trainset, running special student trains on Saturdays and a turnback of one of the commuter trains to create an additional train run. He noted that leasing equipment would be cost-prohibitive, and that staff will have to be very creative with the school bookings and with the utilizing the railcars.

**10. Presentation by Community Design and Architecture on a Proposal to Relocate the Lathrop/Manteca ACE station into a Transit Oriented Development**

Ms. Mortensen introduced Phil Erickson, EIP Associates, to discuss a potential transit oriented development project in the City of Lathrop. Mr. Erickson made a presentation on a proposal to relocate the current ACE station south of Yosemite Avenue into a multimodal transit oriented development. The station relocation would depend upon the long-term ACE Service operating on its' current alignment. The potential new station site offers more access points than the current station, provides safer bike and pedestrian access and can accommodate up to 1500 parking spaces in the future.

Commissioner Harris asked what would happen to the existing station under this proposal. Ms. Mortensen noted that the Commission would sell the existing site and invest the proceeds back into the ACE system. Commissioner Harris suggested that the potential relocation be discussed with City of Manteca staff.

Commissioner Rhodes commented on how Lathrop was trying to take the initiative to make neighborhoods more transit supportive and an ACE station makes a great opportunity to make that happen. She also noted that the Lathrop Council has a preference for the ACE service to

remain on the current alignment. This location also serves as a joint station for Manteca. The former SP alignment leaves Manteca out of the equation.

Chairman Ives expressed concern that if the Commission was pursuing the former SP alignment, then this transit oriented development wouldn't have the major transit station.

Ms. Mortensen noted that the City of Lathrop, and the developers for both transit oriented development proposals had been made aware that the long-term ACE alignment had not yet been finalized.

**11. Commissioner's Comments**

None

**12. Ex-Officio's Comments**

None

**13. Executive Director Report**

Ms. Mortensen asked for Item 15 to be moved up to be the next Commission item.

**15. Recognition of All Outgoing 2006 Rail Commission Board members:**

**Gary Giovanetti**  
**Jack Sieglock**  
**Gloryanna Rhodes**

**14. Closed Session**

Tom Shephard, Counsel for the Commission announced a closed session regarding the following:

Real Property Negotiations – Government Code 54956.8  
Conference with Real Property Negotiators: Brian Schmidt, Phil Pennino  
Property: Parcel # 15114006 - 919 E. Channel Street, Stockton, CA

Negotiating Parties: San Joaquin Regional Commission,  
Ms. Angie Arroyo – 15114006

Under Negotiations: Price and Terms of Payment

The Commission adjourned into closed session at 9:25 a.m. and returned to Open Session at 9:45 a.m.

Legal Counsel, Mr. Shephard, reported on the Closed Session and noted that direction was given to staff and there was nothing to report in Open Session.

**16. Adjournment**

The next regular meeting is scheduled for December 7, 2006 8:00 a.m.  
Robert J. Cabral Station, 949 E. Channel St., Stockton, CA 95202