



# MINUTES

## *Board of Directors' Meeting*

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### **Call to Order**

The July 15, 2019 Board of Directors (Board) meeting of the Los Angeles - San Diego - San Luis Obispo (LOSSAN) Rail Corridor Agency (Agency) was called to order by Chairman Murray at 12:32 p.m., at the Los Angeles County Metropolitan Transportation Authority, Board Room - Third Floor, One Gateway Plaza, Los Angeles, California.

Chairman Murray announced that several of the Directors would participate in today's meeting via teleconferencing, and all votes would be taken by roll call.

Directors Present:     Al Murray, Chairman  
                              Dana Reed, Vice Chairman  
                              Jewel Edson, NCTD (teleconference)  
                              Mary Lou Echternach, Metro  
                              Caylin Frank, SDMTS (teleconference)  
                              Gregg Hart, SBCAG  
                              Ellie Haviland, SANDAG (teleconference)  
                              Bryan MacDonald, VCTC  
                              Tim Shaw, OCTA (teleconference)  
                              Fred Strong, SLOCOG  
                              Jess Talamantes, Metro  
                              Kyle Gradinger, Caltrans, Ex-Officio  
                              Alan D. Wapner, SCAG, Ex -Officio (teleconference)

Directors Absent:     John Fasana, Metro  
                              Eric Hosey, Amtrak, Ex-Officio

Staff Present:        Jennifer L. Bergener, Managing Director  
                              Olga Prado, LOSSAN Agency Clerk of the Board  
                              James Donich, General Counsel (teleconference)

### Pledge of Allegiance

The pledge of allegiance was led by Director Strong.

#### 1. Public Comments

A public comment was heard from Eric Reese, (via teleconference from Ontario), who provided suggestions on how to enhance the current Amtrak Guest Rewards Program to help increase ridership and patronage of Amtrak destinations as follows:

- Restructure the program to offer the ability to redeem points for either free or reduced admission to sporting events and attractions.
- Reward riders with coffee and pastries via partnership with Starbucks or Coffee Bean.
- Work with Amtrak to structure the current rewards program to be dynamic to encourage specific behaviors by using a tiered-points system, and he provided an example.
- Integrate customer service into the program, where riders on delayed or canceled trains receive free points as compensation.
- Enhancing the rewards program with the Amtrak App increases adoption of the App.
- The App will allow operations to analyze ridership and travel patterns and allow marketing to focus advertisement and outreach in areas that see a lot of interest for potential ridership increase.

### Special Calendar

There were no Special Calendar Matters.

### Consent Calendar (Items 2 and 3)

#### 2. Approval of Minutes

A public comment was heard from Eric Reese, (via teleconference from Ontario), who provided suggestions regarding Union Pacific Railroad's (UPRR) position on passenger train expansion as follows:

- Encouraged the LOSSAN Agency to partner with the Santa Barbara County Association of Governments (SBCAG) and the Ventura County Transportation Commission (VCTC) and discuss the acquisition of the UPRR Santa Barbara subdivision from Moorpark to Goleta.

### 2. (Continued)

- Purchasing the right-of-way (ROW) from UPRR would help increase train frequencies, allow for the use of tilting trains that can travel faster through curves, allow the use of diesel multiple units, as well as provide the ability to take up the equivalent of one to two lanes of traffic off Highway 101.
- Owning the track ROW would ensure Pacific Surfliner on-time performance (OTP) by giving the agencies complete dispatch and ROW maintenance control, as well as would allow the agencies to take an incremental approach to capital projects.
- Referenced a 2017 article that mentioned that UPRR wanted \$100 million for five years to lease the tracks, as well as other stipulations.
- Acquiring the ROW would give the agencies the ability to make adjustments to peak-hour trains to help increase fare revenue and passenger miles.
- With peak-hour rail service being a high-priority for the LOSSAN Agency, SBCAG, and VCTC, now would be the time for the LOSSAN Agency to consider charting its own course without UPRR.

Director Haviland inquired about Item 4 on the minutes (Annual Performance Evaluation of the Agency's Managing Director). Director Haviland stated that there was no written evaluation provided to the Board of Directors (Board) other than the brief comments in the staff report and asked if there was an actual written evaluation from the Executive Committee meeting.

James Donich, General Counsel, responded that he believed there was a written evaluation from the Executive Committee, and would provide a copy to the Board.

Jennifer L. Bergener, Managing Director, added that staff previously forwarded to the Board, the list of accomplishments for the LOSSAN Agency, and she would forward both the written evaluation and the list of accomplishments to the Board.

A motion was made by Director MacDonald, seconded by Director Strong, and following a roll call vote, declared passed 10-0, to approve the minutes of the LOSSAN Board of Directors meeting of June 17, 2019.

### 3. **Los Angeles - San Diego - San Luis Obispo Rail Corridor Trends for the Second Quarter of Federal Fiscal Year 2018-19**

A motion was made by Director MacDonald, seconded by Director Strong, and following a roll call vote, declared passed 10-0, to receive and file as an information item.

## Regular Calendar

### 4. **Federal Fiscal Years 2019-20 and 2020-21 Operating Agreement with Amtrak for Pacific Surfliner Intercity Passenger Rail Service**

Jason Jewell, Finance and Administration Manager, provided background information on the current operating agreement with Amtrak.

Mr. Jewell reported that staff is recommending a one-year agreement to ensure the continuity of services, while allowing for continued negotiations with Amtrak on several material areas of the agreement related to marketing, technology, and equipment. Mr. Jewell provided a brief description on each.

Mr. Jewell also reported that Amtrak has recently expressed a desire to remove cars from the Pacific Surfliner fleet to redeploy them to other Amtrak routes. He added that LOSSAN Agency staff is seeking other opportunities to either directly lease or own equipment for exclusive use on the Pacific Surfliner service rather than continuing to lease through Amtrak.

Mr. Jewell stated that, consistent with current practices, staff would return to the Board for the second year authorization, which would allow for the inclusion of Amtrak's federal fiscal year (FFY) 2020-21 operating forecast and any necessary budget amendments.

A discussion ensued as follows:

- Consensus from various Board Members to prioritize both Wi-Fi and marketing as both have a major effect on ridership and are crucial elements of the LOSSAN Agency's mission.
- Expressed concerns that Amtrak wants to remove cars from the Pacific Surfliner fleet, and that could be a detriment to the LOSSAN Agency's service.
- Independent control over the Wi-Fi system would improve service to passengers.
- The current cost for onboard passenger technology is roughly \$350,000, and the line item for next year's budget is roughly \$365,000.
- Staff currently does not have estimates for the other equipment options being considered and expects to return to the Board within the next three months to report on the options.
- Clarification that Amtrak committed to fully support the Wi-Fi through the coming FFY but not beyond that point, and staff has agreed to those terms and believes this is acceptable.

#### **4. (Continued)**

- Staff is engaged in ongoing discussions with Amtrak about the removal of 17 of the low-level cars from the fleet. Amtrak is aware that the LOSSAN Agency does not support the removal of cars without the replacement of said cars.
- Staff feels that it is not prudent for the LOSSAN Agency to enter into a second year agreement without resolution of key items, and clarification that Amtrak is not being an unwilling partner in any of these discussions.
- The Amtrak operating agreement is unique and does not get competitively bid. Because of the nature of the service, the LOSSAN Agency has, in perpetuity, the ability to negotiate its contracts with Amtrak through the interagency transfer agreement with the State.

A motion was made by Chairman Murray, seconded by Director Strong, and following a roll call vote, declared passed 10-0, to authorize the Managing Director to negotiate and execute an agreement with Amtrak to provide for the continued operation of the Pacific Surfliner intercity passenger rail service for a term of one year, in an amount not to exceed \$31,678,283 for federal fiscal year 2019-20. Authorization for federal fiscal year 2020-21 will be subject to further negotiations with Amtrak and contingent upon subsequent year funding approvals by the State of California.

#### **5. Agreement with the Union Pacific Railroad for the Reimbursement of Positive Train Control Implementation**

Jennifer L. Bergener, Managing Director, provided information on the proposed agreement with UPRR for the reimbursement of infrastructure improvements previously made on the Santa Barbara subdivision, as follows:

- Over the past 24 months, staff has had several discussions regarding the implementation of positive train control (PTC) technology.
- PTC for the Pacific Surfliner service was required to be implemented by December 2018 by federal regulation, and Amtrak initiated, built, and implemented the back office server (BOS), which is considered to be the brains of the operation.
- Each host railroad owner had to implement the track infrastructure components of PTC that then communicate with the train and with the BOS.
- In early 2018, UPRR made a formal request for reimbursement of expenses previously made on the Santa Barbara subdivision. The initial request was seeking \$9 million, and staff worked with the California Department of Transportation (Caltrans) to secure the necessary funding. UPRR subsequently revised its request to approximately \$8.5 million.

### 5. (Continued)

- Staff immediately began discussions and negotiations with both UPRR and Amtrak because the tracks are shared between the Coast Starlight and the Pacific Surfliner.
- Staff tried to coordinate efforts with the Amtrak host railroad group who is negotiating with UPRR for a national settlement on PTC; however, an agreement on a national level has not been reached.
- Staff is seeking to advance the payment for the Santa Barbara subdivision as the funding does have a finite life to it.
- For the passenger rail services operating on the Santa Barbara subdivision, UPRR would not have been required implement PTC; therefore, the LOSSAN Agency has some responsibility for reimbursement to UPRR.
- Staff is proposing to make the payment to UPRR in the amount sought while Amtrak continues to negotiate for its specific share.

Chairman Murray thanked Ms. Bergener for the report and stated that he and the Board would agree that safety is a priority and supports the endeavors to facilitate PTC.

Director Gradinger echoed Chairman Murray's comments and stated that Caltrans recognized the need for implementing this safety infrastructure in time for the federal deadline and was very pleased with the effort that LOSSAN Agency staff made to bring the investment amount down to \$8.5 million.

A motion was made by Director Strong, seconded by Director Talamantes, and following a roll call vote, declared passed 10-0, to authorize the Managing Director to negotiate and execute an agreement with the Union Pacific Railroad, in an amount not to exceed \$8,550,676, for improvements and enhancements on the Santa Barbara subdivision including the full implementation of positive train control.

### 6. Central Coast Layover Facility Expansion Project Funding Update

Jennifer L. Bergener, Managing Director, reported that the LOSSAN Agency, in coordination with the UPRR member agencies, stakeholders, and the Caltrans Division of Rail and Mass Transportation (DRMT) are underway with the San Luis Obispo layover facility project, which supports the LOSSAN Agency's plans for future service growth.

Ms. Bergener provided background information on the Central Coast Layover Facility Project (Project) as follows:

- The LOSSAN Agency assumed the lead agency responsibility for the Project in May 2018, following the initial project development and programming of funding by Caltrans DRMT.

**6. (Continued)**

- During the development of the scope of work and Project Approval and Environmental Documentation phase, staff determined that an expanded environmental document was necessary.
- In order to adjust the Project schedule to account for this more comprehensive document, staff worked with Caltrans to develop a request to extend the timeline for the funding, specifically for phase two of the project.
- A request had to be made to the California Transportation Commission (CTC) in order to reprogram the funds, and the CTC indicated that it would not support or approve the extension of time.
- The CTC further advised that the LOSSAN Agency should allow the funds to lapse and reprogram them, in coordination with Caltrans DRMT, for the 2020 State Transportation Improvement Program (STIP).
- Both the CTC and Caltrans DRMT strongly support the reprogramming of the funds.

A motion was made by Director Strong, seconded by Vice Chairman Reed, and following a roll call vote, declared passed 10-0, to:

- A. Direct staff to continue the Project Approval and Environmental Documentation efforts for the Central Coast Layover Facility Expansion Project.
- B. Authorize the Managing Director to submit a 2020 State Transportation Improvement Program funding request for preparing Plans, Specifications, and Estimates for the Central Coast Layover Facility Expansion Project and process all necessary agreements to facilitate the submission and acceptance of funds.

## **Discussion Items**

**7. Pacific Surfliner On-Time Performance Analysis**

Roger M. Lopez, Manager, Planning and Analysis, provided an overview and a PowerPoint presentation on this item as follows:

- Average Endpoint OTP – Systemwide;
- Average Endpoint OTP – Detail by Train;
- Delay Analysis: FFY 2018-19, Quarter 2 (Q2) Year Over Year;
- Delay Analysis: FFY Q2 – Distribution by Host;
- Initial Terminal Performance;
- Delay Distribution – By Location;



### 7. (Continued)

- Train 763 – Delay Analysis;
- Train 774 – Delay Analysis;
- Train 785 – Delay Analysis;
- Conclusions – Q2; and
- Questions.

A robust discussion ensued as follows:

- Ongoing discussions with host railroads indicate that improving OTP is a priority.
- Due to time constraints with meeting facilities and times, staff was not able to schedule the OTP workshop discussed at the June 17, 2019 Board meeting, and this presentation is in lieu of the workshop.
- When a recurring OTP problem is observed, Amtrak reaches out to the host railroads immediately to try to resolve the issue.
- There is a tremendous amount of short-term and long-term construction work being done in San Diego County which affects OTP.
- The incentive agreement with North County Transit District (NCTD) is nearly executed, which staff expects will result in better dispatching, and conversations with UPRR continue about opportunities to improve the infrastructure in the UPRR-controlled territory.
- UPRR leadership has indicated interest on increased trespassing enforcement; however, many of the tracks are on private property and cooperation from the local jurisdictions is needed to help enforce the clearing of the homeless areas.
- It is partially up to the LOSSAN Agency and its host railroads to make requests to the local jurisdictions to obtain permission to police the private property.
- In the future, it would be helpful if staff provides an accompanying staff report that interprets the OTP analysis PowerPoints.
- Information on the Corridor Improvement Team (CIT) meetings was provided, who the team is comprised of, how often it meets, and types of topics discussed.
- Inquiry if the CIT should be meeting more often, and what can the Board Members do to help staff.
- Staff feels meeting quarterly is sufficient, given the large nature of the CIT and that the meetings take place in different venues throughout the entire corridor.
- San Diego County does very well in clearing incidents quickly, followed by Orange County. Moving north through the corridor, there continues to be some struggle.
- For now, should focus on just the southern end of the corridor and give some time to the incentive agreement and monitor the performance, and then move up to the northern end of the corridor.



### 7. (Continued)

- Board Members continuing to advocate and lobby for funding at the state and federal levels is helpful.
- Intrusions, accidents, police activity, trespasser strikes, a tree falling onto the tracks, etcetera, are things that fall under the third party category.
- Incentive agreements are instrumental to improving OTP and include language that specifically indicates that the incentive payment has to be reinvested in the LOSSAN rail corridor.
- The California Highway Patrol (CHP) does a very good job of clearing incidents in a rapid manner and we could use their protocol and piggyback on what they do to get traffic moving.
- Discussion on what San Diego and Orange counties are doing to clear out scenes faster than Los Angeles County.
- There have been discussions with Metrolink about embarking on a joint effort with Amtrak, the LOSSAN Agency, and the Los Angeles County Metropolitan Transportation Authority to do more outreach to help familiarize first responders and the coroner's office to the urgency of clearing scenes.
- Suggestion to bring the different types of first responders, police and fire chiefs, CHP, Caltrans, and heads of emergency preparedness teams together to discuss what San Diego County does to clear incidents and come up with efficiencies and best practices.
- Staff has been working with Los Angeles local law enforcement and others to try to facilitate conversations with the various first responders; however, getting the right people in the room has been a challenge.
- Reference to Page 2 of the PowerPoint (Average Endpoint OTP – Systemwide) which shows the downward trend is not improving, and staff should reevaluate the benefit of the quarterly CIT meetings.
- Impacts of construction might be something to highlight in the upcoming OTP reports and how that affects the downward trend.
- If the LOSSAN Agency had precedence over commuter rail, there would be phenomenal OTP.

A public comment was heard from Eric Reese, (via teleconference from Ontario), who provided comments and suggestions on how to improve OTP as follows:

- Encouraged the Board and staff to consider hiring an exclusive team of workers dedicated to clearing out homeless encampments, cut back vegetation, and address trespassing issues.
- The dedicated team could add fencing near vulnerable areas to stop the number of homeless encampments and people who illegally cross the tracks.

### 7. (Continued)

- Install an intrusion detection system that can notify dispatch/operations if there is activity in close proximity to the tracks.
- Install security cameras within the ROW and at grade crossings to help operations pinpoint potential areas of concern or incidents before a train approaches.
- Consider implementing a “sealed corridor” via quadrant gates, as well as a detection system that would be able to alert dispatch/operations of potential vehicles on the tracks.
- Partner with law enforcement agencies and host railroads in increasing the police presence and patrol of the ROWs.
- Through the lobbying for state and federal funds, the LOSSAN Agency could fund increased police presence and increased enforcement of laws to help reduce vehicle and pedestrian strikes which contribute to train delays.

No action was taken on this information item.

### 8. Managing Director's Report

Jennifer L. Bergener, Managing Director, reported on the following:

- Wednesday, July 17th, kicks-off the LOSSAN Agency's extremely popular Del Mar and Comic-Con International season, which is the agency's busiest time of the summer season. Extra cars are being provided on select high-demand trains, an additional roundtrip through the weekend is running, and the Rail 2 Rail Program is being suspended during this period to ensure full utilization of the LOSSAN Agency's fleet.
- Once additional information is available, staff will bring an item to the Board regarding the ongoing Wi-Fi discussions.
- A couple of months back, UPRR met with LOSSAN Agency staff and shared their modeling results and what they would like to see from the LOSSAN Agency in an effort to run additional trains. One of the concerns to the LOSSAN Agency was not having the ability to run additional service until all the stipulations had been met. UPRR has committed to move forward with a phased implementation and a call is scheduled next week to advance that discussion.
- Staff will bring an item to the Board regarding the ongoing equipment discussions with Amtrak.

### **8. (Continued)**

- If there are additional projects to include in the 2020 STIP, staff will bring a standalone agenda item to the Board. Staff will take today's Board directive and include the Central Coast Layover Facility Expansion Project in the City of San Luis Obispo.

### **9. Board Members' Report**

Director MacDonald reported that Saturday was the grand opening of the Gold Coast Transit District (GCTD) facility in Oxnard. He added that GCTD is a state of the art facility that has beautiful accommodations which the Board Members will see at the September 16th LOSSAN Agency Board meeting. Director MacDonald added that GCTD staff will arrange transportation to and from the train station for Board Members attending, and GCTD is looking forward to showing its hospitality.

Director Hart reported that the Santa Barbara County Grand Jury has just released a report that raises some issues about pedestrian intrusion in the tracks and the fatalities resulting from that. He added that SBCAG will be convening a task force with some of the other local agencies to begin to develop a strategic to address these issues, and he would share today's Board meeting discussions with them.

### **10. Closed Session**

There was no Closed Session scheduled.



# MINUTES

## *Board of Directors' Meeting*

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### **11. Adjournment**

The meeting of the LOSSAN Agency's Board adjourned at 1:49 p.m. The next regularly scheduled meeting of this Board will be held:

**Monday, September 16, 2019**

**11:00 a.m. – 1:00 p.m.**

Gold Coast Transit District

Board Room

1901 Auto Center Drive

Oxnard, California

ATTEST:

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Al Murray  
LOSSAN Chairman

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Olga Prado  
LOSSAN Clerk of the Board