



## HIGH SPEED RAIL COMMITTEE

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Special Meeting  
October 21, 2010

Chair Klein called the meeting to order at 8:03 a.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Burt, Klein, Shepherd, Price (left at 9:43)

Absent: none

### 1. Oral Communications

Bill Warren spoke regarding the financial analysis of the HSR. A group he's working with published a financial analysis recently. He said he would email it to the HSR Committee. He said the report reviews the issues from a State perspective versus a local perspective.

Chair Klein asked what type of responses he had received.

Mr. Warren said that there were few Senators and Representatives in the capitol at the time. They spoke with Staff who seemed appreciative.

Chair Klein asked if the group provided copies of their report to the California High Speed Rail Authority (CSHRA) and the Federal Rail Administration (FRA).

Mr. Warren said they had.

Mayor Burt said that within the Legislature there were two audiences that might be appropriate to address, the Assembly Select Committee on High Speed Rail, and the Senate Subcommittee on Finance for Transportation. He suggested engaging one-on-one with them.

Mr. Warren said that the group did a good job of organizing who the report was delivered to, and he felt they delivered to everyone the Mayor suggested.

2. Recommendation to City Council regarding the California High Speed Rail Authority (CHSRA) High Speed Rail Station in Palo Alto.

Deputy City Manager Steve Emslie reviewed the October 7<sup>th</sup> outreach meeting that Peninsula Rail organized. It was sparsely attended by the public. The consensus by the people that did attend was against a station in Palo Alto.

High Speed Rail Intern, Richard Hackmann said they did poll the audience. They were opposed to a High Speed Rail Station in Palo Alto, but they did discuss being open to revisiting the issue if some details changed.

Mayor Burt confirmed there was not yet a draft response from Palo Alto regarding a station. He suggested the response should emphasize the 3,000 spot parking garage. The garage was an indication of the scope of the impacts a station would have. It was ironic that a rail station would induce such a massive amount of car trips. He said it did not make good transit sense to have this station anywhere on the peninsula.

Chair Klein said that the City Council needed to take an official position regarding the station prior to drafting a response.

Mayor Burt said that his comments would apply contingent upon a decision.

Herb Borock said the High Speed Rail Committee (Committee) should recommend no station in Palo Alto. He said the suggestions offered by Staff were not broad enough. He said if the Draft Environmental Report (EIR) does consider a station in Palo Alto, they should be required to study both University and California Avenue options.

Council Member Price said they were discussing a build out period to 2035. She expressed concern about projected ridership numbers, and the number of riders driving to a station. Shuttle services could be considered. A fixed rail station in Palo Alto is important; a commuter rail station is a better option. She was concerned about the effect an High Speed Rail Station would have on the future of an enhanced Caltrain station.

**MOTION:** Council Member Shepherd moved, seconded by Mayor Burt to recommend the City Council take a position indicating that Palo Alto is against further consideration of a mid-peninsula station at University Avenue.

Council Member Shepherd said she didn't see a reason for a mid-peninsula stop at all. She reiterated that she had no confidence in the CHSRA. She said the only comment she received when she asked if there would be a need for them

to collect further revenue from a station was that they would have to have a detailed partnership agreement in order to proceed with the station. She felt Palo Alto did not have the Staff to maintain such an agreement. She said that most residents that had communicated with her did not see the viability in maintaining a station in Palo Alto.

Mayor Burt recommended that they include in their response that all dollars that were spent unwisely, were not dollars that could be spent to do it right. He pointed out misconceptions regarding the linkage to the airport. He said that High Speed Rail was a feeder to San Francisco Airport (SFO). At the expense of the other regional airports High Speed Rail would make SFO a regional hub. He said that communicating that message would help strengthen Palo Alto's position on High Speed Rail.

Council Member Price said she would support the Motion. She added that she hoped they were not making choices now that would prove to be poor decisions in the future.

Chair Klein suggested the Motion might include that the City was against further consideration of a station anywhere in Palo Alto.

Mayor Burt suggested the motion say "in Palo Alto".

**INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND SECONDER:** To change the Motion to state "in Palo Alto" rather than "on University Avenue."

Chair Klein suggested the Motion recommend that the City Council communicate this position by sending a letter to all interested parties.

**INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND SECONDER:** To send a letter to all interested parties communicating the Palo Alto's position regarding a High Speed Rail station in the City.

Chair Klein said the letter should stress that this would be economically detrimental to the community. He said that the station would be a bad land use decision as the land can be used as something more economically viable than a parking garage.

Council Member Price said she would not be in favor of adding a direct reference to economic development into the motion. She said they lacked the information to include it.

Chair Klein said he was not adding that to the Motion.

Council Member Price asked where Chari Klein was suggesting the language he was discussion should go.

Council Member Klein said it should go in the letter.

Council Member Price said they do not have the information to include a statement regarding economic development and she was hesitant to include it in the letter.

**MOTION RESTATED:** Council Member Shepherd moved, seconded by Mayor Burt to recommend the City Council take a position indicating that Palo Alto is against further consideration of a station in Palo Alto and that Council send a letter communicating this position to interested High Speed Rail parties.

Mayor Burt said they were responding to the general description of a station and its impact as described by CSHRA. He supported including in the letter a description of how Palo Alto had built up its economic base around transit oriented development. He said that was different than being a regional stop. He said the City vision involved less automobiles, and this plan was detrimental to that.

Council Member Shepherd said she wants the letter to expand to include the entire mid-peninsula. She said she thought if Palo Alto wanted a station the CHSRA might waive the parking requirements. She said the Caltrain system does work for transit oriented development.

Chair Klein said they should pass the Motion, and all nine Council Members can take a look at the letter once it's drafted.

**MOTION PASSED:** 4-0

3. Discussion of City Council Meeting October 25, 2010.

Mayor Burt said he thought there could be additional discussions regarding items the High Speed Rail Committee (Committee) would like to bring to the City Council at the upcoming meeting. He suggested the conversation might be better served at the end of the meeting.

4. Discussion of Roelof van Ark, Chief Executive Officer, California High Speed Rail Authority (CHSRA) letter dated September 28, 2010, to Mike Scanlon, Peninsula Corridor Joint Powers Board (JPA).

Project Manager Rob Braulik said that Roelof van Ark sent a letter to Mike Scanlon in September outlining the phased implementation of High Speed Rail.

The suggestion in the letter was that the only way to build High Speed Rail was to build a four track system all at once. Yet, in another place on the letter it seems to argue in favor of a phased implantation. He suggested that Staff might draft a response letter to the CHSRA.

Mayor Burt said that the letter was very unclear. It was difficult to respond to something that didn't make sense. He suggested the response should be that a more clear position should be taken by the CHSRA regarding phased implementation.

Chair Klein said the Committee should determine if they want to comment on the letter.

Council Member Shepherd said that while she was not positive that the Committee should request clarity, she felt they should weigh in as an opportunity to keep Palo Alto's position in the public.

Council Member Price said she was also not convinced whether or not they should respond directly to the letter, but she felt that they should communicate a clear statement regarding their concerns regarding phased implementation.

Chair Klein said they had commented on phased implementation in a letters to the Federal Rail Administration (FRA).

Mr. Braulik suggested Staff could communicate the lack of clarity in the letter to the Technical Working Group and members of the JPA that afternoon. It could also be brought up by the Mayor at the Policy Working Group.

Chair Klein suggested they make a policy determination regarding whether or not they will respond to the letter at all.

Mayor Burt said they should respond. He said CHSRA's implementation plan is disconnected from the Environmental Impact Report (EIR). The impact is based upon the entire project. Mr. van Ark's letter was responding, and saying no to Caltrain's request for a phased EIR.

**MOTION:** Mayor Burt moved, seconded by Council Member Shepherd to request Staff draft a letter in response to Roelof van Ark's letter dated September 28, 2010, to Mike Scanlon.

Council Member Shepherd said the CHSRA and Caltrain do not seem to have the same concept of what phased implementation is. She said this would be a good opportunity to clarify the concept.

Mayor Burt said they were not dealing with different concepts, but rather different plans. The concept of phasing is the same between the agencies.

Council Member Shepherd said if they could determine how they were using the terminology they would be better prepared.

Mayor Burt said that would not be able to happen until there was one plan. Even the CHSRA's definition of what phasing would ultimately look like has changed. Mr. van Ark even said to disregard the use of it in the Draft EIR as it was just a place holder.

Council Member Price said that with the letter from Mr. van Ark being so unclear, it was unclear exactly what the Committee was trying to respond to. Their response letter should be a series of questions in an effort to gain understanding.

Mayor Burt said that rushing forward with the EIR is the most concrete part of the letter and an important discussion for the Committee. The clearest part of the letter was the rejection of the phased EIR proposed by Caltrain. Otherwise it's a schedule that in December 2010 would have a Project EIR being circulated. Palo Alto's response should be to request they move forward with the Project EIR as scheduled.

Deputy City Manager Steve Emslie agreed, saying they were headed toward segmenting the project which would invalidate the EIR.

Chair Klein said that while he was skeptical about using the time as Council Member Price said, but he was willing to agree because it may be useful. He said it needed to be recognized that each time they draft these types of response letters it takes a significant amount of Staff and Committee time. The process would be for the Committee to draft the letter and then place it on the Council Agenda.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER:** The response letter will be brought to the Policy & Services Committee on November 1, 2010 and then to the City Council on November 8, 2010.

**MOTION PASSED:** 4-0

Nadia Naik suggested the Committee seek legal council and review the possibility of a joint response with the City of Atherton and the City of Menlo Park.

Mr. Emslie said Staff would definitely seek legal council on the response.

## 5. Contracts Update

Project Manager Rob Braulik said that they received their first bill and it was consistent with the approved amount. Hatch Mott MacDonald had been working on a review of the Supplemental Alternatives Analysis Report, a bill had not arrived yet, but he stated the project was proceeding within the budget allocation. The process of finding a Consultant for an economic and property impact analysis was underway. This should come back to the Council for budget allocation soon.

Chair Klein asked for an estimate on cost for that analysis.

Mr. Braulik said it was estimated to be about \$40,000 to \$45,000.

Chair Klein asked for a timeline on the analysis.

Mr. Braulik said Staff was working to have it in 30 days. The consultants are suggesting that the timeline will limit the information they would be able to provide. He said the contact should be wrapped up by mid-November.

Chair Klein said that would put the report in their hands in mid-December. He wasn't sure how much action they could take with it at that time.

Council Member Price said she was concerned about having too wide of a focus in the analysis to keep the information relevant. She thought contractors should be able to deliver the report in December.

Mr. Emslie said the Draft EIR should come out at the end of December. Staff was planning on the 45 day comment period to begin around the holidays.

Mr. Braulik said depending on the Council's action regarding the Station; the analysis may be of no use.

Council Member Shepherd said she the scope of work for this analysis was regarding above grade, at grade, or below grade. She said she didn't think the station was a part of it.

Mr. Braulik said the economic analysis component of the report would have to do with a station. The Committee specifically requested in a Motion passed 3-1 that it was a major policy decision and analysis must be done prior to making the decision. Staff kept it in to meet the Committee's expectation. He said the scope of work could still be modified.

Council Member Shepherd said she thought they wanted to go after the economic impact report and should be able to get it faster.

Mr. Emslie said they probably could. He said it might helpful to have data supporting a position against a station.

Council Member Shepherd said she thought that was a \$20,000 question.

Mr. Emslie said that if the total contract was \$40,000 to \$45, 000 it would be within budget.

Council Member Price said they need the data to respond to the Draft EIR. She said it was important to track with the money as it may relate to Caltrain.

Mr. Emslie said the middle of November would be the earliest they would have a contract.

Chair Klein said his comments regarding timing were not a comment on the Consultants ability to get the work done, he didn't think there was a point to rushing them when the City would not be able to use the data immediately.

**MOTION:** Chair Klein moved, seconded by Council Member Shepherd to eliminate the portion of the study related to the High Speed Rail Station.

Mayor Burt said another option would be to defer analysis of the station to a future time in an effort to accelerate what is most important. Bob Dody make a commitment to provide clarity regarding a phased EIR, he also committed to responding to the delay regarding the timeline.

Chair Klein said, regarding the Motion, if the Council agreed to object to a station there is no point in studying it, whether deferred or eliminated. He said they need to be fiscally aware of what they are spending money on.

Council Member Shepherd agreed.

Council Member Price asked if Mayor Burt made an amendment.



Mayor Burt said no, it was his intent to exist with the primary motion. There would be no decision about any future analysis on the impact of the station. Analysis wouldn't necessarily be reconsideration of the station but rather it could give credibility to the City's position.

Chair Klein agreed that if some point in the future a study seemed a good option they could move forward with it.

Council Member Shepherd said a few months ago the question was about the RFP to review stations.

**MOTION PASSED: 4-0**

Council Member Shepherd asked how much the City was spending on HSR. She would like to see totals at some point.

Mr. Emslie said Staff would provide an update.

Council Member Shepherd she would like to know if there was a mechanism to bill the State back for the funds.

6. Legislative Update

Leanna Hunt asked if the Legislative Consultant had provided a report on what is taking place in Sacramento with the veto of Senator Simitian's budget check.

Nadia Naik requested they pay attention to details such as the potential platform height of a station.

Chair Klein said that anytime any Council Member is in Washington they should arrange to have meetings with the Legislators.

Council Member Shepherd said it was important to stay up to date with the information from the FRA meeting the prior week. She said they need to ask who was making national standards on platform height.

Project Manager Rob Braulik said Staff has contacted Anna Eshoo's office relative to the new Federal Working Group. It was difficult to get a response as it was very fluid. Staff would work to gather more information for the Committee. He added that the Committee should start considering between one and three key bills that should be drafted very soon.

Chair Klein asked Staff to get specific dates so he could agendize the topic.

Mayor Burt said they needed to seek clarity on many issues. He spoke regarding the letters sent by neighboring Cities. He said it was concerning that their letter implied that they represented the entire Peninsula. He said that their needs may not meet Palo Alto's. He discussed a portion of the letter that was not consistent, and was weaker, that either the PCC's position or Palo Alto's position in it's assertion that additional funding toward design and construction of the Peninsula portion would go a long way in alleviating concerns. He said those issues were less immediate than how they should proceed with the joint letter. The Congressional delegation has requested that Cities clearly communicate what they want.

**MOTION:** Council Member Shepherd moved, seconded by Council Member XXX, to create a subcommittee to address lobbying the Federal Railroad Administration regarding platform height.

Chair Klein agreed with Mayor Burt. He said he was not ready to commit to a response on the letter yet.

Mr. Braulik clarified that, as he was working on scheduling a meeting with Roelof van Ark, it was the full Council that would meet with him.

Mayor Burt said at the last meeting, they had discussed having a formal meeting with the Committee. Then it became the Full Council. He felt they would have a more substantive conversation if it were just the Committee.

Chair Klein said they would not likely get nine Council Members one way or the other.

ADJOURNMENT: Meeting adjourned at 9:48 a.m.