



HIGH SPEED RAIL COMMITTEE

Special Meeting
November 4, 2010

Council Member Chair Klein called the meeting to order at 8:04 a.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Mayor Burt, Chair Klein, Council Member Shepherd, Council Member Price

Absent: none

1. Oral Communications

Herb Borock spoke about the revised agenda. He said the November 16th meeting was on the prior agenda. He said there should be public discussion of items that are removed from the agenda.

2. Approval of September 15th, 2010 Minutes

MOTION: Council Member Council Member Shepherd moved, seconded by Council Member Council Member Price to approve the September 15, 2010 Minutes.

MOTION PASSED: 4-0

3. Legislative Goals – 2011

Chair Klein said there would be a more in depth discussion regarding legislative goals on November 18, 2010 to be proactive instead of reactive. He reminded them that they were looking for no more than three items. He said the Committee Members need to submit ideas within the next few weeks.

Council Member Price agreed. She said many of the discussions had been informational.

Council Member Shepherd asked if she and Chair Klein were supposed to meet on this.

Chair Klein said they were discussing the State Legislative Goals which was different than the conversation he was scheduled to have with Council Member Council Member Shepherd regarding national standards.

Mayor Burt asked if it would include legislation to support Caltrain's operation.

Chair Klein said he wouldn't rule anything out.

Council Member Shepherd said the topic tied into election results and asked if they should skip to that item. She said they would know more by November 18, 2010.

Chair Klein said this was to encourage Members of the High Speed Rail Committee to consider their goals and perhaps even get some ideas in writing.

Project Manager Rob Braulik said if they developed some ideas now they could bring them to the State Lobbyist to draft a more formal document.

Mayor Burt said the impact of the Federal election was probably higher than the State Elections. He referred to an article in the Mercury News that day regarding the new Chair of the House Transportation Committee, Representative John Mica, and his comments regarding reconsidering allocations given to High Speed Rail (HSR). He said it would be difficult to determine how the moving pieces would eventually fit together. The California High Speed Rail Authority (CHSRA) has yet to determine how they will be impacted by the Federal elections.

Chair Klein said Representative Mica represented an interesting district in Florida. There were no large cities in the conservative district. He suggested that since HSR had been an issue in Florida for a decade or so, Representative Mica should be familiar with the issue.

Mayor Burt said the comments regarding reallocating the funds were in addition to the broader conversation of how many new dollars will become available. The Rail Authority was counting on several billion dollars per year. These projects are not likely to go forward without those funds.

Council Member Price said the lobbyists should give the Committee regular updates including the potential for commuter rail allocations.

City Manager James Keene said Staff would provide updates.

Council Member Shepherd said they had not had a robust conversation about funding being picked up by private sector from out of the country. This could be a viable consequence.

Council Member Price asked if she was alluding to the source of labor.

Council Member Shepherd said the press releases from the Governor's visits abroad seem to indicate that it's possible.

Mayor Burt said the recent trip to Asia by the Governor and Mr. van Ark he stated that absent the full commitment by the Federal Government there would be no private funding. It also would have to be based on a viable business plan. It is unlikely to happen at this point.

Chair Klein said this item was not on agenda, but he said the City or the FRA had no power to stop HSR from accepting a check from China.

Council Member Shepherd told her the issue involved national standards and how trains are operated in the United States. She requested this subject be added to the lobbyist efforts.

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

Chair Klein proposed some revisions to the letter. He said there were a few statements he was not clear about so he changed them.

Mr. Braulik said it was difficult to write the response because the letter was between two different agencies.

Chair Klein questioned how they could refer to the Project Environmental Impact Report (EIR) when it hadn't been written yet.

Mayor Burt said that it was being referred to. Paragraph two discussed the analysis envisioned as part of the EIR. He clarified that Staff was referring to the Project EIR.

Mr. Braulik agreed. He said that when they've talked with the Rail Authority Staff they always say that "it's part of the Project EIR." The document is often referred to so Staff thought it was appropriate to include it in the letter.

Chair Klein said it was a contradiction.

Mr. Braulik said part of the contradiction was the phased implementation being referred to as “necessary” and “not going to happen” in the same letter.

Mr. Keene suggested they leave the word contradiction out and say “expected EIR.”

Mayor Burt said that in van Arks letter he stated that the EIR must be conducted for the proposed full HSR system. The EIR would not be phased.

Chair Klein said that wasn’t a contradiction.

Mayor Burt said the issue was that the EIR would be for the whole system. In practice there could be a phased implementation.

Chair Klein said he just wanted to make sure the response made sense. He said the draft letter said the realignment would consider a four track system, but there weren’t four tracks to realign.

Mayor Burt said the verbiage could state that it would include realignment of a four track system.

Chair Klein did not agree stating that it was a two track system.

Mayor Burt said perhaps it could say realignment of the track system that would become four tracks.

Chair Klein said that realignment was the problem.

Mr. Braulik said that was used in the van Ark letter. He agreed that there weren’t four tracks, but he was keeping consistent with van Ark’s language.

Mayor Burt said they should clarify that the track system would be changed to four tracks. He said he thought one of the more important elements was the commonwealth statements which contradict the letter to Scanlon. He attempted to reconcile the EIR and acknowledged it may not include a proposed full system implementation. Caltrain had requested a phased EIR. The letter says it cannot be a phased EIR. The statements that he made thereafter are that there will not be a phased implementation.

Chair Klein agreed. He suggested they should send the letter back to Staff.

Council Member Shepherd said the crux of the letter was in the last paragraph where they asked to clearly understand CHSRAs position.

Herb Borock said that a program level EIR was about several different projects, each of which may be implemented separately. A project level EIR approves the entire project and the mitigations associated with it. It would be a violation of the California Environmental Act to implement it in pieces.

Mayor Burt said that approval of an EIR that addresses the entire scope of a project doesn't require that the project is built all at once. He said that Mr. van Ark said the EIR is required to consider the full build up. In the fourth paragraph of the draft response letter written by Staff, Mr. van Ark was quoted as stating that there was no financial sense in completing an EIR based on a two track system if a four track system will be required later. He added that no determination of the correct scope of EIR can be made with a fatally flawed ridership basis.

Mr. Braulik said Staff would revise the letter.

Mayor Burt said he would volunteer to assist Staff in crafting the response prior to returning to the High Speed Rail Committee.

Chair Klein said the next draft would be reviewed on the November 18, 2010.

5. Discussion of city letter to California High Speed Rail Authority (CHSRA) – High Speed Rail Station

Project Manager Braulik said the letter was drafted based on City Council action on the October 25, 2010.

Chair Klein said he had a few editorial comments.

Council Member Price asked if Staff drafted a response to High Speed Rail Station Guidelines.

Mr. Braulik said they did and it was sent out previously.

Mayor Burt said in the second paragraph they twice referred to "done right." He suggested they should be clear about what that means. The second reference could change to state "it takes the scare funds away from being able to afford to select and implement a design that would minimize impacts on the community" meaning the dollars spent on the station could be better spent on a

below grade option that would minimize the impacts on the community.

Council Member Price suggested they avoid verbiage that assumes riders will not use alternative transportation to come to a High Speed Rail station. If a station were designed correctly there is a possibility that it might not be an automobile trip inducer.

Mayor Burt said the response was based on the CHSRA's project description which included a 3,000 car garage. They should not respond based on their own hypothetical options regarding station designs.

Council Member Price said she thought they said they would agree to a 1,000 car garage.

Chair Klein clarified that CHSRA's statement had been that a 1,000 car garage could be built at the station, but the remaining parking would still have to be built.

Council Member Price said they were discussing the need to accommodate 3,000 parking spaces within a given radius, but only 1,000 at the station.

Mayor Burt said that would still be auto trip inducing. Riders would drive their cars to a garage further from the station and then take a shuttle to the station. He said CHSRA stated that 750 vehicle trips would be made per hour during peak hours which is triple the impact of the Stanford Hospital development.

Mr. Keene suggested verbiage that stated the requirement for a City on the Peninsula to build a 3,000 car garage as part of the station project would induce more automobile trips. He suggested they limit the conversation to automobile trips and not discuss development.

Chair Klein said this was not a response to anything. It was a cover letter stating that Palo Alto did not want a station.

Council Member Price said she was discouraged about the mobile split.

Council Member Shepherd said they could include verbiage stating that this could add auto inducing trips via local commute rails and shuttles. She said the argument was that Palo Alto was a jobs attractor. She wanted to show the City of Palo Alto's reliance on the local commute rail, while still envisioning a comprehensive shuttle program.

Chair Klein asked for clearer language.

Council Member Shepherd suggested “furthermore the current and long term vision of the City is to reduce the automobile inducing trips via Caltrain.”

Mayor Burt suggested the verbiage just use the word “trips.”

Chair Klein agreed saying the language should state “reduce automobile trips.” He said they should drop out the second, fourth and fifth lines in the summary. He said they should state that they are rejecting further consideration of a mid-peninsula station in Palo Alto.

Mr. Keene asked for the Committee’s opinion regarding the Stanford section of the letter.

Mr. Braulik said Staff was careful not to articulate anything Stanford hadn’t publically stated.

Council Member Price suggested they should simply not address this as it is not a Stanford issue.

Mayor Burt asked if Staff had a letter from Stanford stating their position.

Mr. Braulik said Stanford met with Staff and provided a summary of the meeting where this language is included. They were clear that it could be shared as their current stand.

Chair Klein asked Staff for clarification on whether or not Stanford had sent their letter to CHSRA.

Mr. Braulik said it was understanding that they had.

Chair Klein suggested they refer to and attach the letter from Stanford.

Chair Klein said Staff should complete one more revision of the letter.

Council Member Council Member Price offered to help Staff with the revisions.

Chair Klein said it could forward to the Mayor for his signature rather than come back to the committee.

Herb Borock said he was concerned this was only a draft. He said the CHSRA was meeting in Sacramento that morning to discuss an alternative to the San Francisco to San Jose segment. The CHSRA Staff will provide an update

regarding any changes and the board will be able to provide direction for the EIR.

Mr. Braulik said the CHSRA knew a letter was coming and was well aware of their position.

Mr. Borock said he had sent a letter. The next item on the agenda already had a letter written signed and sent.

6. Discussion of City letter to California High Speed Rail Authority (CHSRA) – Supplemental Alternatives Analysis Report (SAAR).

Project Manager Rob Braulik said the Committee had discussed this previously. The Committee delegated Chair Klein and Mayor Burt to write a letter in response to the SAAR and it had been completed the day prior. He said there had been some discussion about sending a letter to the Federal Railroad Administration (FRA), a key HSR funding source, suggesting they delay the final EIR. The working groups had pointed out that an addendum had still not been released, even though the draft EIR is scheduled for the following month. The concerns regarding the preliminary SAAR had still not been addressed. A letter to the FRA outlining these issues might be in order.

Council Member Price recommended they provide a road map, outlining all the different letters that had been sent, so that everyone has all the information.

Mayor Burt said that many had requested greater than the 45 day comment period after the draft EIR is released. He said the letter should begin with why it was premature to release the EIR. When it is released, then the comment period should be 90 days. The letter should also be sent to the CHSRA, not just to the FRA. He suggested they include statements requesting clarity about why the EIR was rushing forward.

Council Member Shepherd said she was curious about what she had heard about a new oversight group.

Chair Klein said it was not an oversight group; it was an informal ad-hoc.

Council Member Shepherd said it was from the majority party. She asked if the letter would go to them, and if so perhaps they introduce in the letter the concept of funding being addressed to Caltrain.

Chair Klein said they should remain focused.

Mayor Burt said there would be other opportunities to communicate with the various authorities and should remain more tightly focused in this letter. He agreed that the issue of funding Caltrain needed to be discussed, but during another conversation.

Chair Klein said they would respond that they don't have the legal authority to do that.

Council Member Shepherd asked if it would be possible to have a separate communication on the subject at some point.

Mayor Burt suggested the Committee agenda strategies on Caltrain funding.

Chair Klein confirmed that Staff had enough to draft the letter. He asked about sending Chair of the House Transportation Committee, Representative John Mica a letter congratulating him and updating him on what the City had done. He suggested a two page summary of actions.

Council Member Price asked about the change in governorship in California. She wondered if they should be in contact with someone in the Governors Office.

Chair Klein said he had wondered the same thing, the Legislative Consultant said there is no one in that type of position as of yet.

Council Member Price said there would be, so they should track with that.

Mr. Braulik said Staff needs guidance on the letter Chair Klein just asked them to write to John Mica. He said Staff would draft and bring back to the Committee on November 18, 2010.

7. Election Results Discussion

Chair Klein said this item was discussed already.

8. Contracts Update

Project Manager Rob Braulik said there was no additional update since last meeting.

Chair Klein asked if they had received a bill from Hatch Mott MacDonald.

Mr. Braulik said they were still in conversations with the vendor about it.

Council Member Shepherd asked about when they could get an estimate on the total spent. She said they had never discussed requesting reimbursement for all the money the City was spending on this project instead of on the community.

Mr. Braulik said Staff would have an update prepared in time for the next meeting on November 18, 2010.

9. Legislative Update

Project Manager Rob Braulik said there was nothing to report. Item 3 was the focus. The Legislature was not in session.

Mayor Burt said they need to break this into two aspects. One was perspective legislation, and one was the oversight of the Legislature. He said there was a hearing of the full Transportation Committee later that afternoon.

Chair Klein said that on the November 18, 2010 a major portion of the High Speed Rail Committee meeting will be hearing reports from these two meetings.

Mayor Burt added that the Assembly Select Committee on High Speed Rail is tasked with giving more public context for alternatives and issues. It was designed to be a forum outside the authority.

10. Meeting Updates

a. Office Hours, Policymaker Working Group (PWG), & Technical Working Group (TWG) Updates

Project Manager Rob Braulik said they hadn't met since the last High Speed Rail Committee meeting and thus there was nothing to report, the item was here as a placeholder. More updates will be available on November 18, 2010.

11. Future Meetings and Agendas

- a. November 4 – Senate Hearing on CHSRA Ridership, Sacramento, CA
- b. November 4 – CHSRA Meeting (location TBD)
- c. November 18 @ 8:00 a.m. – HSR Committee Meeting, City Council Conference Room

Project Manager Rob Braulik said Staff was trying to reschedule the meeting between the City Council and Roelof van Ark.

Council Member Price asked what the purpose of the meeting with Mr. van Ark was.

Mr. Braulik said it was Mr. van Ark's idea.

Mayor Burt clarified that his statements at the Commonwealth Club that he wanted additional communication with Peninsula cities.

Chair Klein stated that Staff had incorrect dates and could not schedule the meeting.

Council Member Price asked what they were doing to prepare for the meeting.

Mayor Burt said he had some notes that could be a starting point.

Council Member Price said they would discuss with the group prior to the meeting. She wanted to know if there were relevant updates to a meeting with Eshoo's Office.

Mayor Burt said Congress Woman Eschoo focused on pushing the Department of Transportation and Federal Rail Administration to require that the alternatives that had been excluded should be put back into the analysis. He discussed Palo Alto's interest in returning the preferred alternatives into the analysis and how it would eliminate the rush with the Environmental Impact Report. Congresswoman Eschoo requested greater consensus among cities to push out the EIR. He said he would bring it up to the other PCC cities. He updated the Staff regarding the next Policy Working Group meeting on the November 18, 2010. The Technical Working Group would probably the following afternoon. The following day the Peninsula Cities Consortium would meet in the Council Chambers at 8:15 a.m., where Brisbane will be welcomed as a new member.

Council Member Price asked if Mayor Burt was suggesting all the cities sign a single letter or each send out their own letter with a similar message.

Mayor Burt said it would be individual cities.

Council Member Price said that at some point a joint statement would be beneficial.

Mayor Burt said that cities that are not part of the PCC may have no basis to join in a joint communication.

Council Member Shepherd suggested they review other Counties actions such as San Mateo. She also discussed some letters from Peninsula Freight Rail group.

Mayor Burt said it was constructive for them to take the position in response to the statements from Mr. van Ark. They objected to their issues with cut and cover being used as a reason for the High Speed Rail Authority to reject it.

Chair Klein said it was a bit different than Union Pacific's stand. As a private entity they were free to do as they would.

Council Member Shepherd said the letter would not be recognized by the authority.

Chair Klein said they were citizens with a right to speak.

Mayor Burt said that at the recent Policy Working Group the rights go to the users. The freight users have significant standing on those tracks, Caltrain and Union Pacific may not.

Council Member Shepherd clarified that meant they had priority over the rest of the titles.

Mayor Burt said they had federally guaranteed rights.

Chair Klein said as long as they had tracks they would be ok.

Mayor Burt said that Union Pacific can say they would be willing to give up freight on the Peninsula, but the users can say no.

Chair Klein confirmed that they could be satisfied by any configuration.

Mayor Burt agreed. Their value is freight on the Peninsula does not preclude cut and cover.

ADJOURNMENT: Meeting adjourned at 9:43 a.m.