



# RAIL COMMITTEE DRAFT MINUTES

Special Meeting  
March 1, 2012

## ROLL CALL

Council Member Klein called the meeting to order at 8:31 A.M in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Burt, Klein, Scharff, Shepherd

Absent:

### 1. Oral Communications

Herb Borock spoke regarding a policy adopted by the City Council on December 19, 2011 that the High Speed Rail project should be terminated. He suggested during a January 2012 City Council Rail Committee (CCRC) meeting that they recommend the City Council send a letter regarding the termination to the key legislatures. That letter was drafted but not addressed in the same fashion as a normal conduct. He urged the CCRC to correct the letter and resubmit it.

**MOTION:** Chair Klein moved, seconded by Vice Mayor Scharff, that the Rail Committee hear Item Three prior to Item Two.

**MOTION PASSED:** 4-0

### 3. Caltrain Staff Update on Current Issues

Seamus Murphy, Manager of Government Affairs for Caltrain, spoke regarding the blended system and the opportunities for early investment in the Peninsula corridor. The Caltrain corridor was selected to be the route for High Speed Rail (HSR) between San Francisco and San Jose. Caltrain and HSR entered into a partnership that specified the joint planning, design, and construction. The call for a blended system occurred approximately a year ago and supported integrated Caltrain and HSR operations to maximize existing track infrastructure. The benefits included minimizing the impacts to the surrounding communities, lowering project costs, and enhanced project delivery. The first consideration of the Feasibility Study was the operational viability including the corridor and the existing tracks. The assumptions of

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the Feasibility Study included the review of the existing main line tracks, the signaling system, and installation of HSR stations. In the Planning and Capacity Analysis the additional service plan and the Grade Crossing Study were two remaining items to be reviewed. Once those issues were resolved, a set of service plan options would be developed, infrastructure needs would be identified along with fleet, revenue, and cost projections associated with each option. In chapter 2 of the HSR Business Plan there was an acknowledgment that the blended system concept would work for the corridor and there was language included that spoke of the eventuality of a four-track option on the Peninsula. HSR acknowledged the blended system should be approved as a project, independent of the four-track option. The plan continued to anticipate the need to expand to the four-track system and Caltrain had commented on the Business Plan that they were not in agreement. Caltrain requested HSR focus on the blended system and amend their Business Plan to remove reference to the four-track system. The other key point the Business Plan discussed was an opportunity for early investment in the book in sections of Palmdale and San Francisco to San Jose. He heard from the HSR Authority (HSRA) subsequent to the release of the Business Plan they were interested in revising it to determine the investment criteria, specific infrastructure, and improvements the book in investments would support along the Caltrain corridor. His understanding from the HSRA was there would be up to \$1 million available. He did not believe there was \$1 million in matching funds which was the Proposition 1A criteria. The electrification of Caltrain had been discussed broadly on the Peninsula. The benefits to electrification would include more frequent service to more stations thereby decreasing the subsidies required to operate the system. He noted the Southern California participants were presenting a Memorandum of Understanding (MOU) to the Metropolitan Transportation Commission (MTC) so it may be reflected in the funding plan. The HSRA stated there needed to be a consensus position from the Bay Area that reflected what they felt were the appropriate early investment options for the corridor that would assist in the achievement of the official goals. MTC had reached out to the three transit agencies in the three counties to discuss what options would be best and there was a broad based consensus that electrification of the Caltrain corridor should be the first item for discussion for early investment options.

Council Member Shepherd said a high speed train could be the least expensive version for the region. The current MOU did not discuss any of the changes mentioned in the presentation. She asked what the current MOU was used for.

Mr. Murphy clarified the current MOU supported the work being done on the blended system analysis. He agreed there had been changes to the project

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and the scope of the project which were not specifically reflected in the MOU. There was an opportunity to alter the MOU so it was more reflective of the current process.

Council Member Shepherd said Caltrain had an Environmental Impact Report (EIR) in place for the electrification. The High Speed Rail had a Program EIR. She said there was more that needed to be evaluated with the deliberation of the blended system and asked where those EIR's were with respect to the blended considerations.

Mr. Murphy said the electrification EIR could be the vehicle to achieve the early investment needed. He noted the changes in condition from when the EIR was finalized three years ago to date might necessitate a reexamination of the data, some additional studies, and a possible recirculation to reflect the changes prior to any initial early incremental investments. The HSRA Program EIR had been revised. Caltrain was in agreement with the City in that there was no interest in a four-track option. Caltrain informed the HSRA as owner and operator of the railroad they were not willing to embrace any option besides the blended proposal with two tracks.

Council Member Shepherd asked if Caltrain began a Project EIR would that trump the HSR Program EIR.

Mr. Murphy recognized he was not an environmental expert but he believed it would.

Council Member Shepherd said there could not be two projects occurring simultaneously.

Mr. Murphy said that was correct. One of the principles that were frequently overlooked was the blended system project needed to be the independent and final project approved for HSR service on the Caltrain corridor.

Council Member Burt asked if MTC was the lead on the current MOU whereas the prior MOU was strictly between Caltrain and HSR.

Mr. Murphy said that was correct.

Council Member Burt clarified there were three regional transit agencies that had input in the MOU. His understanding of the discussion was to determine what elements Palo Alto believed needed to be in the MOU and possibly address the concerns the City had.

Mr. Murphy agreed.

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Council Member Burt stated one of the overriding elements of concern was the Program EIR was talking about a four-track enabling. The communities on the Peninsula were going to have apprehension moving forward with the four-track option being on the table. The funding agreement in the MOU would be the tools used as immediate and binding assurance that the four-track Program EIR would not be the key element on the Peninsula. He suggested the following changes be made beginning with the Program EIR having identified significant impacts as now being insignificant and could not be mitigated. The principle impacts that must be mitigated may not be binding on an EIR but he believed they should be in the MOU and funding agreement including noise, visual, vibrations, traffic, and the need for involuntary acquisition of property. He recommended the Caltrain EIR be updated and re-circulated prior to the initial project construction fully addressing present and future traffic volume and conditions. The four-track option must be removed from the Business Plan, the HSR Business Plan, and from the Project EIR scope prior to any construction expenditures. Any train volume above the Caltrain EIR baseline would require a separate environmental approval. The MOU would not imply an endorsement of a particular route getting to the Bay Area. An investment grade ridership should be required prior to any determination of the route to the Bay Area. There was an explicit written agreement with the Peninsula Rail Program that context sensitive solutions that would be utilized for the Peninsula but it was never carried out. The prior commitment by the HSRA would need to be adhered to for context sensitive solutions. The agreements would acknowledge that Caltrain would continue to have right-of-way ownership rights and the ability to determine ultimate use of its corridor. He noted an overriding consideration would be for Caltrain, the region commuters, and regional rail was of foremost importance while HSR was secondary.

Vice Mayor Scharff asked for clarification Caltrain had the recommended priority projects which they hoped to release after the MOU was completed.

Mr. Murphy said that was correct.

Vice Mayor Scharff said the funding need was up to \$2 billion. The HSR would supply \$1 billion and there was a need for the second billion but Caltrain was uncertain whether they had it.

Mr. Murphy agreed.

Vice Mayor Scharff asked if Caltrain could complete the advanced signal system without completing the rest of the projects.

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Mr. Murphy explained there was up to \$1 billion available in Proposition 1A. Caltrain had been looking for projects that had significant amounts of relevant match for some amount of that \$1 billion. The three projects on the list that had specific dollar amounts associated with them were the signal system, the electrification of the corridor, and the purchase of Electrical Multiple Units (EMU's) would come to approximately \$1.5 billion. If the funds were divided between state funds, Proposition 1A, and match sources that were identified there was a shortage to achieve a 50 percent match funding at the local level between \$50 and \$100 million.

Chair Klein asked if the \$1 billion referred to with Proposition 1A was spread throughout the entire state.

Mr. Murphy said no, it was designated for the Bay Area section.

Chair Klein asked what amount would go to Southern California.

Mr. Murphy stated a little over \$1 billion.

Chair Klein asked where those numbers could be located.

Mr. Murphy clarified the numbers could be located within the Southern California MOU.

Chair Klein asked if there would be \$1 billion for Northern California.

Mr. Murphy stated no, the HSRA Chair had communicated to Caltrain and to MTC that they were looking at up to \$1 billion to invest in the Bay Area as well as Southern California.

Vice Mayor Scharff asked if any of the funds would transfer to the Diridon Station in San Jose for the HSR or were the funds focused on the three projects previously mentioned.

Mr. Murphy stated the three projects were being looked at as a base line for investment. All of the projects had a significant amount of match dollars associated with them which helped to make them good candidates on top of the independent utility they provided. There could be some investment in the station areas throughout the Caltrain system such as access components. He had not heard what suggestions San Jose or San Francisco had for projects that should also be considered.

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Vice Mayor Scharff asked if the reason behind the possibility of having additional projects was there were funds in the HSR Fund but there needed to be matching funds from the cities.

Mr. Murphy said that was correct.

Vice Mayor Scharff asked what the overall timeframe for the projects was.

Mr. Murphy believed the MTC considered the context of the MOU on March 28<sup>th</sup>. Once the MOU was approved the HSRA would consider it and have it reflected in their revised Business Plan. The revised Business Plan would be considered for approval on April 5<sup>th</sup>. He said between the April and May timeframe a number of different agencies who had funding responsibilities for some component of the early investments would need to be in agreement with the proposal and consider the MOU. He suggested the review period would be a few months.

Vice Mayor Scharff asked the timeframe for beginning the work.

Mr. Murphy said if Caltrain was fully funded for the subset of projects that had been identified and were cash flowed through the entire project with the assumption there would be a need to re-circulate the Caltrain re-certification EIR, make changes to reflect the subsequent changes and additions they could be in revenue service with an electrified system by 2019.

Chair Klein asked who would be preparing the MOU.

Mr. Murphy said the MOU would be prepared collectively with the transportation agencies previously mentioned. The MTC was acting as the lead agency. It had been suggested to meet with local communities, City Councils', and counties, to receive feedback on the options. He said Caltrain would incorporate significant changes to the draft MOU and wanted to provide comments from the communities.

Chair Klein asked if Mr. Murphy was going to share the draft MOU with Palo Alto.

Mr. Murphy said he would need to confirm with the author at MTC of their comfort level. He wanted to ensure Caltrain's changes were incorporated into the draft.

Chair Klein said it would be easier for the City to provide their recommendations knowing what was in the draft.

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Mr. Murphy said he wished to hear what Palo Alto was considering in an MOU if they had a blank slate.

Chair Klein asked what the timeframe was for the City's comments.

Mr. Murphy said the 17<sup>th</sup> of March would provide time for him to incorporate the comments into the agenda.

Chair Klein asked if the comments should be received by MTC or Caltrain.

Mr. Murphy said either or both.

Chair Klein asked who the author of the draft was.

Mr. Murphy said it was a combination of Marian Lee, Mark Simon, and himself.

Chair Klein said as for the four-track system versus the two-track, the Joint Powers Authority (JPA) owned the right-of-way. He asked why they did not articulate to HSR they would not give the authority for a four-track system so it should be removed as an option.

Mr. Murphy clarified the comments were reflective of that sentiment in the Business Plan and the Program EIR.

Chair Klein said the comments were heading in the direction but were not strong enough.

Mr. Murphy said Caltrain would have the opportunity to be forceful in their comments in the MOU and the potential funding agreement.

Chair Klein believed people forget that the JPA owned the right-of-way and those who were involved may need to be reminded of that fact.

Mr. Murphy said the decision making matrix was the final step in the process to determine whether the passing tracks were needed and that timetable was approximately two years away.

Chair Klein said all of these conversations had been with the assumption HSR had the funds and would move forward. He asked what Caltrain was planning if the legislature turned down the HSR funding.

Mr. Murphy said if the legislature said no to the appropriation whether in Southern California or Central Valley.

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Chair Klein said all the legislature had to agree to was the issuance of the bonds. The bonds had not been issued or authorized so as of the moment there were no funds.

Mr. Murphy understood and said the legislature needed to authorize the issuance of the bonds, authorize the sale of the bonds, the bonds needed to actually be sold, and then the investment board at the state level would need to allocate the funds in a way that was heavily weighted in Proposition 1A. He said if those steps did not occur they would need to find an alternative way to fund Caltrain electrification. If the HSR project was tabled because they could not make their construction deadline or their spending deadline and the federal money was re-allocated Caltrain would need to locate another way to fund.

Chair Klein asked if Caltrain was researching other opportunities right now.

Mr. Murphy confirmed Caltrain was looking at opportunities such as the New Starts Program as was the San Francisco Transbay Terminal. The idea of combining the downtown extension with Caltrain corridor electrification was one project called the Fast Start Project.

Herb Borock stated the MOU should reflect the funds needed for the connecting rail line and not in support of the HSR. Proposition 1A had just under \$1 billion for connecting the rail lines but to be able to spend \$1 billion on each the south and north meant there were necessary inclusions for the HSR. He spoke of the draft MOU for Southern California which was on the upcoming HSR agenda for discussion. The HSR staff recommended an amendment to state in order to move forward in Southern California they agreed to begin the project in the Central Valley.

Nadia Naiak, Californians Advocating for Responsible Rail Design (CARRD), confirmed the movement forward was predicated on the construction beginning in the Central Valley which both, the independent peer review and the Legislative Analyst Office (LAO) had called an illegal funding plan. She agreed it would be beneficial to assist the local transportation services but expressed that was one of the reasons Orange County Transportation Authority (OCTA) was experiencing difficulty signing their MOU in Southern California. She wanted to clear the rumor of the deadline change. Because of the current presidential administration, the deadline was never changed and when Senator Simitian probed the administration on the matter in November of 2011 they confirmed the deadline was 2017.



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Kathy Hamilton informed the Committee that the Union Pacific Rail had written a letter objecting to the electrification. She asked if they had changed their view and whether their permission was necessary to complete the electrification of the rails.

Morris Brown noted the funding was predicated on the HSRA granting the money. The HSRA followed the rules of Proposition 1A which was restrictive of how the funds could be allocated. There was a conflict regarding matching funds within Proposition 1A, the use of local matching funds was allowed but the ballot measure clearly noted federal funds only.

Chair Klein asked if Mr. Murphy had heard from the Attorney Generals office as to when they were to issue their Opinion.

Mr. Murphy said no.

Chair Klein suggested scheduling a future special meeting on the 15<sup>th</sup> of March to review the draft document to be written by himself, Council Member Burt, and Staff.

Council Member Burt agreed.

## **NO ACTION TAKEN**

2. Palo Alto Rail Corridor Task Force (RCTF) Study Session A. Draft Rail Corridor Study Report

Curtis Williams, Director of Planning and Community Environment, presented a brief overview of the Draft Rail Corridor Study Report.

Ms. Barbara Moloney, Partner BMS Design Group, said she and her group had been working with the Rail Corridor Task Force (Task Force) for the past year. The vision the Task Force settled on capitalized on the unique and special characters of the area. They focused on the barriers such as the corridor, Alma Street, and El Camino Real for the east west connectivity. There were four general topic areas made for the corridor itself: 1) the City's position on the trench, 2) safety issues posed by the at-grade tracks, grade separations, and locating additional rail crossing, 3) one of the goals was to enforce the mixed-use centers such as California Avenue while protecting the residential areas, and 4) ensuring infrastructure and school capacity was maintained. Connectivity was a topic of conversation with the Task Force; she noted it was challenging to locate crossings within the study area. They reviewed both the Alma Caltrain corridor on the east as well as El Camino Real on the west. El Camino Real was easier to resolve because there were

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many crossings already in existence. The key was to improve them. With the limited options they were able to recommend four additional bicycle and pedestrian crossings primarily located in the middle to northern area of the site. She noted it was difficult to locate additional crossings in the southern part of the area yet those residential areas needed a strong connection to schools and other destinations on either the east or west. The issue was there were single family homes that lined the western side of the corridor so any crossings would require some takings. There were three mixed-use areas within the study area that should be reinforced and enhanced with some additional development focused in these strategic areas; 1) University Avenue, 2) California Avenue, and 3) southern end of El Camino Real. The implementation area was not yet completed but it was a work in progress. There were several topics covered in the implementation area and policy statements that would be coordinated with and recommended for inclusion in the Comprehensive Plan.

Council Member Burt felt the draft memo regarding the goals and policies that went out in the Council packet was important to review. The first item was Rail Improvements Shall Be Constructed in a Continuous Below-Grade Trench Across the Entire City. That statement did not place any parameters on what the rail improvement would be.

Mr. Williams agreed when he reviewed the document the verbiage shall be was inadequate. He established the wording would be revised.

Council Member Burt said the policy referred to future HSR and Caltrain improvements being constructed in a continuous below-grade trench. The current Council policy was in opposition to a HSR system on the Peninsula so the draft policy language was not an accurate statement. He acknowledged there had been prior policy, noting if there were something it would need to be below-grade and there the Guiding Principles should be the basis for the rail corridor principles. The draft mentioned a two-track on-grade system may be an acceptable alternative. He said there was ambiguity there as to whether the partisans were endorsing the four-track system because if a two-track was an alternative it was not clear whether it was a two-track HSR or non-HSR alternative. The blended system was not an alternative but the plan that had the preliminary support should there be HSR on the Peninsula.

Ms. Moloney said the Task Force reviewed the first draft over three months ago and as things have evolved they should revisit the second draft.

Council Member Burt said the Council support for the blended system preceded the first draft. He mentioned under goal 2 of the second policy it

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read; Provide additional safe and convenient crossings. He asked if crossings were intended as pedestrian or vehicular.

Ms. Moloney stated they could be either.

Mr. Williams said the focus had been on non-vehicular crossings.

Council Member Burt agreed on the focus area but the policy had no differentiation. On goals 4 and 5 they spoke of improved access to parks and recreation but within the body there were a number of references on capacity of parks and facilities. He said it was unclear as to whether the goals were ensuring there was adequate access going forward or increasing the supply of schools and parks in the corridor. He noted there was a reference under the second bullet of Land Use and Urban Design correctly stating there were currently no public elementary schools and most of the area was underserved by public parks. He was uncertain whether that reference was to Comprehensive Plan goals.

Mr. Williams believed there was a Comprehensive Plan statement about acreage of park land for popular use.

Council Member Burt agreed there was a section in the Comprehensive Plan but there were other areas within the City that did not meet those criteria. If it was the case that by comparison to other areas of the City this specific one was underserved that was acceptable although merely stating it did not meet the criteria of the Comprehensive Plan was misleading. He acknowledged there were six City parks in the corridor and he recognized they were not full sized.

Council Member Shepherd asked for Staff to provide a cost analysis for the underground crossings and whether there were gifted funds associated. She thought the University Avenue circle area was set for improvements because it was a very dark tunnel that had odors and was not inviting. She asked if the Green Meadow area had experienced barriers from looking at crossings because it was so close to the Mountain View border.

Mr. Williams noted there was a community meeting with the Bike Committee and the City School Traffic Safety Committee where there was identification specifically with bicycles but not exclusively with or from the Green Meadow area.

Chair Klein said the document was labeled second draft, did that imply there would be a third or fourth.

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Mr. Williams stated yes. The document would be presented to the Planning & Transportation Commission (P&TC) on March 14<sup>th</sup>; the Architectural Review Board (ARB) on the 15<sup>th</sup>, there would be a community outreach meeting on March 29<sup>th</sup>. Once all of the comments had been received they would be reviewed by the Task Force and a final document would be presented to Council. Staff was tentatively on the Council agenda for April.

Chair Klein asked whether the Committee felt they should review the final document before Council.

Vice Mayor Scharff agreed they should.

Council Member Burt believed it would be beneficial. He asked if the input provided by the Committee would be reflected in the next draft.

Mr. Williams said the third draft was in progress.

Council Member Burt confirmed the third round draft letter was being generated without input from the Committee.

Ms. Maloney said it was in the process but was not complete.

Council Member Burt hoped the next draft had incorporated input from the Committee. He had concerns with basing assumptions on plans for specific premises when it was almost assured those plans would be outdated prior to the assumptions being released. He recommended Staff not attempt to be specific on referencing existing state or local initiatives.

Chair Klein asked if the Committee members agreed there should be a special meeting.

Vice Mayor Scharff agreed there should be a special meeting.

Chair Klein suggested April 5<sup>th</sup> or 12<sup>th</sup>.

Council Member Burt announced he would be out of town on the 5<sup>th</sup>.

Vice Mayor Scharff Announced he would unavailable on the 12<sup>th</sup>.

Council Member Shepherd said the Committee was meeting on March 15<sup>th</sup> and suggested the discussion continue to that date.

Chair Klein said the special meeting was on a specific subject.

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Mr. Williams said Staff would be attending the ARB meeting the morning of the 15<sup>th</sup> and would be unavailable until after.

Vice Mayor Scharff suggested moving the ARB meeting until after the Committee had reviewed the third draft on the 15<sup>th</sup>.

Chair Klein said he was comfortable with March 15<sup>th</sup> at noon recognizing there was a hard deadline for the Committee to have their comments to Staff by that date.

## **NO ACTION TAKEN**

5. Report from Professional Evaluation Group, Inc.

## **NOT DISCUSSED**

6. Reports on Meetings
  - California High Speed Rail Authority (CHSRA) Board
  - Peninsula Cities Consortium (PCC)

## **NOT DISCUSSED**

7. Future meetings and agendas
  - PCC Meeting (Brisbane) - Friday, March 2, 2012

## **NOT DISCUSSED**

8. Adjournment: The meeting adjourned at 10:15 A.M.