



CITY OF
**PALO
ALTO**

City Council Rail Committee
MINUTES

Regular Meeting
September 13, 2012

ROLL CALL

Council Member Klein called the meeting to order at 8:30 A.M. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Burt, Klein, Scharff, Shepherd

Absent:

ORAL COMMUNICATIONS

Roland Lebrun reported current news regarding electrification of Caltrain and read from the Bay Area Council report regarding the purchase of trains.

APPROVAL OF MINUTES

MOTION: Council Member Shepherd moved, seconded by Vice Mayor Scharff that the City Council Rail Committee approve the April 26, 2012 and May 10, 2012 Minutes as presented.

MOTION PASSED: 4-0

3. Report from the Professional Evaluation Group, Incorporated

John Garamendi Jr., Professional Evaluation Group joined the meeting via conference call. The California High Speed Rail Authority (CHSRA) met during the week to discuss Caltrain modernization. The Bay Area Council presented information to demonstrate Caltrain's economic benefits for the Peninsula. He was part of a coalition that prevented introduction of legislation to change the California Environmental Quality Act (CEQA). Changes to CEQA continued to be an issue, and similar legislation was discussed when the Legislature reconvened. He

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was discussing clean-up of legislation with Assemblyman Gordon's office. The general feeling in the Legislature was that legislators had done their duty in delegating funds, and now the CHSRA had to perform. He advocated oversight of the CHSRA and clean-up of legislation. The Governor's tax initiative continued to move forward. The legal battles regarding High Speed Rail (HSR) were under way. A hearing in the CEQA litigation was scheduled for September 24, 2012. He did not expect to see the Congressional General Accounting Office study until after the elections were held. Rumors abounded in the Legislature regarding an inadequate financing plan and cost over-runs.

Council Member Shepherd inquired whether the Bay Area Council presented information regarding the blended system when they spoke to the CHSRA.

Mr. Garamendi understood that the presentation concerned economic impacts only.

Chair Klein asked for clarification regarding the hearing in CEQA litigation.

Mr. Garamendi explained farmers in the Valley sought a protective order regarding ex parte communications, and a hearing on that issue was scheduled for the end of September 2012.

Chair Klein asked if it was a court hearing rather than a legislative hearing.

Mr. Garamendi answered yes.

Chair Klein inquired about the status of the CEQA litigation in the Valley.

Mr. Garamendi said he knew the litigation was moving forward. They were having a difficult time working with the Attorney General's Office.

Council Member Burt inquired whether Assemblyman Gordon's office had committed to submitting clean-up legislation in the January 2013 session.

Mr. Garamendi stated Assemblyman Gordon's staff was considering discussions with legislative leadership, but they did not make a clear commitment. They appreciated the information and said they would consider it. He said he would know within the next week whether

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Assemblyman Gordon was going to move forward with clean-up in legislation.

Council Member Burt reported that Assemblyman Gordon said he had a commitment from legislative leadership for clean-up of legislation, when the legislation passed. He suggested asking for a plan rather than asking if there was a plan.

Mr. Garamendi agreed. He expected Assemblyman Gordon to follow through; however, he did not receive a formal commitment.

Council Member Burt stated conversations with Assemblyman Gordon or his staff meant that clean-up in legislation would occur.

Chair Klein asked how long the current Speaker would remain in office.

Mr. Garamendi stated he had another term, so it was up to two more years.

NO ACTION TAKEN

4. Update From Jaime Rodriguez, Chief Transportation Official on City Staff Work With Caltrain's Technical Staff on the Grade Crossing and Traffic Analysis

Richard Hackmann, Management Specialist provided the update for Jaime Rodriguez. Staff worked with Caltrain technical staff on gate crossing and traffic analysis. That analysis served as the basis for Caltrain's decisions regarding passing tracks in a blended system and influenced an Environmental Impact Report (EIR) when drafted. Caltrain facilitated two sets of staff meetings. One focused solely on grade crossing and traffic analysis, the other focused on the overarching blended system process. Staff attended technical outreach meetings with Caltrain over the summer and assisted Caltrain with documenting the existing conditions of the roadway networks along the Corridor. Specifically, Caltrain documented the existing roadway volumes and level of service at signalized intersections. Staff provided Caltrain with recent traffic data and a recommendation to measure the cumulative impacts on preemption events, which Caltrain was not considering. Staff also worked with Caltrain to ensure pedestrian and bicycle volumes were considered when measuring intersection and roadway operations took place. Mr. Rodriguez was concerned that Caltrain's analysis reviewed vehicle movements only. Caltrain embarked on further traffic studies of the Corridor, which would take

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place in the future. Mr. Rodriguez also raised concerns about preemption time measures. In its original analysis, Caltrain considered the impacts of gate downtime only. Mr. Rodriguez asked Caltrain to consider the effect of gate downtime on stacking traffic and the length of time for traffic to recover. Mr. Rodriguez attended the next meeting Caltrain had on September 26, 2012 concerning gate crossing and traffic analysis.

Chair Klein inquired about a time table for the analysis.

Mr. Hackmann explained the analysis would feed into the EIR, and Caltrain hoped to conclude the EIR by the end of 2013. He understood that Caltrain's goal to complete gate crossing and traffic analysis was at the end of 2012.

Council Member Burt asked whether Caltrain included anticipated future conditions in the analysis.

Mr. Hackmann understood that Caltrain assumed six trains per hour in the analysis.

Council Member Burt clarified that he meant traffic conditions.

Aaron Aknin, Assistant Director of Planning and Community Environment stated a requirement of the EIR was impact, based on current conditions and on future line conditions.

Council Member Burt noted two specific future conditions: future traffic anticipation and competing preemption of bus and other rapid transit in both Santa Clara and San Mateo Counties. It was nearly impossible to have signal preemption for both bus rapid transit and trains because of the short distance between El Camino Real and the rail. Another factor was the increase of more than six trains per hour. A possible third factor was the impact of Caltrain connecting to either the Transbay Terminal or the Cross-town Subway.

Mr. Hackmann stated the Cross-town Subway would be completed by 2017 or 2019.

Council Member Burt expected a large step increase in ridership once the Transbay Terminal was completed, which caused Caltrain to increase the number of trains to more than six per hour without the blended system. This factor was included in the grade crossing analysis because increased ridership did not depend on additional train

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demand from High Speed Rail (HSR). Caltrain had not discussed establishing objective criteria for grade crossings based on impacts to the area surrounding crossings. Many homes were taken to achieve elevated or submerged grade crossings. The types of crossings constructed were based on impacts to the surrounding area and not on the political wants of the community.

Council Member Shepherd understood San Mateo and Santa Clara Counties used different methods to evaluate traffic, and inquired which method Caltrain used.

Mr. Aknin said he would have to find out which model was used.

Mr. Hackmann explained the original analysis used the afternoon peak number, while Santa Clara County used morning and after peak numbers. Mr. Rodriguez previously recommended use of morning and afternoon peak numbers.

Mr. Aknin reported San Mateo County was in the process of adopting the Santa Clara County model. He determined how Caltrain was handling conflicts in modeling.

Council Member Shepherd wanted to understand how modeling correlated with information she received. She noted trials of signaling preemption for three at-grade crossings in Palo Alto, and asked if Caltrain had a Policy Advisory Committee (PAC).

Council Member Burt indicated the PAC's initial meeting was scheduled for September 18, 2012.

Council Member Shepherd asked who would attend.

Council Member Burt was unsure, but said he would follow up.

Vice Mayor Scharff inquired whether the Caltrain technical group was responsive to the City's concerns.

Mr. Hackmann stated the technical group was receptive to concerns and accepted information from Staff. At the next meeting, Staff asked whether the technical group had gathered information Staff could not provide.

Vice Mayor Scharff asked if there were other concerns Staff had addressed with the technical group.

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Mr. Hackmann reported the main concern was the impact of gate downtime on arterial corridors and traffic congestion along those streets.

Roland Lebrun indicated Caltrain technical specifications mandated grade separation with four tracks. The warning time increased from 25 seconds to up to 40 seconds for each train in a three-track system. The increased warning time and traffic impact was the reason for the use of two tracks at crossings.

NO ACTION TAKEN

5. Discussion of Possible Revisions and Updates to the Rail Committee Guiding Principles

Richard Hackmann, Management Specialist reported Guiding Principle Number 12 was separated into two statements, Number 12 and Number 13. Guiding Principal Number 12 says Palo Alto supports the modernization of Caltrain but whether or not that includes electrification is still undetermined. Guiding Principal Number 13 says Palo Alto supports Caltrain as the lead agency for all system improvements in the Caltrain corridor. Guiding Principle Number 16, regarding the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), was an addition to the Guiding Principles. Guiding Principal Number 16 says that under no circumstances should HSR or Caltrain be exempted in any way from the CEQA or the NEPA, including any amendments.

Council Member Shepherd inquired whether Guiding Principle Number 12 now correlated with the Transportation Element in the Comprehensive Plan.

Mr. Hackmann explained the Comprehensive Plan stated the City supported the electrification of Caltrain. As the Comprehensive Plan was revised, the Council decided whether the Comprehensive Plan stated support of electrification or modernization. The Guiding Principles did not state clearly the City's intentions. The purpose of the revision to the Guiding Principles was to clearly state the City had not taken a position on modernization. With respect to the blended system, the Committee supported Caltrain as the lead agent if one occurred.

Morris Brown inquired what the "one" in "if one occurred" in Number 13 represented. The previous Guiding Principal Number 13 says if one

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is to occur, Palo Alto supports Caltrain as the lead agent of a Blended System, independent of the Authority.

Mr. Hackmann said it meant the blended system.

Chair Klein had concerns about the language because people did not have the same understanding of modernization. The City had to be explicit with regard to its position on electrification. He proposed language like "whether or not this includes electrification remains to be determined" or something similar. He asked why Number 13 stated "if one will occur." Number 16 stated the City opposed any amendment to CEQA and NEPA.

Council Member Burt explained why the blended system was not guaranteed to occur. He said it was reasonable to retain the language in Number 13, and to add clarification on the words "if a blended system occurs." He understood the intent of wanting Caltrain to be the lead agency, but questioned the meaning of "independent of the Authority." The City wanted Caltrain to retain its lead and ownership of the right-of-way and the ability to have that authority. Concerning Number 16, he proposed language of "under no circumstances should any aspect of High Speed Rail (HSR) or Caltrain be exempted." The Background Information was factual and reflected current legislative action.

Vice Mayor Scharff agreed with updating the Background Information to include legislative action. He asked Chair Klein to explain his reasoning for opposing any amendment to CEQA and NEPA.

Chair Klein did not propose precise language for Number 16. It stated the City was also opposed to any amendment of CEQA and NEPA.

Vice Mayor Scharff opposed amendments to NEPA and CEQA if they were made for the purpose of expediting HSR. Other amendments to CEQA were needed.

Chair Klein suggested Number 16 state the City opposed any amendments that weakened the present environmental protections with respect to HSR. He requested Staff make note of the revisions and suggested the City Council Rail Committee (Committee) consider deleting the historical background, as it was going to change again.

Council Member Shepherd proposed eliminating the first five words of Number 13, beginning with the statement "Palo Alto supports Caltrain

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as the lead agent." He wanted that moved to "for any and/or all system improvements on the Corridor" and wanted to eliminate "independent of the authority."

Vice Mayor Scharff agreed.

Chair Klein agreed.

Council Member Shepherd agreed with Vice Mayor Scharff's comments regarding CEQA. She suggested a subcommittee be formed to draft an explanation of the City's interpretations of legislative actions and for the blended system to be included in the introductory paragraphs.

Chair Klein asked when the Committee's next report to the City Council was scheduled.

Mr. Hackmann answered October 2012.

Chair Klein believed the report could be the same as Council Member Shepherd's summary if it was broadened to be appropriate for the entire community.

Council Member Shepherd felt the report should embody the current circumstances and the intentions of the City to continue its efforts.

Chair Klein requested the date of the report for the Council in order to coordinate with the Committee's next review of the Guiding Principles.

Council Member Burt suggested Guiding Principle Number one should affirm and state the City's position on opposing an elevated system and should include legislative support for the City's position. Guiding Principal Number one says the City supports a non-elevated alignment of HSR/Caltrain in Palo Alto.

Chair Klein felt many of the Guiding Principles could be written in the affirmative.

Adina Levin, Friends of Caltrain wanted Caltrain to be the lead agency and to have Caltrain and HSR work together for compatible systems. She stated Guiding Principle Number nine was phrased for previous circumstances, and asked what the intent of Number nine was. Guiding Principal number nine says the California High Speed Rail Authority (CHSRA) should provide sufficient funding to affected cities to allow them to hire experts to study reports requiring feedback and

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sufficient outreach to the community to capture their concerns and suggestions. She suggested the City's statement in support for Caltrain modernization include benefits of modernization, assuming impacts were addressed.

Herb Borock felt it was a mistake if the language of Number 13 gave the impression that the City wanted Caltrain to perform a combined Environmental Impact Report (EIR) at the current time. Until the courts acted, there was not an approved system for HSR. The hearing schedule in the City's appellate case was early November. With regard to the Central Valley litigation, the Attorney General proposed a schedule that would end with a decision in May 2013

Roland Lebrun believed the issue with Number 13 was the Memorandum of Understanding (MOU), and advised the Committee to read the MOU carefully in order to draft appropriate language for the Guiding Principles.

MOTION: Chair Klein moved, seconded by Vice Mayor Scharff that the City Council Rail Committee refer the document back to Staff with the recommended revisions in mind and have Staff return to the City Council Rail Committee for review.

MOTION PASSED: 4-0

Chair Klein inquired about the time table for considering the City's position on electrification of Caltrain.

Mr. Hackmann reported the Committee would need to clarify the position in order to provide input on Caltrain's EIR, and felt the process to clarify the position should be underway by the first part of 2013.

Steve Emslie, Deputy City Manager explained the timeline for Caltrain to issue the EIR and he suggested the Committee have the course of 2013 to determine a policy position regarding electrification and modernization.

Chair Klein asked if the Committee needed to have the EIR prior to taking a position.

Mr. Emslie stated the City should have an updated, fully-vetted position on electrification of HSR in order to interact with the EIR process. That was one of the City's major leverage points in the decision-making process.

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Council Member Burt asked Chair Klein for his vision of possible reasons for the City to oppose electrification because electrification of Caltrain would not have significant detrimental impacts on the community. The detrimental impacts occurred when electrification led to a blended system and grade separations. The concerns were these later occurrences, which was not electrification per se.

Chair Klein stated there were a variety of ways to look at the question, which led to the need for a time table and a work plan. The Committee needed to vet all issues to some degree before taking a position. The Committee needed three or four sessions to discuss the issues and determine a position.

Council Member Burt was not able to reach a decision on issues such as Canopy Impact and the Catenary System before reviewing an EIR.

Chair Klein stated information would be released before the full EIR was made available. The Committee needed to take positions, or develop understanding before receipt of the full EIR.

Council Member Shepherd suggested discussion of the structure for appointments to the Joint Powers Board (JPB). She was unclear about the Committee's direction in deciding whether to support electrification or an alternative.

Chair Klein felt the Committee would not discharge its obligations if it did not consider alternatives to electrification.

Council Member Shepherd stated that by not commenting on Caltrain's EIR, it could be interpreted as support of the EIR.

Vice Mayor Scharff wanted to receive as much information as possible and make a decision as soon as possible. The Committee was not going to make a decision if they needed information from the EIR. He asked if HSR trains operated on a Diesel Multiple Unit (DMU) system.

Chair Klein said the Committee needed to determine that.

Mr. Hackmann reported trains operated underneath in an electrified system. The question was whether to continue using DMUs or to switch to electrification.

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Vice Mayor Scharff understood Caltrain could be electrified with HSR money because electrification was needed to prepare for the HSR system.

Council Member Burt reported HSR and electrification had different funding sources. In general, Caltrain was modernized without State HSR funds.

Vice Mayor Scharff requested Staff report on those complexities.

Mr. Hackmann said that would be in the session.

MOTION: Chair Klein moved, seconded by Vice Mayor Scharff for the City Council Rail Committee to direct Staff to return with a work plan schedule on the issue of its position on electrification.

Council Member Burt suggested the Committee consider a Guiding Principle that Caltrain representations have a greater reflection of those cities with high levels of Caltrain ridership.

Chair Klein suggested a Guiding Principle related to the independent funding source for Caltrain and Caltrain's governance.

Council Member Burt noted that Caltrain indicated the counties that were determined as representatives on the JPB.

Chair Klein envisioned elected representatives to be on the JPB and their being other possible means of appointing representatives.

Council Member Shepherd suggested appointing a City Council Member as a liaison to Caltrain.

Chair Klein asked Mr. Garamendi about legislation concerning an independent funding source for Caltrain.

John Garamendi Jr., Professional Evaluation Group, Incorporated said he would research the issue.

MOTION PASSED: 4-0

6. Discussion of a Press Release/Web Post Updating the Community of Where Rail Issues Stand

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Council Member Shepherd inquired about a subcommittee to revise the introduction to the Guiding Principles, and then to use the introduction as a concise statement for the community.

Chair Klein asked if the City Council Rail Committee (Committee) agreed to request Staff to prepare a draft and submit it for review.

Vice Mayor Scharff asked whether they were still discussing the Guiding Principles.

Council Member Shepherd answered no. They were discussing a possible press release. She hoped to draft a statement relating the City's interpretation of use of bond dollars.

Vice Mayor Scharff clarified that the subcommittee would create a press release and update the web pages.

Council Member Shepherd believed the statement could be a two-paragraph summary.

Chair Klein felt it would need more than two paragraphs for a full explanation.

Council Member Shepherd suggested an executive summary.

Council Member Burt agreed with the concept and felt it should include future issues as well as present issues.

Chair Klein indicated the executive summary could be the Committee's report to the City Council, and believed Staff should draft it.

Steve Emslie, Deputy City Manager reported Staff would draft the report for a broader audience and present a draft to the Committee before submitting it to the Council.

Chair Klein stated once the Committee agreed on Staff's draft, then the subcommittee would polish it.

Council Member Shepherd wanted to ensure the report illuminated the Rail Corridor Study and the Comprehensive Plan.

MOTION: Chair Klein moved, seconded by Council Member Shepherd for the City Council Rail Committee to direct Staff to prepare a report

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for City Council, keeping in mind it would be a document that would be distributed to the public.

MOTION PASSED: 4-0

7. Consideration of Requests to the Peninsula Corridor Joint Powers Board Regarding Termination of Their 2009 MOU with the California High Speed Rail Authority and Scope of The Environmental Impact Report on the Modernization and Electrification of Caltrain

Chair Klein placed this on the Agenda in response to communication from the Community Coalition on High Speed Rail (CCHSR), and inquired whether this topic was discussed at the Peninsula Cities Consortium (PCC) meeting the prior week.

Council Member Burt stated it was briefly discussed.

Richard Hackmann, Management Specialist reported at the end of the PCC meeting, CCHSR presented a brief overview of the document. CCHSR had a few key requests related to the 2009 Memorandum of Understanding (MOU) and Environmental Impact Report (EIR).

Chair Klein asked if PCC responded.

Council Member Shepherd inquired about the requests.

Chair Klein indicated the requests to the Peninsula Corridor Joint Powers Board (PCJPB) were: 1) the PCJPB withdraw from the 2009 MOU with the California High Speed Rail Authority (CHSRA); and, 2) that the EIR be performed from the beginning without using the 2004-2009 draft. The CCHSR requested the City consider a recommendation that the PCJPB withdraw from the 2009 MOU with CHSRA and consider various items regarding the EIR.

Vice Mayor Scharff asked for a copy of the report.

Mr. Hackmann reported it was being copied.

Chair Klein asked if the PCC took action on the report.

Mr. Hackmann indicated Staff could draft a policy statement expressing the City's interest in the two main points if the City Council

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Rail Committee (Committee) agreed. The statement was signed by the Mayor and distributed to Caltrain and the appropriate agencies.

Vice Mayor Scharff asked how the MOU and EIR affected the process.

Mr. Hackmann reported the 2009 MOU formed the Peninsula Rail Program and had a number of stipulations for how the four-track system would operate. The 2012 MOU created the blended system and was more limited in scope than the 2009 MOU. Withdrawing from the 2009 MOU eliminated confusion concerning issues not covered by the 2012 MOU.

Vice Mayor Scharff inquired about Staff's argument not to withdraw from the 2009 MOU.

Chair Klein noted the City had supported withdrawal from the 2009 MOU in communications, and inquired whether the PCC would consider withdrawing from the 2009 MOU.

Mr. Hackmann explained the PCC did not take any formal positions as a group because the PCC members were representatives for their cities. The PCC requested cities' positions be presented and discussed at PCC meetings.

Council Member Burt recalled the PCC received this report at the prior meeting, but did not discuss the various aspects. The PCC chose to agendaize the report and have an in-depth discussion if they wanted.

MOTION: Chair Klein moved, seconded by Vice Mayor Scharff that the City Council Rail Committee continue this Item to the next meeting.

Chair Klein suggested inviting a CCHSR representative to speak at the next meeting on this topic.

Council Member Shepherd inquired whether Caltrain had officially stopped the 2003 EIR.

Steve Emslie, Deputy City Manager reported Caltrain had stated numerous times it would circulate a new EIR, but it had taken no formal action to stop the 2003 EIR process.

Council Member Shepherd suggested the Committee decide which parts of the 2009 MOU affected Palo Alto and explain to the PCJPB how it could modify the MOU.

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Council Member Burt asked Council Member Shepherd whether Supervisor Kniss stated the PCJPB had any intention of abandoning the 2009 MOU.

Council Member Shepherd understood the 2009 MOU was linked to the 2012 MOU through the funding mechanism.

Council Member Burt recalled the PCJPB's response about where the two MOUs addressed the same issue because the 2012 MOU superseded the 2009 MOU. He requested Staff provide reasons to retain the 2009 MOU.

Council Member Shepherd explained the 2009 MOU allowed High Speed Rail (HSR) to own the right-of-way for all EIR project's, even though Caltrain now indicated it owned the Corridor.

Council Member Burt reported the content and weight of Caltrain's Resolution was a third element that had to be reconciled. The Resolution supposedly was a basis for HSR collaborating with PCJPB.

Mr. Hackmann indicated that prior to the next meeting Staff would work with Caltrain to obtain substantial information relating to its position on this.

Council Member Burt asked Staff to attempt to obtain clarification on the weight and impact of the Caltrain Resolution.

Chair Klein stated the Committee was not adopting any position on any of those things at the current time.

Herb Borock believed the City should not only respond to CCHSR's report but also adopt a position. The City had not stated why it felt the 2009 MOU should be terminated. In terms of letters of comfort, the language of the HSR legislation was unambiguous.

MOTION PASSED: 4-0

8. Reports on Meetings

- California High Speed Rail Authority (CHSRA)
- Peninsula Corridor Joint Powers Board (PCJPB)
- Peninsula Cities Consortium (PCC)
- San Mateo County Rail Corridor Partnership (SMCRCP)

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Richard Hackmann, Management Specialist reported no significant news from the prior Peninsula Corridor Joint Powers Board (PCJPB) meeting. The next meeting was scheduled for October 4, 2012. At the prior Peninsula Cities Consortium (PCC) meeting, Caltrain staff updated the status of the blended system process. The next PCC meeting was scheduled for October 12, 2012 in Menlo Park.

FUTURE MEETINGS AND AGENDAS

Richard Hackmann, Management Specialist indicated the next City Council Rail Committee (Committee) meeting was scheduled for September 27, 2012.

Chair Klein would not be available on that date.

Mr. Hackmann inquired whether the meeting should be continued to October 4, 2012.

Chair Klein felt that date would provide sufficient time for Staff to revise the Guiding Principles and draft the report to the City Council.

Vice Mayor Scharff was not available on October 4, 2012.

Chair Klein suggested Staff poll for a date during the week of October 1, 2012.

Council Member Shepherd asked Council Member Burt whether the Peninsula Cities Consortium (PCC) was expanding.

Council Member Burt replied no. PCC continued to discuss future actions if the policy maker group evolved, but it had not made any decisions.

Council Member Shepherd inquired whether the San Mateo County Rail Corridor Partnership (SMCRCP) was completely separate from the PCC.

Council Member Burt reported PCC shared with SMCRCP a strong interest in a policy maker working group, but one whose governance structure was directed by the cities rather than staff.

ADJOURNMENT: The meeting adjourned at 10:10 A.M.