



HIGH SPEED RAIL COMMITTEE

Special Meeting
August 30, 2010

Council Member Price called the meeting to order at 5:02 p.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Burt, Klein, Shepherd, Price

Absent: none

1. Oral Communications

Hinda Sack spoke regarding some history of the project. She wanted to know if the lawsuit had something to do with the California High Speed Rail Authority (CHSRA) reaction to the response. She wasn't sure that cooperation was a good policy. She said the City needed to determine if different solutions for different neighborhoods was an option. She advocated the City approach being one of only accepting the trench option.

Bob Saidich spoke regarding Senator Barbara Boxer being at the Commonwealth Club the following day. He said that the new CEO of CHSRA, Roelof van Ark was going to speak at a luncheon at the end of the month.

Mark Petersen-Perez said he was in favor of a HSR system. He said he owns two Land Rovers, and prefers taking his electrified go-ped. He spoke regarding his enjoyable experience on Europe's HSR systems. He spoke regarding his concern of eminent domain. He suggested the Council and Staff work European communities that have HSR and discuss eminent domain, pollutants, etc. He asked the Committee to Google ATV.

Henry Lew said his community is close to the San Antonio station, and he

said they are very concerned with the potential movement of that station.

2. Continuation of item 2 discussion of California High Speed Rail Authority (CHSRA) Supplemental Alternatives Analysis Report (SAAR).

High Speed Rail Project Manager, Rob Braulik said the Committee had begun to discuss track options identified by CHSRA at the previous meeting. He described some options as articulated by the CHSRA. He said there could be multiple options for the City. He said the open trench option was the only option identified for the entire corridor. He said the CHSRA identified that the area around El Palo Alto would likely be a trench to protect the tree. He addressed the cut and cover issue, saying CHSRA left that option open but cities would be responsible for the cost. He said that Staff tried to identify the various costs associated with the different options.

Council Member Klein asked about the independent cost analysis by the engineering consultant Hatch Mott McDonald.

Mr. Braulik said Staff was currently reviewing the document. Staff will request more detailed information from them. He said the costs identified in the Supplemental Alternative Analysis Report (SAAR) do not include right-of-way costs. Staff would try to identify a range for that as well.

Council Member Klein asked if the consultant had started work on their analysis and when the Committee could expect the results.

Mr. Braulik said the Consultant had started the analysis, but they do not have a defined date for completion yet. Staff would provide the Committee a status on September 13, 2010. He continued his presentation saying that Staff had identified key questions and some additional issues for the Committee to consider. He added that Staff had indicated that CHSRA should not change the configuration of Alma; however some of the current alternatives would impact the street. Right-of-way encroachments should error on the side of commercial properties versus residential. He said the area was a key traffic corridor for both commercial and residential. That option had the lowest right-of-way encroachment issues of the three options. The best estimate at this time was an approximate 80 foot right-of-way would be required. In Palo Alto that would mean they wouldn't have to encroach on many properties. Staff had identified some questions and asked the Committee to discuss these issues so Staff would incorporate it into a Staff Report for the September 13, 2010 meeting. Current activity and next steps had also been outlined in the report.

Council Member Shepherd asked Staff to review the letter from CHSRA CEO Roelof van Ark regarding the position they presented for the open trench. She wanted clarification regarding the possibilities of open trenching. She added that CHSRA had already made their preferred alternative selection for the northern cities on the peninsula, yet the letter seemed to say otherwise.

Mayor Burt said that the claim by Mr. Van Ark was that their determination of the vertical alignment was not a final determination.

Council Member Shepherd said at the meeting it was clear they were presenting alternatives.

Mr. Braulik said there was no discussion regarding their Federal Railroad Administration (FRA) application. At that same meeting they published the SAAR articulating three design options as part of the environmental process. When they presented the FRA application it outlined the track configurations and it did not match the SAAR. Last Friday at the CHSRA Technical Working Group meeting they stated that this was creating confusion. He said the alternatives discussed in the SAAR are still under consideration for the entire peninsula corridor despite the FRA application. The FRA application was only their attempt to get funding. The three design alternatives are still under consideration.

Council Member Shepherd said she was confused regarding the options. She said they presented one selected alternative for the northern cities. It appeared they were choosing the cheapest alternative versus the alternatives preferred by the communities.

Mayor Burt asked if Staff's next steps were intended to address the items going to Council.

Mr. Emslie said they were.

Mayor Burt said asked if it addressed Palo Alto's response to the Program Environmental Impact Report (EIR) for the Central Valley to the area.

Mr. Emslie said that was coming later in the week. Staff was preparing a statement raising their objections regarding the EIR not addressing their concerns.

Mayor Burt confirmed their letter would state that they don't believe the Program EIR was legally sustainable because it did not properly address comments.

Mr. Emslie said that was correct.

Mayor Burt confirmed Staff would be asserting the belief that that document does not meet legal standards.

Mr. Emslie confirmed.

Council Member Klein said Council would have to make a decision whether or not to proceed with litigation soon as the deadline was October 1, 2010.

Mr. Emslie agreed.

Council Member Price asked for clarification on Council Member Klein's comments.

Council Member Klein said that everyone had until the Board Meeting on 9/2 to register comments. CHSRA responded to the comments through a Program EIR. This revised EIR will be sent back to the court. Palo Alto still has a number of concerns to get on the record, but they must be submitted by the meeting on Thursday in order to be included in any litigation. He said Staff was reserving legal options by filing the comments by the deadline. This does not mean there will be litigation as that is a decision for the entire Council, it simply is a step to keep options open.

Council Member Price said the Staff Report listed a significant amount of specific questions and issues. She said the Committee would not be capable of responding as they didn't have all the information needed. Staff asked if the City should seek analysis on the economic impact to provide a basis on HSR alignment. She said she thought they were already working on that with the Economic Development Study.

Mr. Braulik said work on that had not started yet. Council Member Price was correct, on the 13th of September the Rail Corridor Study, the Economic Development Analysis, and the Property Value Analysis will not be complete. They have started the process for the Rail Corridor Study. A Request for Quote (RFQ) has been issued for a Property Value Analysis. An item on the Agenda included Staff's request to add an addendum to the Property Value Analysis to include an Economic Development Analysis.

Council Member Price asked what they hoped to achieve on September 13, 2010. For example there were no estimates for the costs for cut and cover options. She said there had been some meetings with tunneling experts, design experts, funding option experts, and a whole range of people. She asked when the critical information from those meetings would be reported on. She mentioned the residents of Berkeley and their successful efforts in the 1960's, to keep BART below ground. She added the open trench option would work with neighboring cities.

Mr. Braulik said Staff was planning on discussing this with neighboring communities.

Mr. Emslie said that the technical information available so far indicated that the driving design criteria was geographic and created a similar grade setting situation for the neighboring cities. He said more information was still needed before Staff could make a recommendation.

Council Member Price said construction impacts for the various alternatives would be helpful information. She requested a chart to help the Community and the Committee understand these components to the alternatives.

Council Member Klein asked for an understanding of how much undergrounding would be involved to handle trenching for El Palo Alto and the creek.

Mr. Emslie said that was an open question. Hatch Mott had questioned the depth they were planning for below the creek. There were concerns about it artificially driving the cost up. A satisfactory answer had not yet been received.

Klein said the formula couldn't be that hard to determine how far down they had to go.

Mr. Emslie said Staff had asked. The trench cover can be at the creek bottom, they would have to restore the creek in the area and it was a policy issue with the environmental agencies.

Council Member Klein asked how much more they need. He wanted a range.

Mr. Emslie said Hatch Mott had raised the question, but they didn't explore it further.

Mayor Burt said that El Palo Alto drove the necessity to go below grade, he asked about CSHRA's options to stay at grade.

Mr. Emslie said they would avoid the at-grade construction impacts if they could. Even with the at-grade options some areas would still have to go below grade.

Mayor Burt said he brought it up because at the PWG meeting they claimed they would be able to get four tracks in 80 feet, at-grade, at El Palo Alto. He wanted to see the City's analysis of this option.

Mr. Braulik said that at the hearing on August 5th they discussed that.

Mayor Burt said the Committee needed clarification regarding CSHRA's intent. He wanted to know if they accept that it has to be below grade to cross the creek or if they were asserting there was an at-grade option.

Council Member Shepherd requested clarification on the new worksheet.

Mr. Braulik said Technical Working Group A had a meeting. Then Group B had another meeting. The options under consideration were A, B and B1.

Mr. Emslie said they asked to put the cities into groups

Mayor Burt confirmed that those were the proposed CSHRA had rejected.

Tony Carrasco spoke regarding options discussed. He said the two track option was not evaluated in the EIR. Given the difficulty of getting something through Palo Alto, Menlo Park, and Atherton he was concerned that this alternative might become their preferred alternative. He said the four track alignment on grade was continuing to be evaluated. A trench in Palo Alto would be mean four to six miles of on-grade solutions to another city to keep the budget. He felt they were moving the direction of the Berkeley model for BART from the 1960's. He said understanding the costs at this point was critical in order to determine the correct solution.

A public speaker said the only option that doesn't change grade repeatedly is the deep tunnel in option from Atherton to Sunnyvale. She wanted to understand why the preferred solution was to repeatedly change the elevation of the tracks.

Bob Saidich said that the whole system had to be built one segment at a time. He wanted to know if that was a truthful statement or not.

Council Member Klein said they were not sure yet.

Mayor Burt said it wasn't true they couldn't build more than one segment. At best their funding would only be able to build one at a time. The FRA funding would be cobbled together with last years funding. If California gets that money, and holds onto last years funding, along with matching funds, those dollars may have to be spent on one segment. Van Ark and the FRA said that was the intention. Bob Dody said they were hoping to divvy up the funds. The peninsula corridor was the least likely to qualify for funding. He said they still had to respond to the issues before them as if they would happen.

Bill Cutler said he wasn't sure why the deep trench would be incompatible with maintaining or improving Alma Street. He said a shelf on the east side of the trench could support the lanes of Alma Street. He said there was a possibility that cost would not be an overriding factor if it was kept in reasonable.

Leanah Hunt spoke regarding the public fear of what the future will hold. Many homes have been withdrawn from the market. She said she spoke with a representative of CAARD as well as realtors in other areas and they had offered to work on the assessment of valuations along the corridor. She said it was important to discuss the millions of dollars at risk along the corridor. An EIR in December would dramatically affect their ability to sell property.

Rick Crusier spoke regarding the rule of three. He said it says that the original estimate, multiply it by three and that would be the cost. He said he would be back to remind the Committee of the rule again.

Council Member Klein said to start with the broader issues on page six of the Staff Report.

Mayor Burt asked about the public comments that were not identified in the Staff Report. He said without framing some of the outstanding major issues, they might not be able have a meaningful response.

Council Member Klein said they could bring up any issues they wanted to.

Council Member Price said this was similar to her earlier observation regarding the determination of which items were time sensitive. She would concur with Mayor Burt's remark that community members have brought up points that are

important to the conversation. She asked what they would accomplish on the 13th of September. They should focus on the immediate tasks and frame the policy discussions so they are more meaningful.

Council Member Klein said the 13th was not a hard deadline. The only deadline was the court filing date if we challenge the EIR.

Price said that should be the focus.

Council Member Klein reiterated his opinion that the Committee should set an overall tone different than they had been doing. A City policy should be set that they have no confidence in CSHRA and then react accordingly. They would follow up with letters and lobbying the State Legislature to replace the CSHRA and call a halt to the misguided project. He said that the Joint Powers Board at Caltrain should be lobbied as should Union Pacific because of their veto rights. He said this was the time for Palo Alto to weigh in. He said they had been stonewalled by CSHRA. The letter and the application to FRA were astonishing and nonsensical. He said their claim of not having a preferred alternative was incorrect. He also wanted to make it clear to the public that the City had met with CSHRA.

Council Member Shepherd said this was a time when they could decide what is best for the City. It should not, however be just about shutting down a project. She said it was her assumption that it will be stopped after the election. She felt that Palo Alto could play a unique role in discussions with Caltrain. She said she worried about the fate of Caltrain without High Speed Rail. She wanted to know if the public really wanted the project to stop or if there was a preferred alternative. She stated that she would prefer to work with what they want versus what they don't want.

Mayor Burt said that they could include a strong endorsement for a modernized commuter rail system for Caltrain. There are other modernizations besides electrified. There would be no reason to not include that affirmative statement. He added that the no confidence position will become a de facto reality. The project will be slowed down to a crawl once the funding realities hit. He expressed concern about the property values diminishing now while the project stalls for years. He said that the preferred design alternatives were as much as they could afford under the \$43 billion for the whole system. They don't have the money to do it right. Based on this, the City needed to figure out what they wanted. He said that the Peninsula Cities should be united in their effort to not allow a project EIR to proceed that would then be dormant for a considerable

amount of time. He said that if there was no funding for phase one there would be no reason to discuss phase two.

Council Member Price said she agreed that they had a weak confidence at best in the CSHRA. She said if the process was imposed, on a parallel path they should approve the certification for the electrification of the Caltrain corridor. She recognized the weak points to the High Speed Rail Plan, but she believed they should push for the open trench. She said there were creative scenarios for achieving the funding. She suggested they should not immediately refuse the efforts to find a creative solution for the community and the region to get people out of their cars. She said there were many compelling reasons to consider open trench which has the potential to reduce the impacts to the community while providing services to the community and eliminate the visible catenary.

Mayor Burt asked if the No Confidence vote precluded Council from continuing to provide their comments on the SAAR.

Council Member Klein confirmed that was correct. He said that he specifically chose his words to be "no confidence in the High Speed Rail Board and no confidence in the High Speed Rail project as presently designed." He said he would consider other options but wanted this one off the table. He did not include anything about Caltrain because the subject was High Speed Rail. He added that he did not believe CSHRA will listen to Palo Alto's preferences. Working through the Legislature may work, but they have to start over first. He commented on CHSRA's work to stay "on-message." He hoped there would be a change after the elections, but he said they could not count on it. He said that Palo Alto's neighboring communities share many of the same views. It's time to recognize this as a regional issue. He said it wasn't likely for Palo Alto to have the money to pay for an open trench without a voter approved bond measure. He said the City should be in a "serious opposition" mode.

Council Member Shepherd clarified that this was not an effort to get HSR to make a decision. It was about trying to advocate for an improved Caltrain. She added that the program EIR certification was in 45 days.

Mr. Emslie said it was scheduled to be certified the following week.

Council Member Shepherd said there were then 30 days to respond. This meant that it would go up the peninsula, and their alternative was the Caltrain right-of-way. Advocating for Caltrain during a time when there won't much High Speed Rail activity will need to be considered. She did not agree with

having a certified program EIR through Pacheco pass. She said they needed to advocate for what they want, at a level they actually want rather than at a level that might accommodate High Speed Rail.

Mayor Burt said they advocated an improved Caltrain system, with objections to the form and governance of the High Speed Rail Program as it currently stands; while concurrently take a strong position as advocates to have an improved commuter rail system.

Council Member Price asked if the statement meant that design alternatives such as open trench would not be pursued. She said she disagreed with that.

Council Member Burt said they addressed that.

Council Member Klein said he responded to that with the No Confidence vote. They had to respond to all of the alternatives. Open trench may be the best of the four, but it is still not a good option. He said because he felt the project should die as it is now, didn't mean he wouldn't continue to work on the project. He said he would be happy to put this in writing so they could discuss at their next meeting.

Mr. Emslie confirmed that the meeting on September 2 was scheduled from 8:00 am to 10:00 am. He said they could meet on the September 7th as well.

Council Member Shepherd assumed that once the motion went to the Council they would then be able to navigate cap and cover costs.

ADJOURNMENT: Meeting adjourned at 6:37 p.m.