



City of Palo Alto

City Council Staff Report

(ID # 3910)

Report Type: Consent Calendar

Meeting Date: 6/24/2013

Summary Title: Rail Guiding Principles Update

Title: Review and Approval of the Proposed Revisions to the Palo Alto City Council Rail Committee Guiding Principles

From: City Manager

Lead Department: Planning and Community Environment

Recommendation

The Palo Alto City Council Rail Committee and staff recommend that the City Council approve the proposed revisions to the Rail Committee Guiding Principles.

Executive Summary

The Palo Alto City Council Rail Committee is comprised of four City Council members with the responsibility to advise the City Council on rail related transit matters. The Guiding Principles document is used by the Rail Committee to guide decision making and help make recommendations to the City Council. On October 11, 2012, the Rail Committee directed staff to propose updates to the Rail Committee Guiding Principles to reflect changes to California High-Speed Rail (HSR) and Caltrain Modernization that occurred subsequent to when the City Council last revised the Rail Committee Guiding Principles in December 2011.

The Rail Committee, in subsequent meetings, refined those updates and sent them to the City Council for approval on January 22, 2013. However, at that meeting, alternative language for Guiding Principle 16 was proposed. After a brief discussion, the Council voted to send the Guiding Principles back to the Rail Committee for further deliberation. At the March 28, 2013 Rail Committee meeting both the alternative language for Guiding Principle 16 and other minor revisions were discussed and approved with a 4-0 vote. Therefore, three documents are now attached for City Council review and approval:

1. The most recently adopted version of the Rail Committee Guiding Principles

approved by the City Council on December 19, 2011 (Attachment A)

2. A redlined version of the most recently adopted version of the Rail Committee Guiding Principles reflecting proposed revisions and alternatives (Attachment B)
3. A clean version of the Rail Committee Guiding Principles reflecting proposed revisions and alternatives (Attachment C)

Attachments:

- Attachment A - Rail Committee Guiding Principles_12-19-2011 (PDF)
- Attachment B - REDLINED DRAFT - Rail Committee Guiding Principles_3-28-2013 (PDF)
- Attachment C - CLEAN DRAFT - Rail Committee Guiding Principles_3-28-2013 (PDF)

PALO ALTO CITY COUNCIL RAIL COMMITTEE

GUIDING PRINCIPLES

Role and Authority of the Rail Committee

The Committee shall advise the City Council on high speed rail (HSR), Caltrain and related rail transit matters and provide the community with appropriate forums for the discussion of such issues.

The Committee shall keep the full Council informed on a regular basis.

The Committee shall have the authority to act on behalf of the City on HSR, Caltrain and related rail transit matters when there is not sufficient time to refer a particular issue to the full City Council before action is needed. However, the Committee shall forward their recommendations to the Council for final action if the Committee determines that it is feasible to do within the time available. Such actions by the Committee shall include, but not be limited to, advocacy to the state legislature, the HSR Authority, Caltrain Joint Powers Board, Congress and other pertinent governmental agencies. Such actions by the Committee shall be consistent with the following policies of the City:

Background

In November 2008 California voters approved Prop 1A, a nearly ten billion dollar bond measure, the primary purpose of which is to develop HSR service from Los Angeles to San Francisco. The High Speed Rail Authority (the Authority) has decided that the route HSR will take from San Jose to San Francisco is along the Caltrain right of way (ROW), including the portion of the ROW that runs through Palo Alto. However, the Environmental Impact Report used by the Authority in making this decision has been de-certified per court order. Many issues, such as the vertical alignment of the HSR, remain undecided. Recognizing that HSR could have significant impacts on Palo Alto, the City Council on May 18, 2009 created an ad hoc High Speed Rail Subcommittee of four Council Members, (since changed to a standing committee and renamed the Rail Committee). The Council also adopted a set of Guiding Principles which allowed the Committee to take a variety of actions in the name of the City without action of the full Council.

Subsequently, the Committee--- indeed the entire community--- has learned a great deal about HSR and many HSR related actions have taken place.

The Authority has selected the central valley as their first construction segment which allows for more a more deliberative and collaborative consideration of alternatives on the peninsula. Additionally, an alternative for a limited “blended” rail system along the Caltrain corridor has

been proposed along with a corresponding limited EIR. This proposal limits the scale of rail on the peninsula. The Authority in November 2011 issued its revised Business Plan showing that the cost of HSR would be \$98 billion dollars. In the revised Business Plan the Authority used the same ridership forecast model as it had in the past and did not address numerous flaws identified by many experts who found the Authority's projections to be unfounded and unreliable.

Guiding Principles

The City Council therefore, adopts the following Principles to guide its decision making framework and the actions of the Committee:

The City of Palo Alto believes that the High Speed Rail (HSR) Project should be terminated for the following reasons:

1. The current project fundamentally contradicts the measure presented to the voters under Prop. 1A in 2008.
2. The Business Plan is fatally flawed and not credible.

In November 2008, the voters passed a bond measure for a HSR project based on:

- Grossly understated construction costs,
- Understated fares and overstated ridership,
- Operating without a government subsidy, and
- A Funding Plan legally required to identify funding sources and achieve environmental review prior to construction of an Initial Operating Segment (IOS).

Since the revised HSR Business and Funding Plans do not meet the projected ridership, fare, job creation, and other significant requirements, the City believes that the voters were not given accurate information during the 2008 election to make an informed decision on a HSR project for the State of California.

If the State should move forward with the HSR project, the following Guiding Principles shall apply to the City's positions on HSR:

1. The City is opposed to an elevated alignment of HSR/Caltrain in Palo Alto.
2. The City's preferred vertical alignment of fixed rail in Palo Alto is below grade.
3. All neighborhoods in Palo Alto affected by HSR/Caltrain should be treated with equal consideration with respect to vertical alignment impacts.

4. The City believes that the pending program EIR for the Central Valley to San Francisco portion of HSR is fatally flawed and that the HSR Authority should reopen and reconsider its decision to use the Pacheco Pass route.
5. The City supports the findings of the Legislative Analyst's Office, State Auditor and the HSR Peer Review Committee which question the viability and accuracy of the Authority's Business Plan on such matters as the ridership projections, identification of sufficient and reliable funding sources, project management, and operations of HSR.
6. The City favors legislation which would enable effective implementation of the HSR Peer Review Committee authorized by AB 3034.
7. Palo Alto supports transit and urban design solutions that will be compatible with our economic development strategies, transportation goals, and vision of the transit corridor within our boundaries; HSR/Caltrain needs to complement the goals and strategies of our Comprehensive Plan.
8. Palo Alto supports the use of the Context Sensitive Solutions related to HSR and Caltrain that is effectively funded and implemented by the Authority.
9. The High Speed Rail Authority should provide sufficient funding to affected Cities to allow them to hire experts to study reports requiring feedback and sufficient outreach to the community to capture their concerns and suggestions.
10. Proposed changes to the Caltrain corridor by either the Authority or Caltrain should provide realistic renderings of the various alternatives and also provide simulations that would help to provide an understanding of the sound and vibrations.
11. Palo Alto strongly supports Caltrain and the commuter rail service at the present or improved levels of service.
12. Palo Alto also supports the modernization of Caltrain, and/or as the lead agent for a phased alignment with but independent of HSR.
13. Palo Alto will work cooperatively with neighboring communities with respect to HSR and Caltrain issues of mutual concern through vehicles such as the Peninsula Cities Consortium.
14. Palo Alto expects all current rail crossings to remain active. In the event that the modernization of Caltrain and/or HSR increases train service from current 2011 levels, Palo Alto will consider grade separation solutions for the Alma, Churchill, East Meadow,

and East Charleston crossings that are effectively funded and implemented by the lead agency

15. The Guiding Principles of the Committee incorporates by reference Council adopted written comments to the Authority, the Caltrain Joint Powers Board, and other relevant agencies. In case of any conflict in policies the most recent language prevails.

Updated: December 19, 2011 (previously updated October 12, 2011 and May 17, 2010)

PALO ALTO CITY COUNCIL RAIL COMMITTEE GUIDING PRINCIPLES

Background (not shown in redline format, as Background section was completely revised)

In November 2008 California voters approved Proposition 1A, a \$9.95 billion bond measure, for High Speed Rail (HSR) service from Los Angeles to San Francisco. The San Jose to San Francisco segment of the selected route will take HSR rail service through Palo Alto. This segment is now proposed to be a “blended system”, primarily relying on existing Caltrain right-of-way and track. Caltrain is proposing to modernize this segment, including electrification of the trains, partially utilizing HSR funds. However, the costs and environmental impacts of this “blended system” continue to evolve, and have not yet been fully defined, studied or mitigated.

The most recent HSR business plan sets the initial cost of the overall HSR system at approximately \$68 billion. While this cost reflects a reduction compared to recent cost estimates, it still significantly exceeds the \$33 billion cost estimate advertised in Proposition 1A. In this revised business plan, the California High Speed Rail Authority (CHSRA) also continues to use the debatable and highly optimistic ridership forecast models, and does not address numerous inconsistencies that had been noted by experts in previous business plans. This analysis, therefore, creates an unreliable framework for accurate fiscal and environmental review of the HSR system.

Moving forward, the initial construction segment (ICS) for HSR will be in the Central Valley. In July 2012, legislation was enacted that allocated approximately \$8 billion of state and federal money for construction of the ICS, and for investments in Northern and Southern California commuter rail systems in anticipation of the future operation of HSR trains on these tracks as part of a Blended System. However, at least \$55 billion of unidentified funding remains necessary for completion of the Los Angeles to San Francisco system. Therefore, important funding and environmental issues remain undecided, and must be critically examined prior to final decisions being made. An ongoing, detailed analysis is even more critical for the complex, blended San Jose to San Francisco segment.

Guiding Principles

The City Council adopts the following Principles to guide its decision making framework and the actions of the Committee:

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The City of Palo Alto believes that the HSR project should be terminated for the following reasons:

1. The current project fundamentally contradicts the measure presented to the voters under Prop. 1A in 2008. The voters approved the measure based on grossly underestimated construction costs, overstated ridership numbers and underestimated fares. The voters also required that HSR could operate without a subsidy and that funding sources would be identified and environmental review would be complete prior to construction of an Initial Operating Segment.

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2. Given that the revised HSR Business and Funding Plans do not meet the projected ridership, fare, job creation, and other significant requirements, the City believes that the voters were not given the accurate information during the 2008 election necessary to make an informed decision on a HSR project for the State of California.

The City realizes, however, that there is momentum at the Federal and State level to make HSR a reality, despite the conflicts with Prop 1A. There are many evolving aspects of HSR, however, that have not yet been studied or decided.

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Therefore, if the State should move forward with the HSR project, the following Guiding Principles shall apply to the City's positions on HSR:

1. The City supports a non-elevated alignment of HSR/Caltrain in Palo Alto.

2. The City's preferred vertical alignment of fixed rail in Palo Alto is below grade.

3. When examining the potential impacts of vertical rail alignments equal attention shall be given to all Palo Alto neighborhoods. Adopted mitigation measures should be proportionate to the impacts identified in the studies.

4. The City believes that the Program Environmental Impact Report (EIR) for the Central Valley to San Francisco portion of HSR is fatally flawed and that the CHSRA should reopen and reconsider its decision to use the Pacheco Pass route.

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5. The City supports the findings of the Legislative Analyst's Office, State Auditor, and the HSR Peer Review Committee regarding the viability and accuracy of the CHSRA's Business Plan on such matters as the ridership projections, the identification of sufficient and reliable funding sources, project management, and operation of HSR.

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6. The City favors legislation which would enable implementation of the HSR Peer Review Committee authorized by AB 3034.

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7. Palo Alto supports transit and urban design solutions that will be compatible with our economic development strategies, transportation goals, and rail corridor vision.

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HSR/Caltrain needs to complement the goals and strategies of the City's Comprehensive Plan.

8. Palo Alto supports the use of the Context Sensitive Solutions process for HSR and Caltrain that is funded and implemented by the CHSRA.
9. The CHSRA should provide sufficient funding to affected cities to allow them to hire experts to study reports requiring feedback and sufficient outreach to the community to capture their concerns and suggestions.
10. Proposed changes to the Caltrain corridor by either the CHSRA or PCJPB should provide both realistic renderings of the various alternatives and simulations that would help provide an understanding of the system's sound and vibration impacts.
11. Palo Alto strongly supports Caltrain and the commuter rail service at the present or improved levels of service.
12. Palo Alto supports the modernization of Caltrain. However, whether the City supports electrification cannot be determined until all potential impacts are identified, studied and suitable mitigation measures are implemented.
13. Palo Alto supports Caltrain as the lead agency for all system improvements in the Caltrain corridor.
14. Palo Alto will work cooperatively with neighboring communities with respect to HSR and Caltrain issues of mutual concern through agencies such as the Peninsula Cities Consortium.
15. Palo Alto expects all current rail crossings to remain open to automobiles, bicycles and pedestrians. In the event that the modernization of Caltrain and/or HSR increases train service from current 2012 levels, Palo Alto will consider grade separation solutions for the Alma, Churchill, East Meadow, and East Charleston crossings. These improvements must be funded by Caltrain, HSR and/or other external funding sources.
16. A detailed and transparent environmental analysis of all proposed improvements must be completed. Therefore, the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) shall not be modified in any way that (1) exempts the HSR or Caltrain Modernization projects, either in whole or in part; or (2) reduces the obligation of the HSR or Caltrain Modernization project sponsors to conduct a full environmental review process that allows for a detailed analysis of all potential impacts and mitigation measures at a level that is not less than the level currently required by law.

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17. The overall environmental review should be comprised of two separate Environmental Impact Reports. The first EIR should be for the Caltrain Modernization Project. The second EIR should address any subsequent improvements proposed or necessary for HSR operation in the corridor.

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18. Palo Alto strongly supports revisions to the Peninsula Corridor Joint Powers Board (PCJPB) governance structure that more accurately reflect the distribution of Caltrain ridership. Additionally, such revisions should be made at or prior to a ballot measure seeking a dedicated funding source for Caltrain operations, should one occur.

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19. The Guiding Principles of the Committee incorporates by reference Council adopted written comments to the CHSRA, PCJPB, and other relevant agencies. In case of any conflict in policies the most recent language prevails.

Previously updated: December 19, 2011; October 12, 2011; and May 17, 2010.

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