



City Council Rail Committee DRAFT MINUTES

Regular Meeting
March 22, 2012

ROLL CALL

Chair Klein called the meeting to order at 8:32 a.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Council Members Burt, Klein, Scharff, and Shepherd

Absent: none

ORAL COMMUNICATIONS

Morris Brown reported the Peer Review Group of the California High Speed Rail Authority (CHSRA) issued their comments on the draft Business Plan through their website. He noted the Peer Review Group and the CHSRA had not issued a press release. He stated the business Plan was toned down, but it was not as negative as the earlier report on the Funding Plan. He indicated the Memorandum of Understanding (MOU) received all the attention. He felt it was interesting that the Metropolitan Transportation Commission (MTC) was the lead agency and stated MTC and Caltrain were obviously in concert. He said an article in the San Jose Mercury News had several facts incorrect; including the date to begin construction and funding sources. He indicated funding of the bookends was a political game, and it seemed to be working.

AGENDA ITEMS

3. Report from the Professional Evaluation Group, Inc.

John Garamendi Jr. did not want to dwell on the things everybody was already working on. He noted they were familiar with the Environmental Impact Report (EIR), letters to the Metropolitan Transportation Commission (MTC), and the Senator Simitian hearings in Mountain View on March 13th. He reported his firm had testified at the California High Speed Rail Authority (CHSRA) Board Meeting, had

attended the Peninsula Cities Consortium (PCC) meeting, and had attended the meeting with Senator Simitian in Mountain View. He stated the City was blessed to have excellent allies, such as Californians Advocating Responsible Rail Design (CAARD) and the Community Coalition on High Speed Rail (CCHSR) as it moved forward. He reported there were germane activities occurring in the Central Valley and in Kings County. He stated the Board of Supervisors was not budging an inch nor was the City Council of Hanford. Chair Klein asked what "not budging an inch" meant.

Mr. Garamendi explained they were opposing High Speed Rail (HSR) coming through their county.

Chair Klein inquired if there was a compromise.

Mr. Garamendi answered no. He reported HSR was there constantly trying to determine a compromise. He indicated Hanford was a tough spot but HSR had been in Fresno and Kings County weekly trying to smooth things over. He noted the City had allies in Madera County and Merced County. Palo Alto had been excluded from the first Environmental Impact Report (EIR) because the Y section had been removed from the EIR. He felt this was a strategy to limit the amount of opposition to the EIR. He said this was important because only a small section would be impacted by the first EIR, which was to be issued in May. He reported the City's friends in the Central Valley would sue on the EIR being released in May and that would be important to Palo Alto because it would affect the entire project. He noted there were rumors the Governor would seek some type of California Environmental Quality Act (CEQA) exemption for this project. He knew the Governor was concerned that the first lawsuits would come from the Fresno and Bakersfield EIR and thought the Governor would seek a CEQA exemption at that point. He thought the Central Valley lawsuit on the first EIR would force the Governor to make the CEQA exemption move before that time. He stated seeking a CEQA exemption on the largest infrastructure project in the history of California would have a huge cascading effect and would impact many things in the project. He believed the Attorney General's ruling on the legality of blended systems, the Brady lawsuit, and the Board of Supervisors vote in Fresno County would impact Palo Alto and the Council needed to be aware of them. .

Vice Mayor Scharff asked Mr. Garamendi to outline the primary concerns of the Central Valley.

Mr. Garamendi said the primary concern was destruction of agriculture land by train tracks and stranded pieces of property. The dairy industry had strict environmental regulations regarding effluents, and a certain amount of acreage per cow was needed to prevent major pollution problems. He said a railroad track against that was an obstacle to being able to spread that effluent. He noted agriculture was the biggest industry in California and it was the only sustainable industry in the Central Valley. HSR looked for ways to mitigate lost acreage while the Central Valley looked at the whole value chain.

Council Member Burt inquired if the initial commitment was for rail in the Valley to follow existing transportation corridors.

Mr. Garamendi stated Proposition 1A clearly indicated use of the existing corridor. The Central Valley considered existing corridors to be railroad tracks and highways; however, HSR believed from space an existing corridor was anywhere. He noted a great deal of distrust was built very early in this process. He felt HSR was going to have a major challenge in the Central Valley but the Central Valley was an important ally for Palo Alto. He said the Farm Bureau had come out in opposition which was very important.

Chair Klein asked whether they were originally in favor.

Mr. Garamendi explained they were in favor of existing corridors and many environmental groups were opposed to it as it currently stood. HSR was working hard with these organizations to take care of some of their concerns. He expected there to be a universal outcry against this if the administration sought some sort of CEQA waiver. The release of the Peer Review Group report and Business Plan would impact HSR. He noted Council Members would attend the hearing on SB985 and other meetings during the day in Sacramento. He indicated the CHSRA's political strategy of working on southern California legislators could change as soon as the Business Plan was released.

Chair Klein was concerned that part of their strategy was to move very quickly so that people could not organize or think through all of these things.

Mr. Garamendi noted Senator Simitian had mentioned he had similar concerns. He believed that was their strategy. He stated it was very important to hold legislators accountable and to make sure HSR was held accountable because he believed that HSR would move even faster if they could.

Chair Klein sought advice as to what the Council should be doing. He said two of three local legislators seemed to have been persuaded that this combination of bookends and blended was a desirable strategy. He asked if the City should push back against them.

Mr. Garamendi stated Palo Alto had a clear position against HSR; however, if HSR was built, it had to meet certain criteria. He thought the Council should definitely continue to hold legislators accountable. He believed Palo Alto had good legislators and wanted to believe they would do the right thing in the interests of the State and their district.

Council Member Shepherd asked if Democratic legislators were being lulled by the project.

Mr. Garamendi noted there was a lot of pressure on Democratic legislators from the President and labor to support the project; however, he had to believe they would do what was best for the State of California in the end, not just for the special interests.

Council Member Shepherd believed there was a nexus with HSR and redevelopment agencies and asked about the teachers' union.

Mr. Garamendi reported teachers had been locked in battle on the tax initiative which had been taking up a lot of the bandwidth in Sacramento.

Council Member Shepherd inquired whether they understood what would happen if the bonds were released and all the General Fund dollars were eliminated.

Mr. Garamendi thought they and the universities understood because \$700 million from the General Fund annually was right out of their pocket. He believed there would be an epic battle in the capital between taxes and spending cuts; among social services, education, HSR, and other needs of the State. He indicated the City's job was to draw out those stark choices and ensure people understood what they were choosing. He noted pink slips went out for the School District.

Council Member Shepherd said pink slips were sent out but the School District tried to keep as many as possible.

Mr. Garamendi suggested the Council draw the voters' attention to the fact that choices would have to be made and that was part of the

challenge. He reported it was a zero-sum game even with the tax measures because the pie was not getting any bigger.

Council Member Shepherd asked for the legislative timing for initiatives Palo Alto might be interested in pursuing.

Mr. Garamendi reported the bills were already captured and the deadline for submitting new legislation was in January of 2013. He noted Palo Alto did not sponsor any legislation going forward, but had endorsed SB985. He indicated they were watching several pieces of legislation that had not been set for committees, with the exception of SB985. He stated the key bills were 1455, AB1444, SB1189, 1574, and AB1533. He noted there were 15 other bills that might have an impact but these were the key one at the moment.

Vice Mayor Scharff thought they had won on the blended two-track system and inquired if there was much possibility of moving away from that.

Mr. Garamendi did not know if they had won as the problematic EIR still had four tracks.

Vice Mayor Scharff stated he only heard talk about a two-track system from the MTC and asked if that was in the Memorandum of Understanding (MOU).

Mr. Garamendi deferred the question as he had just received the MOU.

Richard Hackmann, Management Specialist replied yes with the exception of consideration of passing tracks. He reported the MOU specifically discussed a two-track system; however, the four-track system was still in the CHSRA's program level document.

Council Member Burt noted it was also still in the Business Plan. He said there were other ambiguities, including the blended system approach. The Business Plan, which was the current plan of record, was the basis for the MTC MOU unless they were referencing an unpublished document. He was concerned that they were referencing the CHSRA's 2012 Business Plan, which was the plan they had released.

Vice Mayor Scharff asked if Palo Alto was doing everything they could to ensure success of the two-track system. He stated it was one thing to kill HSR and another to ensure the two-track system happened. He assumed that was one of the City's primary focuses.

Mr. Garamendi agreed that was the direction he received from this Committee. He suggested continuing to push that until they received some sort of guarantee.

Vice Mayor Scharff asked how other Peninsula cities were reacting to the idea of at least \$1.5 billion to electrify Caltrain and for grade separations.

Mr. Garamendi indicated he had been monitoring the situation. He suggested there were different camps on the Peninsula; some people wanted it for various reasons and some people did not want it at all. Vice Mayor Scharff asked if other cities had stated it should absolutely die.

Council Member Burt reported Burlingame had gone further and supported Harkey's legislation in the last couple of days. He noted other cities were going through the process and waiting to draw ideas from different cities while the issue raced forward. He stated there were a variety of positions among the Peninsula cities.

Vice Mayor Scharff inquired if that was why they got the four-track system and Palo Alto got the passing tracks.

Council Member Burt answered yes. He said other cities were determining what they needed to ask for.

Just as Palo Alto was trying to figure out what should be asked for, other cities were doing the same. He understood the MOU was a draft MOU which would require ratification and change but nothing in the cover letter or the MOU implied that.

Vice Mayor Scharff asked what perks were being offered to southern California.

Mr. Garamendi said it was a long list and it was a process that they put together with the Association of Governments and the transportation groups. He indicated he did not know exactly what would be on the final list but it was an exhaustive list of things from San Francisco to Palmdale.

Council Member Shepherd asked whether it would be helpful to the Guiding Principles as a Resolution or proclamation.

Mr. Garamendi thought he had it.

Chair Klein stated the City Council had approved it.

Council Member Shepherd suggested putting the list in whereas order.

Mr. Garamendi stated that might be just an extra step.

Vice Mayor Scharff reported he had seen that but he was not sure of the difference. He did not know if there was a difference or an advantage but noted people had taken a different approach to it.

Council Member Shepherd stated Guiding Principles were different from a Resolution.

Chair Klein said they were just written differently.

Mr. Garamendi suggested that would be another document that he could put forward which always helped.

Council Member Shepherd thought a Resolution would be easier to understand than just a statement about Palo Alto's Guiding Principles.

Mr. Garamendi felt his marching orders were clear; there was not a lot of ambiguity about what was going on.

Council Member Shepherd felt people in the community found HSR wearing and thought it would die a natural death. She noted there was a lack of involvement because of that thought.

Mr. Garamendi had encountered the same sentiment. He stated there was no way it would die under the dome in Sacramento.

Council Member Shepherd stated Mr. Obama was sending two messages to the states, fund education and pass this rail system. She stated it could not happen the way it was going now.

Morris Brown asked for comment on Senator LaMalfa's initiative to kill the project because it had received the Secretary of State clearance and he was looking for signatures. He thought it was a dead issue because Mr. LaMalfa did not have the money to do it. He reported the Governor had received Secretary of State clearance on his new initiative in less time than Mr. LaMalfa. He asked if it would meet the deadline for the next ballot.

Mr. Garamendi did not know if Senator LaMalfa would get the signatures because it would become a funding issue. He thought the price of getting a signature was rising exponentially in Sacramento. He reported the Legislature could put this on the ballot much quicker than Senator LaMalfa could collect signatures. He noted the Governor has a fondness for putting things to the voters and felt the Governor would use it as an escape valve.

Council Member Burt stated the Governor had to sign it.

Mr. Garamendi agreed.

NO ACTION TAKEN

- a. Status of Proposed Memorandum of Understanding Between Caltrain and CHSRA

Chair Klein asked if this was a done deal.

Jayne Ackemann, Caltrain Representative reported the draft Memorandum of Understanding (MOU) would not be voted on until the March 28 Metropolitan Transportation Commission (MTC) meeting at which time there would be an opportunity for the public to attend and comment. She indicated Caltrain's intention was to attend the meeting and welcomed Palo Alto's support in continuing to advocate for Caltrain as the lead project manager on anything that should move forward in terms of electrification in the corridor.

Chair Klein noted one of the parties was the Joint Powers Board (JPB). He inquired if that meant the JPB had to approve this as well.

Ms. Ackemann stated the JPB had to approve it and would be discussing it up at the April meeting.

Vice Mayor Scharff did not understand why the City needed to advocate for Caltrain to be the lead agency when Caltrain had to approve it. He asked why Caltrain did not say they were the lead agency and refuses to approve it otherwise.

Ms. Ackemann believed Caltrain would be the lead agency regardless because there had not been any indication from High Speed Rail (HSR) or MTC that they would want to change that. She understood it to be language that would make the Peninsula communities more comfortable which was why Caltrain advocated for that to be included in the draft MOU and would

advocate for it to be included in the final MOU. She stated Caltrain had to vote on this at the JPB before it became final.

Council Member Burt inquired if the draft MOU would become final on the 28th because he understood the MTC would not vote on a draft.

Ms. Ackemann reported MTC would vote on the MOU that they were putting forward for the Bay Area cities; however, MTC did not supersede Caltrain's authority as JPB to enter into the MOU. She stated if MTC passed the MOU at their March 28th meeting that did not bind Caltrain. Caltrain still had to pass it in order to be a party to the MOU.

Council Member Burt asked whether that was passing as in up or down or passes with prospective modifications that the JPB would require in order to get their support.

Ms. Ackemann was not sure how that would unfold because Caltrain was going to be advocating at the MTC meeting for some modifications to the language.

Council Member Burt expressed concerns that the draft MOU should not be adopted on the 28th because there had not been ample time to make determinations of MOU content and engage with MTC. He understood from Seamus Murphy that this was only a draft placeholder pending feedback and modifications from participating agencies; however, that was not indicated in the MOU.

Ms. Ackemann agreed with his understanding from Mr. Murphy. She reported the draft MOU would still be open to further modification by comments offered from the various Bay Area cities that were partnered to the MOU.

Chair Klein was bothered by the draft MOU not being labeled as a draft.

Ms. Ackemann suggested if there was a modification such as clarifying whether this continued to be a draft after the March 28th meeting she would be happy to take that back to Mr. Murphy. She reported they would be at the March 28th meeting to advocate for other modifications and could report back on that issue.

Chair Klein questioned why San Francisco and San Jose were parties to the MOU.

Ms. Ackemann stated they were part of the JPB alignment.

Richard Hackmann, Management Specialist reported Caltrain staff indicated San Francisco and San Jose were included because of their Caltrain stations.

Chair Klein noted Palo Alto had more passengers than San Jose.

Ms. Ackemann explained they were parties because they would receive money as part of the MOU to make improvements to their stations and because they were considered terminal HSR stations. She understood Palo Alto would not receive money directly as a result of the MOU.

Council Member Burt inquired how Bay Area Rapid Transit (BART) would receive money from this.

Ms. Ackemann stated BART was a partner on the San Francisco Airport (SFO) alignment and would receive improvement money for the Millbrae station.

Roland Lebrun agreed with Ms. Ackemann that Caltrain had to be the lead agency but stated it must not be limited to just electrification. He urged her to make it very clear Caltrain was in charge of anything that happened to the alignment. He understood from the MOU that BART's involvement was as a funding source.

Herb Borock noted the MOU came before the MTC and Caltrain prior to environmental review and stated environmental review must come first. He reported the only indication of environmental review was the Caltrain environmental review for electrification rather than the HSR review. He did not understand how it was possible to have an MOU without knowing what the project was going to be. He was also concerned that the number of tracks needed to keep the 30-minute schedule was unknown. He stated the impact on local streets for any system without grade separations was also unknown. He indicated the MOU had to be a draft when the Caltrain Board reviewed it at its April meeting. He failed to understand how the Caltrain JPB could make a decision at the April meeting when there had not been an adequate opportunity for cities to offer input.

Council Member Shepherd thought the City needed to advocate firmly that it recognized the MOU as a draft and did not expect to have action taken on the 28th.

Vice Mayor Scharff did not understand the process. He asked if MTC would review the MOU on March 28th make changes to the document then approve it with changes or as-is.

Ms. Ackemann thought the distinction here was approving it as a draft. She indicated the JPB would say this was the draft MOU submitted to the partner agencies for consideration. She noted it would then go to the various agencies party to the MOU for adoption.

Vice Mayor Scharff stated it was going to San Francisco, San Jose, and BART but he was not sure if they would be able to make changes. He assumed they would be able to offer changes and approve it with those changes only.

Ms. Ackemann assumed after the MOU made its way through the various organizations it would go back to the MTC for some sort of final adoption.

Vice Mayor Scharff inquired if this was all done in public without negotiations between MTC and the JPB.

Ms. Ackemann reported it would be a public process. She said Caltrain would advocate before the MTC Board on the 28th. She indicated Caltrain would advise its Board of Directors at their April meeting and the Board would take appropriate action based on staff's feedback to them.

Vice Mayor Scharff stated if it was Caltrain's choice to accept or not accept, Caltrain could say it would only accept the MOU if it had the following points. He asked what happened if Caltrain voted no on it.

Ms. Ackemann reported the JPB was welcome to adopt and accept based on whatever parameters it felt was most appropriate. She explained advocating meant staff would advocate a position to the JPB but they would determine whether or not to support.

Vice Mayor Scharff asked if the JPB said no, would MTC have to make the changes or forego the MOU.

Ms. Ackemann indicated if the JPB felt required terms were not contained in the MOU that could be the case but she could not speak for MTC. She noted Caltrain had not had a chance to review the MOU with its Board Members yet.

Council Member Burt read from the Resolution regarding the executive director's ability to make only non-substantive changes. He said they were adopting a resolution that allowed for non-substantive changes only.

Ms. Ackemann was not sure that was the intention of that language. She thought the language was saying should the final proposed MOU not have substantive changes, and then the executive director could execute it. If

there were substantive changes, that clause was not triggered and it had to go back to the full JPB for review.

Chair Klein noted that was the type of language the City used when authorizing the City Manager in negotiations.

Council Member Burt replied there was no reference to any opportunity for substantive changes.

Chair Klein explained if the JPB refused to sign the MOU with revisions the MTC had no choice but to bring it back to the MTC Board for changes.

Council Member Burt recognized that, but reported there was nothing that acknowledged or implied any anticipation of the member agencies having the authority or likelihood of substantive changes.

Chair Klein suggested it was arrogance rather than a legal problem.

Council Member Shepherd indicated no part of the MOU mentioned draft.

Chair Klein noted the JPB had the veto because it owned the land.

Council Member Shepherd asked how that was relevant if the MOU moved forward without Caltrain's changes.

Ms. Ackemann reported if the MOU went forward with Caltrain's adoption and approval, Caltrain would be saying it was rejecting the electrification money and would seek another mechanism for funding Caltrain electrification. She said that scenario resulted in no project.

Chair Klein hoped she reframed the message. He understood why the JPB might want the money but stated there was a situation where the price became too high.

Ms. Ackemann understood the Committee's concern. She stated they would have to see how this played out in front of the JPB and MTC.

Chair Klein stated the JPB would have sufficient backbone not to accept the funds under any conditions.

Council Member Burt thought the JPB could choose to support the concerns of its member communities and condition acceptance of the MOU on certain revisions and then the MOU would have to go back to MTC. He explained at that point the MTC would either revise the MOU or lose the project. He was concerned whether JPB leadership at the executive and Board levels

understood that they had that power to set the conditions and would exercise it.

Council Member Shepherd inquired whether MTC representatives were on the JPB Board.

Council Member Burt indicated each county had three representatives.

Mr. Hackmann reported Adrienne Tissier was currently the chair of MTC and the JPB.

Vice Mayor Scharff asked if she was conflicted out.

Council Member Shepherd saw this going out as a Resolution by MTC over to the JPB in April then back to MTC for approval. She was confused as to how the Boards would act on the Resolution. She asked if Palo Alto could be recognized on the Caltrain Board.

Ms. Ackemann explained the Caltrain Board consisted of nine representatives: three appointed by San Francisco, three by San Mateo County, and three by Santa Clara County. She noted Santa Clara County's representatives were Ash Kalra, Liz Kniss and Ken Yeager, and stated they could best advocate the Committee's concerns. She indicated Adrienne Tissier was a member of the JPB and Chair presently; however, she was not appointed by MTC. She reported Ms. Tissier was not an MTC representative in that capacity but was appointed by the Samtrans Board on which she sat as a representative to the JPB.

Council Member Shepherd did not see the votes to stop this MOU.

Ms. Ackemann could not answer that question.

Council Member Burt felt JPB's objective should be to insist on changes. He recommended that the Committee invite Supervisor Kniss to the next Rail Committee meeting for an in-depth discussion on this topic.

Council Member Shepherd suggested inviting Mr. Yeager for a discussion.

Chair Klein stated the calendar was such that they could not wait until the next meeting as it was scheduled for April 26th.

Council Member Burt did not advocate waiting that long. He thought it was better to invite Supervisor Kniss and Supervisor Yeager and stated it would be more effective to have Ms. Kniss join the meeting.

Vice Mayor Scharff supported the suggestion.

Chair Klein suggested the Committee see Mr. Yeager.

Council Member Burt did not oppose that.

Vice Mayor Scharff stated they were not exclusive.

Chair Klein asked when the JPB was meeting.

Ms. Ackemann responded April 5th.

Council Member Burt reported Mr. Murphy did not think the MOU would go before the JPB in early April.

Ms. Ackemann stated that may be the case. She was not sure when it was agendized because she had not seen the April agenda.

Mr. Hackmann indicated it would be on the April 5th agenda as an informational item, not an action item.

Council Member Burt asked for confirmation that was the case.

Ms. Ackemann replied that was correct.

Council Member Shepherd noted it was an action item for MTC and an information item for Caltrain and asked what would happen if Caltrain did not act.

Council Member Burt indicated they had to act ultimately.

Mr. Hackmann noted it was still subject to change.

Chair Klein thought the JPB would vote on it at their May meeting or a special meeting later in April. He suggested contacting Ms. Kniss and Mr. Yeager to schedule a meeting at the first available time.

Ms. Ackemann reported it would be voted on at the May meeting with an informational presentation for consideration at the April meeting.

Council Member Shepherd asked when the May meeting was scheduled.

Chair Klein responded the first Thursday.

Mr. Hackmann inquired if the Rail Committee meeting in April would provide enough lead time prior to the May JPB meeting.

Chair Klein suggested someone attend the JPB meeting on April 5th but indicated he would not be available.

Council Member Burt stated he would not be available.

Council Member Shepherd indicated she could attend.

Vice Mayor Scharff reported he was unavailable from April 9th through April 13th. He asked what their role should be at the JPB meeting.

Chair Klein thought it was important to advocate their position with emphasis on the lack of time for adequate review.

Council Member Burt explained if Caltrain did not act on April 5th they could unilaterally say this required more time. He noted input at the meeting may need to be in non-agendized public comment as it was an informational item.

Council Member Shepherd asked if the Committee wanted to communicate with MTC prior to their meeting on the 28th.

Council Member Burt recalled the City had sent a letter.

Chair Klein reported they had sent a letter.

Council Member Shepherd inquired if the Committee should send a letter stating that the City's advocacy went to Caltrain.

Chair Klein thought a letter to MTC could not hurt and might help. He thought it should emphasize the speed of the process.

Vice Mayor Scharff agreed.

Council Member Shepherd agreed.

Council Member Burt said the Committee could explain and argue that if MTC wanted success they needed to follow the Bay Area Council's advocacy when they proposed that the MOU go to MTC. He thought the Bay Area Council emphasized a point crucial to Palo Alto which MTC was ignoring. He suggested citing the Bay Area Council letter and stating that MTC was not doing this fundamental process at its own peril. He felt the only way to get

MTC's attention was to point out this project could fail if they did not engage properly.

Chair Klein thought that was well put. He suggested adding that Palo Alto had been able to respond timely because it had more resources than other communities.

Council Member Shepherd asked Council Member Burt if there was any possibility the Peninsula Cities Consortium (PCC) would be interested in writing a letter to the process.

Council Member Burt explained the feedback time was fairly long because individual representatives preferred to have their city councils endorse any action. He reported the common procedure was for representatives to agree on common themes and for each city to write their own letter. He noted a number of cities were currently waiting to see Palo Alto's letter. He felt one letter would not work in the current timeframe.

Council Member Shepherd thought the MOU would affect everybody if it was not pushed along. She thought the PCC crossed borders between San Mateo and Santa Clara Counties. She inquired if Palo Alto could send a letter to the PCC cities asking them to consider the issue.

Council Member Burt thought trying to unite around the various detailed points of Palo Alto's arguments would be a challenge. He suggested Caltrain indicate as project manager it would have a process for substantive participation by the affected cities. He felt this point should be strengthened in the letter to Caltrain.

Council Member Shepherd felt they could organize that and it would be critical to making the best impact on the Caltrain Board.

Council Member Burt asked when the next meeting of the PCC occurred.

Mr. Hackmann answered April 6th.

Council Member Shepherd inquired if it was possible to get this item on their agenda.

Council Member Burt indicated it might be April 13th rather than April 6 but he would explore the possibility.

Council Member Shepherd asked the name of the other group which was not blended with PCC.

Mr. Hackmann suggested the San Mateo County Rail Corridor Partnership.

Chair Klein thought that would be a waste of time.

Council Member Burt disagreed. He had reviewed a summary of their last meeting and discussions around this topic. He asked Staff to report on that meeting.

Mr. Hackmann said historically the San Mateo County Rail Corridor Partnership had been more pro HSR than the Peninsula Cities Consortium. He stated the tone of that meeting was almost unilaterally in favor of the blended two-track system only, and he did not hear any support for the four-track system. He noted they discussed the vision for the blended system relative to passing tracks and grade crossings but there was not a clear consensus that the basic two-track system should be the only discussion initially then the passing track later. He reported this was a change in tone from earlier when they were in favor of the four-track configuration.

Council Member Shepherd thought they would want to have Caltrain as the lead project manager. She felt that would be the common ground to pursue because they would be a friendly part to MTC.

Council Member Burt suggested themes of additional time, full engagement from the Peninsula cities, and explicit limitation to the blended system as the final capacity could be areas in common.

Chair Klein was not opposed to any of this and asked who would do the work.

Council Member Shepherd was happy to get it going because she thought it was really important. She felt timing was important right now.

Council Member Burt reported Burlingame was the only city active in both groups and they had served as the liaison in those regards. He suggested they might be willing to engage with the San Mateo County Rail Corridor Partnership that group because they were in San Mateo County. He had discussions with Mountain View council members and thought they were aligned with a number of Palo Alto's positions.

Chair Klein suggested the Committee draft a letter on the three points discussed send it to all cities in both counties and ask they join. He suggested individual Committee Members follow-up with contacts at other cities.

Herb Borock wanted to mention three things on the Senate Committee meeting held on March 13th. He reported Senator Simitian mentioned that if the Rail Authority forced a decision on the \$98.5 billion project they might not get the answer they wanted. He noted under AB3034 the project cost was in year of expenditure dollars and an inflation rate was used in the Business Plan. He explained some of the expenses in the revised plan would be in earlier years and, on that basis alone, it would be a less expensive project. He indicated Board Member Hartnet mentioned that until they go through the litigation on the Program Environmental Impact Report (EIR) they could not work on the blended approach to the Project EIR. He suggested the Council consider that on the April 9th Closed Session on litigation. He believed one way CEQA worked was to study a four-track system in the EIR as a reasonable alternative. He stated it would always be a four-track system in the EIR that had been approved.

Roland Lebrun recommended the Committee watch the March 19th proceeding of the City of San Mateo if they wanted to know what the City of San Mateo was doing. He said they would find it very educational.

Council Member Burt asked Mr. Lebrun how he would describe that discussion.

Mr. Lebrun said it was extensive lobbying at every level of both MTC and Caltrain, specifically for San Mateo interests.

Council Member Burt indicated San Mateo had a strong interest in finding ways to get dollars for their grade separations. He reported they moved from being strong advocates of the system when they realized that a four-track system through the middle of their downtown was the most constrained section of the entire right-of-way. He noted a four-track system would not go through there unless it was a deep tunnel.

6. Reports on Meetings

- California High Speed Rail Authority (CHSRA) Board
- Peninsula Cities Consortium (PCC)
- State Senate Committee of March 13 in Mountain View

Richard Hackmann, Management Specialist reported Will Kempton, Chair of the California High Speed Rail Authority (CHSRA) Peer Review Group, was concerned that \$6 billion in the Central Valley was at risk of being a stranded investment. He indicated Mr. Kempton also said making the Bakersfield to Palmdale section the Initial Construction Section ICS was worth consideration. He noted those comments changed the dialog of what the

Council had heard. He stated the California Legislative Analyst Office reiterated its concerns.

Council Member Burt stated he reported at the Peninsula Cities Consortium (PCC) meeting on the draft requests to be included in the Joint Power Board (JPB) and Metropolitan Transportation Commission (MTC) agreement. He noted there was strong interest by other PCC members.

Council Member Shepherd inquired about the CHSRA meeting.

John Garamendi Jr. reported Ralph and Chris Ochoa both attended and represented Palo Alto's position again at the CHSRA meeting. He noted they had many good hallway conversations that helped inform the discussion today.

Mr. Hackmann indicated they reiterated and read into the record the cover letter on the Guiding Principles.

Chair Klein stated the next meeting was to be determined and Staff would keep Committee Members informed.

Council Member Shepherd asked when the Committee should start discussing advocacy of its preferred alignment as issues developed and solidified. She inquired if the Committee should be performing any specific advocacy for the trench or should it wait for the project Environmental Impact Report (EIR).

Chair Klein felt it was premature as that was not the topic of discussion.

7. Future Meetings and Agendas

A special meeting was to be determined by Staff.

The next regular meeting was scheduled for April 26, 2012

8. Adjournment: 10:06 a.m.