



# CITY COUNCIL RAIL COMMITTEE DRAFT MINUTES

Special Meeting  
Wednesday, June 13, 2012

Chairperson Klein called the meeting to order at 8:33 a.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Burt, Klein (Chair), Shepherd

Absent: Scharff

## ORAL COMMUNICATIONS

Bill Cutler stated the only acceptable method for grade separations at the four existing grade crossings in Palo Alto was to place the train in a trench. The impact on neighboring communities and the safety issue favored that option. The question was cost; The Daily Post reported costs of \$25-\$50 million per grade separation, which meant a total cost of \$200 million for grade crossings. He felt a trench would be the less expensive in contrast. Placing the train in a trench should be part of the message to Senator Simitian.

Morris Brown recalled Senator Simitian had requested a ruling on the legality of the Business Plan and Funding Plan under Proposition 1A. He had requested an update from Senator Simitian's office on that ruling. Senator Simitian's office reported such rulings often remained private, and would not state whether a ruling had been made. Senators Simitian and DeSaulnier would both have to agree to release the ruling.

## AGENDA ITEMS

3. Follow-up Discussion on Senator Simitian's Request for Input on High Speed Rail (HSR) Appropriation Language

Richard Hackmann, Management Specialist reported the House and Senate were at a stalemate regarding High Speed Rail (HSR) appropriation language. As soon as Senator Simitian's staff had appropriation language, they would notify City Staff. The City Council Rail Committee (Committee) could have as little as 48-72 hours to provide comments on the language; therefore a Special Meeting may be needed.

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Chair Klein asked if Staff had received that information at 5:00 P.M. the prior day.

Mr. Hackmann answered yes.

Chair Klein asked for the length of time necessary to call a Special Meeting.

Steve Emslie, Deputy City Manager responded 24 hours.

Mr. Hackmann noted the agenda had to be posted 24 hours prior to the meeting; therefore, Staff would need approximately 28 hours.

## **NO ACTION TAKEN**

### 2. Report from the Professional Evaluation Group, Inc.

John Garamendi Jr. reported High Speed Rail (HSR) would not be included in this budget but would follow in the trailer bill. The Operating Fund could be part of the trailer bill as well. He asked if the City Council Rail Committee (Committee) had received the same information.

Chair Klein answered yes. Senator Simitian's office had notified them regarding the lack of appropriation language.

Mr. Garamendi asked if the Committee expected to have the language when the budget was complete.

Richard Hackmann, Management Specialist had spoken with Senator Simitian's office regarding the appropriation language. His impression was HSR could be included in the budget late in the process or in a trailer bill.

Mr. Garamendi anticipated the same. There was a great deal of resistance to California Environmental Quality Act (CEQA) revisions, especially in the Assembly. A link to the trailer bill with CEQA revisions could result in strong opposition in the Assembly. Republicans would oppose linking it to the Bay Delta Conservation Project or the proposed Canal with Siphon Crossing.

Council Member Shepherd asked what a trailer bill was.

Mr. Garamendi explained a trailer bill would follow the budget and was similar to an add-on. Trailer bills were used to enable a piece of legislation

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that was not budgeted. The trailer bill would most likely include language to release the bond funding and to fund the California High Speed Rail Authority (CHSRA).

Council Member Shepherd asked if that meant the Legislature did not have to find the funds included in the trailer bill.

Mr. Garamendi answered yes.

Council Member Shepherd stated the Legislature would approve a balanced budget and then consider a subsequent piece of legislation without accounting for funding.

Mr. Garamendi would not characterize it that way but in practical terms that was correct.

Chair Klein stated a trailer bill was used for appropriations and other purposes as well.

Council Member Burt indicated Caltrain and the Bay Area Council announced an economic study on the impact of electrification of Caltrain. The announcement implied that Caltrain electrification funding would be dependent on the Legislature approving HSR funding. It did not state funding would be in current appropriations but it was dependent on it. If HSR was not funded, then the future electrification would not be funded in the following year or two. He asked if Mr. Garamendi had any information concerning Bookend funding not being included in current appropriations.

Mr. Garamendi stated the implication was to link the two to HSR funding. Bookend funding would initially be \$900 million in connectivity funding. He did not know when that would come out; it could be part of the trailer bill.

Council Member Burt inquired whether the \$900 million connectivity funding could be allocated to Bookends if the Legislature did not move forward with Proposition 1A funding. He asked if the Legislature did not kill HSR and did not fund it, would that prevent the \$900 million connectivity funding from being funded.

Mr. Garamendi felt that would be the case because they had to issue the bonds to release the \$900 million.

Council Member Burt indicated they would not release the bonds this year. He asked whether they could release \$900 million for connectivity if HRS was almost dead.

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Mr. Garamendi reported they could release those funds if they could show it was connecting to a proposed and future HSR project.

Council Member Burt recalled Caltrain had inexplicitly stated it had always favored minor streamlining of CEQA. He suggested asking Caltrain for its position on the Governor's proposal; although, Caltrain did not have another board meeting until August 2, 2012. He asked if Mr. Garamendi was aware of any policy positions by the Orange County Transportation Authority (OCTA) regarding the Governor's CEQA exemption proposals.

Mr. Garamendi did not have any information on that. He felt they would like to make small adjustments to CEQA, but they would not take a position to change CEQA.

Council Member Burt inquired whether these agencies' opposition to the Governor's proposal would add any weight to the opposition to CEQA exemptions.

Mr. Garamendi stated their opposition would not hurt and could help. A large part of the CEQA issue would be resolved by the next board meeting in August. The CEQA exemption question would be resolved quickly. He predicted the exemptions would fail.

Council Member Burt inquired about the number of Senators who were undecided on the overall HSR funding.

Mr. Garamendi reported Democratic leadership did not favor adjustments to CEQA. Any adjustment to CEQA would cascade into other major projects across the State. Without CEQA changes, CHSRA would not be able to meet the deadline and the deadline question would be paramount. CHSRA would continue pushing CEQA revisions but that would not help.

Council Member Burt noted the irony of Republican lawmakers, particularly Central Valley lawmakers, becoming the defenders of CEQA.

Mr. Garamendi believed there had not been coalitions built like this since 1982.

## **NO ACTION TAKEN**

### 4. Consideration of Support for the Initiative to Terminate HSR

Chair Klein indicated the City Council Rail Committee (Committee) did not

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have the authority to act, only the ability to recommend action to the City Council. The packet information received contained the actual language of the recommendation.

**MOTION:** Chair Klein moved, seconded by Council Member Shepherd that the City Council Rail Committee recommend the City Council support the revote of the High Speed Rail initiative.

Chair Klein noted the City's official position of terminating High Speed Rail (HSR) which was a method to support that position.

Council Member Shepherd stated a year ago there was wisdom not to revote the initiative because it was not clear how the State would respond. This was a way to send the message that the Council did not agree with management of HSR.

Council Member Burt expressed concern about the timing of the Council's consideration of the revote and certain information regarding funding for Bookends. He wanted to see the Legislature's actions regarding Caltrain funding and HSR connectivity funding. He suggested waiting a few weeks before taking a position.

Herb Borock supported the Council taking a position. It was public knowledge that the northern Bookend was not part of the current budget proposal. This was different from the Council's position four years ago, when a ballot measure had qualified. He suggested taking a position as early as possible.

Council Member Burt stated it was unlikely Bookend funding would be included in this appropriation but the final language had not been published.

Chair Klein indicated the Council would not hear the issue until the July 2, 2012 meeting at the earliest. He presumed the Legislature would have acted by that date. The revote initiative was consistent with the Guiding Principles.

Council Member Burt was not opposed to taking a position once the Legislature acted. He wanted to see the Legislature's actions, think through the ramifications, and then make a decision on the issue.

**MOTION PASSED:** 2-1 Burt no

Chair Klein noted the recommendation would be made to the Council on July 2, 2012, if the Agenda had space for it.

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## 5. Reports on Meetings

- California High Speed Rail Authority (CHSRA) Board
- Peninsula Cities Consortium (PCC)
- Peninsula Corridor Joint Powers Board (PCJPB)

Richard Hackmann, Management Specialist reported the Peninsula Corridor Joint Powers Board (PCJPB) would not have a July 2012 meeting. The next meeting was scheduled for August 2, 2012. The next Peninsula Cities Consortium (PCC) meeting was scheduled for July 13, 2012. The next California High Speed Rail Authority (CHSRA) meeting would be July 10, 2012. At the meeting on June 8, 2012, the CHSRA had a presentation on the draft program to spend the \$950 million connectivity funds. He would follow-up on that to determine how it might affect the northern California segment.

Council Member Burt asked if Caltrain took a position on the California Environmental Quality Act (CEQA) exemptions at the board meeting.

Mr. Hackmann understood there was a discussion on the budget and fiscal cycle.

Council Member Burt stated the Caltrain Board had not taken a position and had not agendized it. He suggested asking Caltrain for its position on the Governor's proposal to have significant exemptions from CEQA.

Chair Klein agreed to make an inquiry.

Mr. Hackmann suggested sending an e-mail inquiry.

Steve Emslie, Deputy City Manager asked the City Council Rail Committee (Committee) to direct Staff to send an e-mail inquiry.

Council Member Shepherd inquired if the Guiding Principles contained a CEQA interest. If not, she suggested including it.

Council Member Burt stated they were in the Council's Position Statement on the Memorandum of Understanding (MOU) between High Speed Rail (HSR) and the Metropolitan Transportation Commission (MTC), and the sign-on from Caltrain.

Chair Klein noted it was in the letter to Senator Simitian.

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Mr. Hackmann reported the Guiding Principles incorporated correspondence.

Chair Klein stated the Committee authorized a letter to Governor Brown opposing the CEQA exemptions.

Council Member Burt felt it should be a Guiding Principle and not merely referenced in correspondence.

Council Member Shepherd did not see anything in the Guiding Principles about CEQA. This would be a new Agenda Item.

Mr. Emslie suggested agendizing it for the next meeting.

Council Member Burt suggested including MTC in the inquiry. He wanted to get the agencies' positions on the record.

Council Member Shepherd suggested reviewing the Constitution of the PCJPB regarding election of board members in an attempt to obtain better representation for North County.

Chair Klein agreed. This would be open to contention when the Legislature considered Jerry Hill's bill to provide a permanent source of funding for Caltrain.

Council Member Shepherd recalled a bill was in process to have an elected board for the entire Bay Area.

Chair Klein indicated that would be on a future Agenda.

## **NO ACTION TAKEN**

### FUTURE MEETINGS AND AGENDAS

Chair Klein asked when the next scheduled meeting would occur.

Richard Hackmann, Management Specialist stated June 28, 2012.

Steve Emslie, Deputy City Manager indicated one could be scheduled sooner.

Mr. Hackmann expected to have a meeting sooner.

Council Member Shepherd asked whether it would be easier to post a meeting then cancel it.

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Chair Klein answered no.

Council Member Burt stated they did not know which date to post.

Mr. Emslie stated 24 hours was the minimum time to post a meeting.

Margaret Monroe, Management Specialist inquired whether modernization was on the Agenda for the June 28, 2012 meeting.

Mr. Emslie answered yes.

ADJOURNMENT: The meeting adjourned at 9:12 a.m.