



# City Council Rail Committee MINUTES

Special Meeting  
January 31, 2013

Vice Mayor Shepherd called the meeting to order at 8:33 A.M., in the Council Conference Room, at 250 Hamilton Avenue, Palo Alto, California.

Present: Burt, Klein, Kniss, Shepherd (Chair)

Absent: None

## ORAL COMMUNICATIONS

None

## APPROVAL OF MINUTES

**MOTION:** Council Member Klein moved, seconded by Vice Mayor Shepherd to approve the City Council Rail Committee minutes for October 11, 2012 as presented.

**MOTION PASSED:** 3-0, Kniss abstaining

Vice Mayor Shepherd moved the update of regional meetings to the beginning of the Agenda, because much had occurred at the different organizations. She inquired whether John Garamendi Jr. wished to be included in the discussion of the meeting updates.

Richard Hackmann, Management Specialist indicated Mr. Garamendi wished to be part of the entire meeting.

Vice Mayor Shepherd suggested Agenda Item Number 8 be moved after Agenda Item Number 5.

**MOTION:** Council Member Klein moved, seconded by Council Member Kniss to hear Agenda Item Number 8 after Agenda Item Number 5.

**MOTION PASSED:** 4-0

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## MEETING UPDATES

- A. California High Speed Rail Authority (CHSRA)
- B. Peninsula Corridor Joint Powers Board (PCJPB)
- C. Peninsula Cities Consortium (PCC)
- D. San Mateo County Rail Corridor Partnership (SMCRCP)
- E. Caltrain Local Policymaker Group

Richard Hackmann, Management Specialist requested John Garamendi Jr. report on the California High Speed Rail Authority (CHSRA) meeting.

John Garamendi Jr., Professional Evaluation Group Inc. attended the CHSRA meeting on December 6, 2012 and January 23, 2013. The CHSRA discussed the upcoming Memorandum of Understanding (MOU) in December. The January meeting included a discussion of the Chowchilla "Y-track". The majority of the meetings were consumed by public comments and closed sessions regarding litigation.

Council Member Klein asked what Mr. Garamendi's view was of the settlement regarding the Chowchilla "Y."

Mr. Garamendi was not able to speak to the settlement at the current time.

Mr. Hackmann reported the Peninsula Corridor Joint Powers Board (PCJPB) held their next meeting on February 7, 2013 to discuss the MOU with CHSRA as an informational item. Comments regarding the MOU were due prior to February 7, 2013. The MOU was scheduled as an Action Item for the March 7, 2013 meeting. Caltrain scheduled an Environmental Impact Report (EIR) scoping meeting in Palo Alto on February 28, 2013, from 6:00 P.M. to 8:00 P.M. Prior to the meeting, the City Council Rail Committee (Committee) needed to provide necessary information.

Council Member Kniss inquired whether Caltrain was scoping for the EIR.

Mr. Hackmann indicated they were scoping for the Electrification EIR. In response to the question regarding the clearance required for the overhead catenary system related to tree trimming, Caltrain was in the process of reviewing different industry standards, which was to be included in the EIR. In 2011, Palo Alto had approximately 4,000 boardings per day. In 2012, Palo Alto had approximately 4,600 boardings per day. Caltrain projected 6,500 boardings per day in 2035 with five trains per hour.

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Council Member Burt asked if those projections included peak hour traffic variations.

Mr. Hackmann replied yes, the projections indicated a 50 percent increase.

Council Member Kniss inquired whether Staff had five-year projections for ridership.

Mr. Hackmann said he could provide that information at a later time.

Council Member Kniss felt the increase from 4,000 to 4,600 boardings was dramatic. Caltrain had the potential to add more cars to each train, if the platforms had sufficient length.

Mr. Hackmann noted the increase in boardings from 2011 to 2012 were not a straight line projection to 2035.

Council Member Kniss added the increase was also an indication of the economy; the projections were sometimes overly optimistic.

Council Member Burt inquired whether the Second Phase Capacity Analysis included evaluations of longer platforms and trains.

Mr. Hackmann answered yes, but did not know the extent to which the analysis was performed; Caltrain performed a preliminary analysis to extend platform length.

Council Member Burt reported that at the November or December 2012 Local Policymaker Group meeting, extended platform length was one of the capacity increase mechanisms that were evaluated.

Mr. Hackmann agreed that extended platform length was still being considered.

Vice Mayor Shepherd mentioned to Mr. Garamendi that Council Member Kniss was on the Caltrain Board and was a good resource. Electrification extended only to a station in the south part of San Jose, because of the freight agreement.

Aaron Akin, Assistant Planning Director attended the Caltrain Local Policymaker Group meeting, which focused on the Caltrain Electrification EIR process and the PCJPB, High Speed Rail (HSR) Agreement. Caltrain released the notice of preparation for the EIR on January 31, 2013. The scoping period was 45 days, with scoping meetings in San Jose, Palo Alto, San

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Carlos, and San Francisco. The Palo Alto meeting was held on February 28, 2013, at 6:00 P.M. in the Council Chambers. Caltrain performed outreach to individual cities outside the scoping process. Both Palo Alto and Atherton submitted comments in the past related to the environmental review process; comments needed to be submitted within a 45-day period to receive a formal response in the EIR. The Committee needed to discuss that in the coming month.

Council Member Kniss requested a depiction of electrification, and suggested the City request two or three options. She did not believe Caltrain wished to release anything at the current time. One option mentioned was light rail in San Jose.

Council Member Burt reported that Caltrain supplied a number of depictions but did not feel they were current.

Council Member Kniss expressed concern about the depictions not being current.

Steve Emslie, Deputy City Manager said there were some simulations.

Council Member Burt believed the simulations were more obtrusive than the outcome was and many experts felt the depictions were worse than what was designed.

Council Member Kniss indicated anything seen in the past was probably not seen in the future; that was the reason Caltrain had not released any depictions recently.

Mr. Hackmann said he would ask for that as part of the Scoping Letter.

Mr. Akin reported the main topics for discussion were 1) Peninsula Corridor Joint Powers Board and the High Speed Rail Agreement and their relationship between the 2004 and 2009 MOUs for the current Agreement, and 2) the relationship of High Speed Rail and the Peninsula Corridor Joint Powers Board regarding the EIR processes. PCJPB was the lead agency for the electrification process; however, PCJPB proposed that they not be listed as the lead agency in the HSR process because it was inconsistent with the Guiding Principles, and needed to be a topic for further discussion.

Mr. Hackmann stated the Peninsula Cities Consortium (PCC) meeting in early January 2013 did not cover any new topics. The next meeting was scheduled for Friday, February 8, 2013, in Atherton.

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Council Member Kniss inquired about the composition of the PCC.

Mr. Hackmann explained that the PCC was a six-party, regional, policy advisory group. It included the cities of Burlingame, Belmont, Brisbane, Atherton, Menlo Park and Palo Alto. The PCC attempted to inform the cities about HSR and Caltrain policy issues.

Council Member Kniss asked if a council member from each city served on the PCC.

Mr. Hackmann answered yes. Council Member Burt was the City's representative.

Council Member Kniss inquired whether the PCC was an advisory group.

Mr. Hackmann responded yes. The San Mateo County Rail Corridor Partnership (SMCRCP) had not met recently. The SMCRCP was composed of only San Mateo County cities, and was similar to the PCC in that it was advisory committee and had representatives from each participating city.

Council Member Kniss inquired whether the PCC and SMCRCP were comprised of cities located along the HSR track.

Mr. Hackmann replied yes.

Council Member Burt added that the PCC was primarily a group of cities concerned about the previously proposed project. In the past year, the PCC had two discussions regarding its ongoing role. The first was whether the PCC was needed if Caltrain created an effective Local Policymaker Group. The second discussion focused on Caltrain. The PCC was a platform for cities to share concerns and to gain education.

Council Member Klein reported that San Mateo supported HSR more than other cities in the area.

Council Member Kniss inquired whether Palo Alto was purposely excluded from the SMCRCP.

Council Member Klein answered yes.

Herb Borock stated Caltrain Staff did not follow through on their promise to provide depictions. The cumulative analysis for the EIR included the blended system. Palo Alto reserved their right for legal action because any action by Caltrain affected future decisions. Even though the EIR included an analysis

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of a blended system, the project that was approved was not a blended system.

Adina Levin, Friends of Caltrain understood the Local Policymaker Group replaced the SMCRCP. The Electrification EIR dealt with the cumulative impacts of the blended system in a lower level of detail, but did not authorize building anything more than Caltrain electrification.

Roland Lebrun said the SMCRCP was defunct. San Mateo shifted its policy to work with Caltrain as a lead agency to further their interests. The image of Caltrain depended on the number of tracks.

## **NO ACTION TAKEN**

### AGENDA ITEMS

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

John Garamendi Jr., Professional Evaluation Group Inc. worked with Staff to provide updates. He attended the December 6, 2012 and January 23, 2013 High Speed Rail (HSR) meetings. He talked with Senator Hill's Staff regarding clean-up language, and Senator Hill provided proposed clean-up language. On January 15, 2013, he met with Senator Hill, and the discussion was productive. Key elements from the legislation were dedication of Caltrain modernization funds and two-tracks in the Environmental Impact Report (EIR). The Department of Finance (DOF) provided updated language in a Trailer Bill for the 2013 budget, and Senator Hill was going to evaluate whether the language met his requirements to dedicate funds. The California High Speed Rail Authority (CHRSA) and Caltrain agreed that they wanted to have two-track system; however, they were concerned about putting it into statute. It was suggested that a two-track system be put into a Memorandum of Understanding (MOU). He expected to see additional language from Caltrain indicating that cities provided input regarding any expansion to four-tracks. He requested the City Council Rail Committee's (Committee) opinion of the language of the MOU. The Committee needed to consider other language in the MOU regarding control of the EIR and of the process. There were many discussions about changes to the California Environmental Quality Act (CEQA), but no legislation was proposed. Palo Alto's position was very clear: no exceptions for HSR. It was not clear whether the City wanted any changes to CEQA. He discussed this with Staff on a regular basis and briefly with Vice Mayor Shepherd.

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Vice Mayor Shepherd discussed the concept of allowing the language to be bolder if the whole HSR system was to be built-out. She suggested the Committee discuss the MOU and clean-up language, and then CEQA with the Guiding Principles so that the City Attorney was able to participate in the CEQA discussion.

Steve Emslie, Deputy City Manager agreed on having the City Attorney's input.

## **NO ACTION REQUIRED**

### 5. Discussion of Proposed SB 1029 Clean-up Legislation

Richard Hackmann, Management Specialist reported the draft clean-up legislation contained some items the City requested but not all. The draft legislation specified that funds allocated for the bookend improvements went to the bookends. When SB 1029 (Senate Bill) passed, it was written such that funding was able to be transferred to the Central Valley. The legislation used language the City supported; however, the City wanted stronger language. The proposed clean-up legislation indicated that funds were used to construct a rail system consisting primarily of a two-track system. There was to be a blended system that remained substantially within the existing right-of-way. The proposed legislation failed to designate Caltrain as the lead agency on all work performed in the San Francisco to San Jose Corridor. The current thinking was that Caltrain was the lead agent on the electrification part, and the California High Speed Rail Authority (CHRSA) were the lead agent on a second environmental analysis. The City wanted Caltrain to be the lead agent for both. The clean-up legislation did not make funding contingent on no alteration of the California Environmental Quality Act (CEQA), and did not restrict the Corridor to a two-track system indefinitely if funding was allocated. The City requested assurance that if funding was provided to construct a blended system on the San Francisco to San Jose Corridor, that it was never to be expanded. Caltrain agreed to limit funding to a two-track system for this construction phase only. The City Council Rail Committee (Committee) needed to make a policy decision on whether that language was strong enough and how the City should respond. He said the City could ask for assurance that no conversation about expanding the Corridor occur until Phase Two was built-out.

Council Member Klein inquired about the status of legislation to create a permanent source of funding for Caltrain.

John Garamendi Jr., Professional Evaluation Group Inc. did not have information on that.

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Council Member Klein asked Council Member Kniss if she knew.

Council Member Kniss reported Caltrain had discussed permanent funding a number of times. There did not seem to be either an appetite or a vehicle for proceeding with it. A population analysis indicated there were not enough votes in the three-county area to pass a measure for funding. Caltrain considered reconstructing the Valley Transit Authority (VTA) to provide funding. She had not heard any good suggestions for achieving permanent funding. Senator Jerry Hill suggested a three-county involvement with some type of sales tax.

Herb Borock noted the proposal referred to temporary transfers for account management purposes, but did not define those terms. He suggested the legislation be revised to provide meanings for those terms.

Adina Levin, Friends of Caltrain stated in November 2012, San Mateo County voters approved a sales tax measure that enabled the San Mateo County Transit District (SamTrans) to keep its commitment to Caltrain. Another proposal was a bill to reduce the threshold for transportation taxes to 55 percent. Polling on Caltrain funding indicated that a two-thirds majority was going to be hard to reach, but a 55 percent majority was easier to obtain. She inquired whether a number had been assigned to the proposed clean-up legislation.

Vice Mayor Shepherd answered no.

Mr. Hackmann asked if Mr. Garamendi had a number for the proposed legislation.

Mr. Garamendi reported there was not a bill number yet as the legislation had not been formally introduced to the Legislative Council. The deadline to introduce legislation was February 22, 2013.

Ms. Levin inquired whether language regarding the lead agency was contained within the proposed legislation as well as in the Memorandum of Understanding (MOU). The concept of not expanding the number of tracks until Phase Two was built out was clever and reasonable.

Council Member Burt reported the Save Caltrain group performed significant polling, and the polling indicated a 1/8 cent sales tax was needed from the three counties but this topic needed to be revisited.



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Vice Mayor Shepherd inquired whether that should be a future Agenda Item for the Committee.

Council Member Burt did not believe the proposed clean-up legislation contained items the City proposed regarding funding. He asked Staff if they reviewed Senator Simitian's comments regarding topics that were included in clean-up legislation.

Mr. Hackmann said he had not reviewed it in detail.

Council Member Burt felt the Committee had another opportunity to revise the proposed legislation, because it was not going to be passed immediately.

Mr. Hackmann agreed.

Council Member Burt recommended Staff provide a matrix indicating the subject matter, language in SB 1029, language in the MOUs, and language in the clean-up legislation. By seeing those differences, the Committee was able to determine its focus. Language in the clean-up legislation indicated current funds were used to implement a two-track system; however, the MOU indicated current funds were used for early implementation; current funds were not used for a blended four-track system. According to the MOU, future funds were used to expand the number of tracks but the clean-up legislation was ambiguous on this issue. A clear definition of what was substantially within the right-of-way was not addressed in the clean-up legislation. SB 1029 stated that current funds were limited to a design in support of a blended system. Neither the clean-up legislation nor SB 1029 stated that future funds were limited in that way.

Vice Mayor Shepherd asked where Council Member Burt found that.

Council Member Burt said SB 1029 stated that funds from High Speed Rail (HSR) were limited to the blended system. SB 1029 did not state that subsequent funds were limited to the blended system. That was a key concept and was omitted from the clean-up legislation.

Council Member Klein suggested the Committee review Senator Leno's statement regarding the intent of the original legislation, and compare that with the clean-up legislation. He suspected Senator Leno's statement had topics not contained in the clean-up legislation, and he wanted those discrepancies to be noted for Senator Hill. He asked Mr. Garamendi about the Department of Finance's (DOF) support regarding the proposed clean-up legislation.

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Mr. Garamendi reported the DOF was willing to discuss the proposed legislation and to propose language for the trailer bills. There was some resistance to legislation, because it opened up the opportunity for amendment and further discussion. The DOF was willing to propose language for the financial component to assist the initial phase.

Council Member Klein suggested the Committee develop its own bill to submit, and requested Mr. Garamendi's opinion regarding that.

Mr. Garamendi felt it would definitely help. If the Committee made the bill manageable, it would provide an opportunity for discussion; he mentioned the Committee drafting clear ideas to present to Senator Hill to consider in the clean-up legislation. The process was best suited to providing input to improve and modify the existing bill.

Council Member Klein felt the Committee needed to propose actual language rather than bullet points.

Council Member Kniss noted Mr. Garamendi indicated that another proposed bill might not be received positively; she thought it was foolhardy for the Committee to draft another bill if there was no support.

Mr. Garamendi reported that the proposed clean-up legislation needed solid support from the DOF and HSR. Caltrain and CHSRA were aligned with the City's concerns regarding two-track system, versus the four-track system, but they did not want to be limited on that issue in the future. He said they could agree to the concept of expanding to four-tracks once the whole project was built out. If the City asked for inclusion of all its topics, then they were probably going to be excluded from the conversation. The Committee decided the most important topics at this time and needed to make their stand.

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Council Member Burt believed the elements to the clean-up legislation that the City advocated were neither new nor different from the content of Senator Leno's Comfort Letter. Getting topics into legislation that were supposedly the intent of the Legislature was not easy. Jeff Morales, the California High Speed Rail Authority Chief Executive Officer had a third Comfort Letter that was not fundamentally inconsistent with the MOU and the City's requests. Assemblyman Gordon stated that he was open to reviewing the City's specific requests.

Mr. Hackmann wanted to review the Senator Leno, CEO Morales and Senator Simitian's statements to determine what was not in the draft clean-up

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legislation. That information was used as the focus for the Committee's discussion, and Mr. Garamendi was able to use it for information in his work.

Council Member Kniss agreed with Mr. Hackmann's suggestion.

Vice Mayor Shepherd wanted to know if the City could be successful in obtaining assurances that future funding only supported the blended system on the Peninsula until Phase Two was constructed. She requested Mr. Garamendi's opinion regarding what the City expected in the clean-up legislation, versus what the MOU supported.

Mr. Garamendi liked the idea of trying to get the entire project completed before expanding to the four-track because one of core issue was trust. If the MOU provided enough assurance for the City, then HSR and Caltrain preferred including that topic in the MOU. If the MOU did not provide enough assurance, then the City needed to pursue legislation because the MOU's could be terminated. The Peninsula Corridor Joint Power Board (PCJPB) continued to own the right-of-way; therefore, cities had a voice to disagree. Attempting to dictate the future was difficult.

Vice Mayor Shepherd recalled that legislation was formally introduced on February 22, 2013, and asked Mr. Garamendi when he needed the Committee's decision on priority topics, or if he worked from the Guiding Principles.

Mr. Garamendi stated that having clear direction on what the Committee did, and did not support was helpful in conveying information to Senator Hill.

Vice Mayor Shepherd indicated the Committee needed to make those decisions, and inquired whether Mr. Garamendi needed the information today or in two weeks.

Mr. Garamendi reported today was always better.

Mr. Hackmann asked Mr. Garamendi when he needed the information.

Mr. Garamendi wanted to talk with Senator Hill in the next week. The Senator and other groups were aware of Palo Alto's position. The Committee had to decide the most important topics.

Vice Mayor Shepherd inquired whether the Committee wanted to make decisions at the current time.

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Council Member Kniss felt rewriting the clean-up legislation was not wise. Attempting to determine what was acceptable would work the best.

Council Member Klein proposed that some Committee members meet with Senator Hill to demonstrate the City's commitment to these topics. He did not support placing the topics in an MOU; proposing actual language for legislation was important.

Council Member Kniss agreed with providing language.

Council Member Klein did not support language indicating a four-track system was never going to be built on the Peninsula. The City demonstrated that it was reasonable.

Council Member Kniss agreed.

Vice Mayor Shepherd felt the Committee needed to create exact language, or draft language.

Council Member Kniss suggested that a few Committee members meet with Senator Hill, that Staff provide a comparison as Mr. Hackmann suggested, and that the Committee meet to determine priorities.

Council Member Burt suggested the Committee identify the areas to address and to authorize a subcommittee to work with Staff to draft language.

Vice Mayor Shepherd suggested Mr. Garamendi draft language after the Committee determined its priorities.

Council Member Burt stated the Committee's language was the policy language they wanted in legislation. Policy language was provided to Senator Hill, and then he converted it into legislative language.

Council Member Klein recommended the Committee to direct Staff to prepare a set of topics to be included in legislation. He suggested two members of the Committee work with Staff on draft language so that Mr. Garamendi and his colleagues could work with Senator Hill's Staff. He also wanted to have the two Committee members attempt to meet with Senator Hill to advocate the City's positions.

Council Member Burt inquired whether the Committee was comfortable not having the draft language return to the Committee for approval before submittal.

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Council Member Kniss was not comfortable with that.

Vice Mayor Shepherd suggested Mr. Garamendi draft language regarding expansion to a four-track system only after Phase Two was complete, and then the Committee would be in a position to gather the remaining components.

Council Member Klein felt Mr. Garamendi already had that authority. One change he suggested was never having a four-track system. He agreed with the Committee meeting in two weeks to approve proposed language.

Council Member Kniss agreed and inquired about who should meet with Senator Hill.

Council Member Burt accepted those changes.

**MOTION:** Council Member Klein moved, seconded by Council Member Kniss to a) direct Staff to evaluate what was said by Mark Leno and Jeff Morales and to develop a Position Paper for Palo Alto to submit appropriate suggested language changes in the Senate Bill; b) direct John Garamendi Jr., Professional Evaluation Group Inc. and his colleagues to move off negotiations and language of the four-track system; and c) to have a meeting in two weeks to review prospective language Staff has written.

Mr. Hackmann indicated he would not be working with the subcommittee.

**MOTION PASSED:** 4-0

Vice Mayor Shepherd inquired whether Mr. Garamendi had any questions.

Mr. Garamendi answered no. He said he would have more information once he reviewed language from Caltrain, and said he would discuss this with Senator Hill's Chief of Staff the following day.

Council Member Klein inquired whether a meeting with Senator Hill occurred before or after the Committee's next meeting in two weeks.

Council Member Kniss felt the meeting should occur now.

Vice Mayor Shepherd agreed.

**MOTION:** Council Member Klein moved, seconded by Vice Mayor Shepherd to have two Committee Members designated by the Chair to meet with Senator Hill as soon as possible.

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Council Member Burt believed the Motion was to meet with Senator Hill prior to the Committee determining the priority topics.

Council Member Klein stated he initially wanted to meet with Senator Hill after the next Committee meeting; however, he saw the merit in meeting with him prior to the next Committee meeting.

Council Member Burt reported Senator Hill was waiting to hear the Committee's changes, and asked what the purpose of having the meeting was, before the Committee drafted their changes.

Council Member Kniss thought it was a wise idea.

**MOTION PASSED:** 3-1, Burt no

Vice Mayor Shepherd inquired whether Mr. Garamendi needed further information regarding the clean-up language.

Mr. Garamendi responded no.

Vice Mayor Shepherd announced Agenda Item Numbers 6 and 7 were continued to a date uncertain.

~~6. Discussion of Possible Changes to the California Environmental Quality Act (CEQA)~~

~~A. Discussion of Proposed Rail Committee Guiding Principle 16 on CEQA~~

~~7. Discussion of Proposed Revisions and Updates to the Rail Committee Guiding Principles~~

8. Discussion of the Planned Updates to the Existing Peninsula Corridor Joint Powers Board/California High Speed Rail Authority Memorandum of Understanding

Vice Mayor Shepherd had an immediate concern regarding High Speed Rail (HSR) named as the lead agency.

Council Member Kniss agreed with Vice Mayor Shepherd.

Vice Mayor Shepherd reported the Rail Committee (Committee) needed to provide comments quickly, because the Caltrain Board wanted to take action by March 2013. Staff's summary of the Senator Simitian/Senator Leno/Jeff

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Morales, the California High Speed Rail Authority Chief Executive Officer information was useful in comparison with what was and was not in the Memorandum of Understanding (MOU).

Richard Hackmann, Management Specialist clarified that the MOU was similar to the legislation. Some items the City requested were included in the MOU and Caltrain requested the City's recommendations by February 7, 2013 in order to present them to the Board with the informational item. Staff requested direction regarding the City's comments on the MOU. He suggested two options: 1) comments regarding the MOU, specifically clean-up legislation; or 2) comments pertinent solely to the MOU. Caltrain outlined that the California High Speed Rail Authority (CHSRA) was the lead agent in the subsequent environmental analysis.

Vice Mayor Shepherd inquired whether Caltrain was definite on that point.

Mr. Hackmann suggested Caltrain's response was that the subsequent environmental review was not part of its project; therefore, it did not need to be the lead agency.

Council Member Burt believed the present MOU was a good improvement because Caltrain responded to the bulk of the input. The City did not need to prevail on the issue of Caltrain being the lead agency for the subsequent environmental review at the current time. The MOU also contained language in several places that reiterated the role of the cities in the corridor regarding input to future decisions.

Vice Mayor Shepherd noted the MOU terminated the 2004 and 2009 agreements.

Council Member Burt added that the City requested the termination.

Council Member Klein noted Jim Janz, Community Coalition on High Speed Rail (CCHSR) and former Mayor of Atherton, was present. He requested Mr. Janz provide comments.

James Janz, CCHSR member indicated the CCHSR requested some of the same changes as Palo Alto. He did not attend either of the Caltrain Local Policymaker Group meetings, because the Group was not a policymaking group for the Peninsula Corridor Joint Power Board (PCJPB). The Local Policymaker Group was more of a recipient of information for the PCJPB.

Council Member Burt reported that the cities' recommendations and requests for changes to the MOU were made through the Local Policymaker Group.

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Vice Mayor Shepherd inquired whether the City included a discussion of grade separations in its comments regarding the MOU. She was uncertain whether the Committee and Staff had time to formulate comments and meet again prior to the deadline for comments.

Council Member Kniss stated grade separations were one of the issues that the Committee had not addressed. The topic of electrification modernization was raised quickly. At some point, the Committee had to consider grade separations; however, it was not appropriate to address grade separations in the MOU. The appropriate place was an agreement regarding electrification and scoping.

Mr. Hackmann believed the upcoming scoping meetings regarding the Environmental Impact Report (EIR) were the appropriate place to discuss grade separations. The MOU between the PCJPB and the CHSRA was more about the fundamental parameters of their relationship, funding, and long-term visioning.

Council Member Burt stated the MOU discussed funding and early implementation uses of the funding. Grade separations were funded from dollars outside of the MOU and Caltrain did not believe that grade separations were needed in the electrification phase. The City's concern was a two-step increase in ridership once electrification and the subway to Downtown was complete. Caltrain clarified that they had no right to operate more than six trains per hour under the present MOU, even if they needed more than six trains per hour. In the comments in the present MOU, the Committee did not consider language concerning local jurisdiction concurrence if train separations were placed in the communities.

Vice Mayor Shepherd was interested in having someone from Palo Alto speak to the Board regarding the City's interests and said the City would provide input before the Board took action in March 2013.

Adina Levin reported the MOU contained language regarding funding for Caltrain modernization. The nine-party MOU also contained language regarding funding for future improvements, including grade separations. The MOU indicated that Caltrain, HSR, and parties in the corridor worked together to seek funding for future improvements in creating grade separations. The lead agency language was troubling because more capacity was needed before HSR arrived.

Roland Lebrun suggested the Committee review Caltrain's notice of preparation regarding the blended system needing passing tracks and



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additional improvements beyond the first incremental investment of \$1.5 billion to accommodate HSR. He and Senator Hill discussed two potential methods to save approximately \$1 billion. The first was reducing the funding amount for electrification, and the second was leasing trains on an as-needed basis.

Leannah Hunt felt it was incumbent on the Committee to recognize that traffic and funding for grade separations were the issues.

**MOTION:** Vice Mayor Shepherd moved, seconded by Council Member Kniss to send a representative to the Caltrain Board meeting on Thursday, February 7, 2013 to speak on behalf Palo Alto, and to have the City Council Rail Committee take up the specific items regarding the Memorandum of Understanding in order to communicate specific clean-up language and to make a determination.

Council Member Kniss suggested the Chair attend as Palo Alto's representative.

Council Member Klein suggested Staff be the City's representative.

Council Member Burt noted the meetings began at 10:00 A.M.

Council Member Kniss indicated the meetings usually moved quickly through the Agenda and said it was more impressive to have the Chair speak to the Board, and she suggested Mr. Hackmann attend as well.

Council Member Klein disagreed because the Committee was not clear on its position yet.

Council Member Kniss felt no one should represent the City if they did not state any positions.

Council Member Klein explained the City should put the Board on notice that they would have positions shortly.

Council Member Burt stated that if the representative was authorized to speak within a given framework, then that became more substantive. He inquired whether the Motion authorized the representative to speak within certain parameters.

Vice Mayor Shepherd explained the parameters included the City's interests in clean-up legislation and the fact that the City was evaluating the MOU.

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Council Member Burt asked if the speaker would address the clean-up language as well as the MOU.

Vice Mayor Shepherd stated the speaker would make the Board aware of the City's interest in the build-out of Phase Two in the legislative piece and notify the Board that the City had specific input regarding the MOU.

Council Member Burt understood that the Committee wanted to speak about the MOU only. He suggested the Committee authorize the Chair to speak regarding the City's interest in a clean-up bill, to compliment the Board generally on the MOU, and to address the local role in grade separation.

Council Member Klein did not believe the spokesperson should speak about clean-up legislation because that was not on the Agenda, and he said it was not the proper place to discuss grade separation. The only position the Committee discussed was who was going to be the lead agency on subsequent measures, but the Committee had not adopted an actual position.

Vice Mayor Shepherd agreed.

Council Member Burt asked Council Member Klein if he was uncomfortable with the Committee stating there was local control regarding grade separation.

Council Member Klein accepted that as a position but said it was not part of the MOU.

Council Member Burt inquired whether Council Member Klein thought local control regarding grade separation was in the MOU from a policy standpoint.

Council Member Klein answered no.

Vice Mayor Shepherd wanted to notify the Board that Palo Alto provided them with information indicating its interest in the MOU, and possibly discuss the City's revised position regarding expansion of tracks.

Council Member Klein said the expansion of tracks was not included the MOU.

Vice Mayor Shepherd agreed. She suggested a representative attend the Caltrain Board meeting to say the City addressed the MOU specifically and strategically before the Board acted in March.

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Council Member Kniss agreed and said Mr. Hackmann should provide guidance.

Council Member Klein said it was Council that provided guidance to Staff.

Council Member Kniss noted Mr. Hackmann provided good guidance in return.

**MOTION FAILED:** 2-2, Burt and Klein no

Vice Mayor Shepherd wanted to continue the topic of clean-up language at the next meeting.

Council Member Kniss inquired whether someone normally attended the Caltrain meeting.

Vice Mayor Shepherd answered no.

Mr. Hackmann reported a Staff-level observer attended those meetings deemed to be pertinent to Palo Alto.

## 9. Agenda Setting

James Janz, President of the Community Coalition of High Speed Rail (CCHSR) provided a copy of a letter he sent to the Mayor, in which he requested the City to consider contributing to a pending lawsuit challenging the legitimacy of the High Speed Rail (HSR) project in the Central Valley.

Vice Mayor Shepherd noted the Rail Committee (Committee) needed an immediate meeting to discuss clean-up language and the Memorandum of Understanding (MOU).

Council Member Kniss did not feel changes to the California Environmental Quality Act (CEQA) needed immediate attention. She felt that as soon as changes were proposed, the Committee needed to respond.

Council Member Burt reported that Governor Jerry Brown and Senator Rubio intended CEQA reform to be part of the legislative agenda. If the Committee feared severe changes proposed by the Governor and Senator Rubio, then they needed to begin the framework of an appropriate compromise, but that was not necessary at the current time.

# MINUTES

Vice Mayor Shepherd inquired whether the Committee wished to place scoping on the Agenda.

Council Member Kniss responded yes.

Vice Mayor Shepherd inquired whether the Committee prepared comments before or after the scoping meeting on February 28, 2013.

Richard Hackmann, Management Specialist suggested the Committee prepare comments prior to the meeting in order to submit them by the March 15, 2013 deadline.

Vice Mayor Shepherd asked if those comments included pictures of clearance and electrification.

Mr. Hackmann reported the comments incorporated the City's requests to Caltrain regarding the Environmental Impact Report (EIR).

Vice Mayor Shepherd inquired whether any such plans were submitted to the Architectural Review Board (ARB).

Council Member Kniss did not know.

## FUTURE MEETINGS AND AGENDAS

- A. Discussion of Touring the Stanford Research Park by Interested Staff, Legislative Advocates, and Rail Committee Members
- B. Discussion of Inviting Governor Brown to Palo Alto for a Tour of the Stanford Research Park
- C. Discussion of Palo Alto Grade Separation Issues
- D. Discussion of Below Grade Alternatives for Palo Alto

Vice Mayor Shepherd asked Staff to poll for a date for the next meeting.

Richard Hackmann, Management Specialist said he would poll for a date the week of February 11, 2013 and asked if he needed to poll for a different meeting time.

Council Member Kniss said she felt very pressed during a morning meeting.

Council Member Klein agreed.

# MINUTES

Council Member Kniss suggested extending the meeting time because there were many people that wanted to speak about modernization, clearance, and grade separations.

Council Member Klein wanted to move the meeting time to 4:00 P.M.

Vice Mayor Shepherd agreed with 4:00 P.M., but wanted to meet the following week, because she was out of town beginning February 12, 2013.

Mr. Hackmann indicated Staff would have difficulty providing all requested information for a meeting the week of February 4, 2013.

Council Member Kniss inquired whether Vice Mayor Shepherd was unavailable all that week.

Vice Mayor Shepherd was available on February 4, 2013 from 4:00 P.M. until 7:00 P.M. She suggested Staff poll for that meeting date.

Mr. Hackmann said he would poll for a date late in the week of February 4, 2013, and one early in the week of February 11.

Council Member Klein noted Council Member Kniss suggested meeting at 3:30 rather than 4:00.

Steve Emslie, Deputy City Manager confirmed a meeting time of 3:30 P.M. was a good time.

ADJOURNMENT: This meeting was adjourned at 10:33 a.m.