



# CITY COUNCIL RAIL COMMITTEE TRANSCRIPT

Special Meeting  
Tuesday, December 16, 2015

Chairperson Burt called the meeting to order at 8:31 A.M. in the Community Meeting Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Berman, Burt (Chair), DuBois, Scharff

Absent:

## Oral Communications

Chair Burt: At this time, we provide the public an opportunity to comment on items that are not otherwise on the agenda. We do not have any speaker cards.

## Agenda Items

1. Rail Committee Recommissioning & Discussion on Rail Issues/Next Steps.

Chair Burt: We'll move to the next item which is the recommissioning of the Rail Committee and a discussion of rail issues and next steps. I don't know if the Staff wanted to make some comments.

Ed Shikada, Assistant City Manager: Yes, we do have a brief presentation perhaps just for the purpose of organizing some of the material and some thoughts in preparation for the Committee's discussion and organizing work. With that, perhaps Richard, do you want to walk through it?

Richard Hackman, Management Analyst: Sure. Thank you, Chair Burt and Council Members. I apologize for my voice, but I'll do the best I can. Just quickly to walk you through most of which was in your Staff Report is a brief presentation going over sort of how we got to where we are today and some proposed next steps where we would welcome your direction as we move forward with the recommissioning of the Rail Committee and a lot of the policy decisions that we have to make regarding the future of rail in our

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community. With that, just to remind everyone how we got here. On October 13, 2015 the Palo Alto City Council made two Motions related to rail. A key element of one of those Motions was the recommissioning of the Palo Alto Rail Committee. Outlined in this presentation and the Staff Report is Staff's proposal of how to address the elements—there were nine of them—of the Motions that Council passed on October 13th. Following the presentation, Staff would welcome the Rail Committee's direction on how to proceed with a number of things. Just to bring everyone up to speed and remind everyone. We use a lot of acronyms in here, a few, CEQA, CHSRA, CSS, EIR, HSR; that's what they mean. For anyone in the public, there are handouts available. If you'd like to follow along, you can use the key there. Broken down for you in the PowerPoint are the two Motions by category. We tried to take the nine different elements of the two Motions and put them into categories based on their current status. Parts of the Motion that have been completed or in the process of being completed are the Mayor who's reappointed the Rail Committee obviously; we're here today. Staff is pursuing interim grade separation safety measures through Section 130 funding. Work is underway at the Staff level with the California Public Utilities Commission regarding enhancements at the Churchill crossing. These are mostly going to be striping and signaling changes. We were approved for that funding, and we're working to do some moderate safety improvements there to help with the number of daily bicycle and pedestrian crossings we have at those two locations. Joining me now is Josh Mello from Planning who can also comment on this if you have any updates beyond that. No, okay.

Joshua Mello, Chief Transportation Official: No, I don't. I'm getting up to speed. Section 130, yeah, we did come to agreement on a scope with Caltrain and the California Public Utilities Commission. That was submitted in October.

Mr. Hackman: Parts of the Motion that Staff is currently addressing are Staff is working through regional groups and with Caltrain in advocating for funding of Caltrain grade separations on the order of 15 percent of the funds raised by a potential County Sales Tax Measure. Also, Staff is working, advocating really that the criteria for allocating funds to specific grade separation be driven by need factor instead of a, for example, first-come-first-serve process. We want to make sure that if we are able to obtain that 15 percent or even if it's less or even if it's more, that the funds go to the projects that need it most, not necessarily those that are fully designed or proposed first. Parts of the Motion that Staff is proposing additional Staff for in the form of a Program Manager is developing a first phase circulation

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study which Council directed Staff to do. The second is developing a preliminary plan for a context sensitive solution approach to addressing rail impacts and the future of rail in Palo Alto. This would include using the CSS approach for CEQA analysis related to the High Speed Rail Authority's proposal to do environmental clearance on the San Francisco to San Jose project segment and also preliminary design for grade separations in Palo Alto. For those of you who don't know, CSS, context sensitive solutions, as defined by the organization's website is a collaborative interdisciplinary holistic approach to the development of transportation projects. The CSS approach, which is specific, is guided by four core principles: strive towards a shared stakeholder vision to provide a basis for decisions; demonstrate a comprehensive understanding of context; foster continuing communication and collaboration to achieve consensus; exercise flexibility and creativity to shape effective transportation solutions while preserving and enhancing community and natural environments. Council gave clear direction that they felt that if this approach was applied to—I won't say problems, but I'll say the issues facing Palo Alto related to rail, specifically grade separations. We feel that it's likely this could result in the best outcome for our community. Just to be clear on one issue. Under the current California High Speed Rail Authority timeline, which I'll touch on later in the presentation, it would effectively be infeasible for CSS to be applied with what they've proposed. In terms of a Program Manager, which would manage the circulation study and the CSS process for grade separations which Staff is proposing, we're currently in the process of developing an RFP for the program management expertise. It says—excuse me—to retain an individual or firm with rail expertise to take the lead on these items and other activities needed to advance grade separations in Palo Alto. This is whether or not High Speed Rail proceeds. There's a strong feeling amongst Staff and also I know a number of Council Members have expressed both through our last meeting and through Study Sessions that we really need grade separations whether or not High Speed Rail comes. I hope that's not an earthquake. Parts of the Motion that Staff recommends would be addressed through a letter which was included in your agenda packet are that the full CSS approach process be used by the High Speed Rail Authority. That letter would go to both the CEO of Caltrain and the CEO of the High Speed Rail Authority. Also in that letter would be a recommendation that the time line for the EIR for the San Francisco to San Jose segment of the High Speed Rail project include adequate time for the CSS process. In terms of discussion topics for today, timing and amount of funding recommendations. Funding would be specifically related to the Program Manager which we have proposed. Scope of services; what the Program Manager's role would be; how you envision context sensitive solutions for Palo Alto's grade separations working; what

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different advocacy roles different members of the Palo Alto community would take on; what advocacy role would the Rail Committee have; what advocacy role would the City Manager have, a Program Manager, etc., in terms of approach to stakeholder engagement; adjacency issues; how working with our neighboring cities can enhance our ability to achieve our objectives; and how we can use regional coordination and coalition building to accomplish some of what we're trying to do here today. We'd also like to make sure that we're developing and using value capture in the best interests of the City. We'd like to do all this in the context of the Comprehensive Plan CAC. Just in terms of what the California High Speed Rail Authority CEQA next steps are. They plan to release a Draft EIR in the winter of 2016, so one year from now. They plan to ...

Chair Burt: No, no. Months from now. I'm sorry. You said in the winter of 2016 for ...

Mr. Hackman: The draft.

Chair Burt: ... the draft. So that ...

Council Member Berman: Depends on how you define winter of 2016.

Mr. Hackman: They've pushed back their timeline slightly.

Chair Burt: Winter of 2016 isn't a year from now.

Council Member Berman: Winter of 2016-2017. (crosstalk).

Mr. Hackman: Yes. I should say December of 2016. December of 2016 was what I was implying there with the Final EIR certification coming in December of 2017. Basically one year for the draft, two years for the final. That is noted at the bottom. It's for the San Francisco to San Jose program segment.

Chair Burt: I'm sorry, Richard. Is this a recent update?

Mr. Hackman: The recent update was on the Final EIR. They had originally said that they were hoping to have it done by the summer of 2017. They've since dropped that back to what they're calling winter of ...

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Chair Burt: When and how did they announce that?

Mr. Hackman: I read it on the—they had a link to the Caltrain website, and I read it on there.

Chair Burt: They haven't notified cities of this?

Mr. Hackman: The City of Palo Alto has not received that in writing to my knowledge. Finally, Motion elements that Staff recommends should be addressed in the future. This one's pretty straightforward—is to check back with the Council when the sales tax measure starts to take shape, just in terms of where the sales tax measure stands. As of now, December 2015, the MTC is analyzing and modeling the unconstrained project list. In August 2016, we have the deadline to put a sales tax measure on the November 2016 ballot. In November of 2016, 11 months from now, it's likely that a sales tax ballot measure will go to the voters. With that, we welcome your questions and comments.

Chair Burt: Let me first ask just in terms of our agenda. Agenda Items 1 and 2, it's not clear how we distinguish between them. We just had a report that—kind of on all this background. Does Staff have any clarification on the distinction?

Mr. Shikada: It actually really relates to Number 2 more so than Number 1. Perhaps we should have waited on making that presentation.

Chair Burt: In that case, should we go ahead and hear from a couple of members of the public who wanted to speak to "1," but really we have essentially one blended topic today. Does that sound fine? Our first speaker is Mike Brady, to be followed by Adina Levin. You'll have three minutes.

Mike Brady: Good morning. My name is Mike Brady. I've been a lawyer with Ropers, Majeski, Kohn in Redwood City for 48 years. I'm also a mediator and arbitrator with ADR Services in San Francisco and San Jose. I have been the—congratulations on reactivating your Committee. I've met over the years many times with Mr. Burt, Mr. Filseth, Mr. DuBois about the rail matter. I'm the original attorney in the Tos lawsuit centered in Kings County. That's the lawsuit that seeks to prevent the construction of the entire statewide High Speed Rail project. That lawsuit was filed almost five years ago and is set for trial in February 11, in a couple of months. I'm here today also with Paul Jones, the Chairman of the Atherton Rail Committee.

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I've met with that committee for almost five years on a regular basis to update High Speed Rail on the Peninsula. I hope to interest you in joining with Atherton in a potential lawsuit to prevent High Speed Rail from coming to the Peninsula. My existing lawsuit is centered in Kings County because that's where the project was going to start. Now you're rather upset to hear they're trying to rush through the EIR and so forth for High Speed Rail on the Peninsula. You know the reason for that? Perhaps you don't. Very recently it was discovered that for 25 months, the High Speed Rail Association has concealed from Congress, the State Legislature and from all the cities that the cost of the project is going to be \$9 billion higher. Their own contractor advised them of this and also said it's almost impossible for you to get under or over the mountains in southern California. When they face that difficulty, you might see southern California abandoned for a long time. Where does the focus then go? To the Peninsula. Watch out. Be very careful. I look forward to meeting with you. I'd be happy to brief you on our lawsuit. One of the main difficulties about the legalities of High Speed Rail on the Peninsula is this. They never submitted a funding plan for the Peninsula. They did for the Central Valley. Proposition 1A, our lawsuit is entirely based on Proposition 1A. Proposition 1A says no money can be appropriated for a project unless a funding plan is first submitted to the Legislature. None was ever submitted for the Peninsula. One was submitted for the Valley. That's a huge legal problem. No money can be given to you for anything until that is satisfied. The mood in the Legislature has changed. High Speed Rail is not as popular as it was in 2008 when it was passed. The Governor, of course, is still strongly in support of it, but it would be very interesting to see what funding plan would pass on a statewide basis. Finally, I would just mention that there are three initiatives which are currently getting stamped and approved to go out for signatures statewide. One would repeal the whole project. Two of them would take the existing money in the High Speed Rail bond fund, \$8 1/2 billion, and give it to state water projects.

Chair Burt: Thank you.

Mr. Brady: Thank you.

Chair Burt: Our next speaker is Adina Levin, to be followed by Herb Borock. Welcome.

Adina Levin: Good morning, Council Members. Glad that the Rail Committee is reconvening to deal with the many issues and opportunities

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relating to rail at this time. One of the things that I'd like to mention with regard to the potential scope of the Committee relates to some renewed activity about Dumbarton Rail and the Dumbarton Corridor. There has been—even though this project has gotten killed a couple of times in the last few years, there's really a very strong interest, particularly in West Bay communities, to bring this back. Most recently Facebook has generously offered \$1 million to study transportation options on the Dumbarton Corridor starting with the segment from Redwood City to Menlo Park, East Palo Alto by Facebook, and then potentially continuing over the bridge. There has been some expressions of interest in private operators to do a public-private partnership utilizing that rail corridor which has interesting implications for the region and would need scrutiny for the aspects of the business plan and also for the constellation of risks and benefits that you want to have a public-private partnership to get the best balance of public and private benefits. There's a next step here. The SamTrans Board is going to be accepting the offer and kicking off managing the analysis of transportation options on the corridor in their January Board Meeting. To take a step back, one of the opportunities would be to have connections from the bridge into Palo Alto where many people do come and work here from the East Bay as well as there's been some interest from large corporations in Mountain View to bring people over from there. One issue and risk is that in order to study the bridge apparently this needs to go back through the Alameda County Transportation Commission which is the entity that has killed this project three times in the last few years. Any political connections, they're doing some investigation to find out any points of leverage and would be happy to talk to Staff or any Council Members regarding that after this meeting. That is something that the Council may wish to include as part of the agenda. Lastly, for the agenda, there are issues relating to Downtown extension and its funding. That would be a beneficial project for Palo Alto and the rest of the community. That may be another item to be able to include in scope.

Chair Burt: Thank you. Our next speaker is Herb Borock, to be followed by Roland LeBrun.

Herb Borock: Good morning, Chair Burt and Committee Members, and also one, two, three, three members of the Policy and Services Committee. The Committees are advisory to the Council. In looking at the agenda, it's hard to tell whether, the way it's been formed, it's seen by Staff as a Committee that makes recommendations to the Council or talks to Staff about how they're implementing Council direction. Even such a simple thing as discussing a spokesperson, that's only something that the Council itself can determine. In regard to the draft letter from the Mayor reflecting adopted

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Council policy from its October 13th meeting, I would recommend that the language on context sensitive solutions be expanded. The reason is the High Speed Rail Authority is committed to context sensitive solutions for the design of more intensive development around High Speed Rail train stations. It's the policy of the City Council to be opposed to a High Speed Rail station in Palo Alto. In looking back at the Californians Advocating Responsible Rail Design site for the discussions on CSS in 2010, there were a number of different issues related to High Speed Rail besides the station environment for CSS solutions. I would think it would be important to mention those various issues that you would use that for, so that High Speed Rail doesn't turn around and say, "We're already doing that. It's in a project." In regard to an Environmental Impact Report schedule, the agenda materials for the Authority's Finance and Audit Committee meeting this month contains the detailed schedules for the Environmental Impact Reports for the various sections including precise dates for when they think those things will be occurring. Finally in terms of a possible VTA measure, one of the things that's been discussed by a number of people including Supervisor Simitian was that the thing that would probably defeat that measure would be Bus Rapid Transit. I'm concerned of people chasing after money for grade separations on the Peninsula in exchange for support for that, that somehow that would slip through. Whereas, the proper thing to do there would have language in the measure that would prohibit the Bus Rapid Transit. Thank you.

Chair Burt: Thank you. Our final speaker is Roland LeBrun. Anyone else who wishes to speak needs to bring their card forward.

Roland LeBrun: Can you hear me? Is this working? Season's greetings. I'm happy to see you all back, and I'm glad that we're finally reforming after the hiatus here. I'd like to touch on three things, the grade separations, the environmental clearance and then some of the items Herb and Adina touched on. On the grade separation and the funding, you have to be realistic. We're talking about millions and potentially reaching much over a billion dollars worth for Caltrain. You cannot expect the VTA to basically take in this money and dumping it down basically the Caltrain High Speed Rail money pit. You have to be realistic about that. This would be a tough sale. I'd like to suggest you use a different approach. You reach out to the VTA and explain to them what you're trying to do, and then ask them to take you to the East Bay and show you what they did for BART. They did four grade separations for Union Pacific over there. They know how to do this with a light railway. They can show you the approaches that they took, the engineering and also the causeway. On the environmental clearance



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and the context sensitive solutions, the key here is that the Peninsula will be below 125 miles an hour, which means that the High Speed Rail Authority do not have exclusive rights to get environmental clearance. Anybody can get it. That's VTA, SamTrans, Caltrain or whatever. One approach you should be looking at is maybe the VTA should be assuming responsibility for getting environmental clearance independently. The key is 125 miles an hour. You keep it below, anybody can do this. Just to clarify the dates on the environmental clearance, they're talking about scoping comments in two to three months for or about the draft in the winter. That's probably where the confusion arose. In closing, on the points that Adina made, this is actually a joint effort between Facebook and Stanford. I don't know if you know that Stanford are about to basically start a new campus in Redwood City. It's a joint effort with them. Right now, it's primary focus is coming from San Francisco, so it's basically linking the (inaudible) of Transbay and basically go directly to Facebook. I don't know if you're familiar with this. We have a potential project on a ballot measure which is called a VTA Sprinter project which is going to be basically providing additional traffic from the south. It might draw as far as Diridon (inaudible) and going as far as Blossom Hill. It goes up to Alviso, when it turns back. It goes back and forth. Once Dumbarton reopens, I assure you we're never going to reopen this bridge. It'll be a tunnel; it'll be a high speed tunnel, minimum 125 miles an hour, probably keep it to 124 so somebody else can get the environmental clearance. Then we'll have a potential to have a loop that starts from the south and go to Diridon. One train will go to the East Bay, go across Dumbarton, come back down to Diridon. The other train will go up the Peninsula and come back down the other way. We'll have a loop for the Sprinter system. That's it. Thank you.

Chair Burt: Thank you. That's ...

Yoriko Kishimoto: Mr. Chair ...

Chair Burt: I'm sorry. You are going.

Yoriko Kishimoto: Good morning. As a former member of the Rail Committee, I'm delighted it's reopened up again. Just three quick comments. One is on CSS. The way I like to think about it is really kind of rail and community, how do you move a lot of people through the community, so it's not really just an obstacle to High Speed Rail. It is kind of give-and-take between the community and getting people through. I always think of it as do you want to have more transit going through by

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bike/ped or do you want to have more auto traffic going through, especially with the traffic getting so bad recently. I think people do realize there are tradeoffs to be made and how do we minimize impacts. I wanted to reinforce Adina's comment about Dumbarton Rail. There is a very exciting new possibilities coming up. It's similar to the fiber optics discussion where there's kind of open access network plus kind of public or private service providers. There's a service provider who is kind of exploring the possibility of Dumbarton Rail. That's very exciting. As you know, I was involved in the Peninsula Cities Consortium. I just wanted to reinforce the point that it is very powerful to have cities work together and speak with one voice. I serve on the Mid-Pen Regional Open Space. Unfortunately, there is no Mid-Pen transit. There are transportation agency. In a way the Rail Committee or the regional consortiums working together can have that role.

Chair Burt: Thank you. Now returning to our agenda. (crosstalk) get through the best way for us to begin to have discussion. We have maybe two different categories. Anything that requires guidance in the nearer term and then essentially trying to work out a work plan for the coming year. Maybe because the work plan is a deeper subject, should we make sure that we cover today the actions in the nearer term?

Council Member Berman: Mm-hmm.

Council Member DuBois: It seems like another way to do it would be by category, this A, B and C, talk about grade seps and High Speed Rail and the sales tax.

Chair Burt: If we did it that way, trying to cover these things in the next 55 minutes could bog us down. Then we might risk that we didn't have time to address some of the things that are most immediate. I don't know. I'll go by your preferences. Thoughts?

Council Member Berman: I wonder if we should let the calendar dictate the discussion. As you were saying, things that need a little more direction to Staff earlier next year should be discussed today. When we reconvene earlier next year, we can see what hasn't been covered. We definitely want to cover more timely issues.

Chair Burt: I would hope that today we'll at least be able to have a preliminary discussion on the work plan. I'm not saying that it's one or the other, but I would want to make sure that we get done what has timeliness

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associated with it. Amongst the things that have time constraints, it seems that the letter to the Rail Authority is timely. Richard, on the VTA sales tax, do we have any real update since the Council had a last discussion on it?

Mr. Shikada: Sure. Why don't I take a shot at that? Josh, you may want to reinforce it as well. Primarily the activity of late has been among the committees and specifically the technical advisory committee which is made up of staff of various agencies throughout the County. There has been discussion of the criteria and, I think, at this point fair to describe it as being VTA staff floating some concepts of how funding would be allocated among different categories of transportation whether it be grade separations, highway, street maintenance and the like. Those conversations are ongoing. Among other agencies, the City of Palo Alto has been talking with North County, West Valley cities in order to try to maintain a sort of ...

Council Member Berman: Unified front.

Mr. Shikada: ... unified front or a collective position. At this point, it has focused largely on the need to perhaps de-emphasize BART as a central component or primary component of the measure and also a desire to look beyond the street maintenance, that specific program, opening the door to more multimodal both planning as well as investment. The next steps there will be some additional conversations involving the staff as well as the VTA Board Members representing North County and West Valley. Expect that that will extend into January.

Chair Burt: You mentioned that they're floating some alternatives on how the funding allocations. Can you share elements of that we've expressed and the Council expressed our position on, foremost the grade seps and secondarily other multimodal funding?

Mr. Shikada: It's been fairly fluid. Josh, do you have any specifics in that area?

Mr. Mello: Yeah, I do. The last TAC meeting was actually canceled. It was scheduled to occur on Friday. VTA actually asked the North County and the West Valley cities to attend a specially called meeting at VTA. It seems like everyone's kind of coming around to the fact that this supplemental mobility study needs to be done for the North County, West Valley on a pretty accelerated schedule. They actually circulated a draft scope of work for that study. It's also appearing as though there is somewhat of a consensus

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forming around the fact that Santa Clara County and VTA need to have a similar program to what is done in San Mateo County around grade separations, where there's dedicated funding and a competitive process that uses objective criteria to fund the advancement of grade separations. I think 15 percent of the total funding is the last table that I saw, very initial number. I think there is kind of consensus forming around the fact that some type of grade separation program needs to be created.

Council Member DuBois: They were working on a process with evaluation criteria and scoring. They have all those projects that were submitted. Are they actually talking about going away from that or are they still proceeding with that process?

Mr. Mello: The other update is the unconstrained project list for the County sales tax was submitted by VTA to MTC to do modeling and analysis. They have to do air quality modeling and traffic impact analysis. That's underway right now. I don't expect that they'll be able to model grade separation projects. There's certain categories of projects that just don't fit into the standard modeling. That's kind of what's underway now. They'll be presenting kind of the performance of the individual projects to us probably in early 2016.

Council Member DuBois: It sounds almost like a dual process, like they're continuing with what they had done, but starting to talk about maybe a study. It's not clear that this idea of funding projects based on need versus kind of first-come-first-serve—has that been talked about?

Mr. Mello: The unconstrained project list is fairly large. I think it captures—there's some categorical, program-type submittals that are in there. I think there's some ability to modify that unconstrained project list to meet what may come out of this North County, West Valley study and other initiatives.

Chair Burt: Tom was raising this question of whether projects will be ultimately prioritized based upon first-come-first-serve like even amongst the grade seps or—I forget how you described it in the first part of your comments.

Mr. Shikada: A carve-out, a set-aside in effect of dollars without a specific decision on which grade separations.

Chair Burt: Yeah, basically so.

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Council Member Berman: Like the San Mateo County (crosstalk).

Council Member DuBois: Like categories.

Mr. Mello: Yeah, competitive. San Mateo County uses a similar process to what the State uses for the Section 190 program which looks at the amount of rail traffic, a history of collisions, a whole host of different factors, to kind of prioritize grade separation. San Mateo County uses a similar formula to award the funds through their program. I think that's kind of the way the wind is blowing, but there are a lot of grade separations in Santa Clara County that are further along than ours. I think one of the criteria may be has environmental documentation be completed. I think it's still in our best interest to get moving and catch up to some of the ones that are—even if it is purely objective.

Chair Burt: Yes. I think that even while we may begin to accelerate our progress, we've already taken a position—I think, if we need to, we can discuss that further—where we believe it's critical that it be based on the objective criteria and not just a sequential "whichever is furthest along gets funded" and which is maybe most in need or most important does not.

Council Member Scharff: Pat, are you advocating that we continue to move forward to make it shovel-ready, what we're looking at doing? I was unclear. I agree with what you said, but I was unclear what that means in a practical application in terms of going forward or not, moving things along.

Chair Burt: I would say that the important immediate thing is that we advocate that the criteria be set up based on objective criteria, not who's most shovel-ready. One of the things as we go into the grade separation is I expect that based on the Council discussion recently we will begin the process of defining our requirements better. That's going to take some time.

Council Member Scharff: I also see us having a bit of a conundrum on this in terms of there are grade separations and there's this notion of a trench that we're talking about. If you're moving grade separation forward, it can be different than looking at a trench in terms of there could—I mean, if we're going to do a trench, it's different than grade separating a particular intersection. I think everyone else is grade separating a particular intersection. How do we separate Churchill or how do we separate Charleston? We're looking at doing a trench. I think there's some sort of

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sense of how do we put that together so that happens as opposed to focusing on a particular intersection.

Chair Burt: Whatever we may come up with as our design recommendations for the City, they're quite a ways away. If we have the set of criteria be adopted that are based upon who's farthest along, it affects us the same way. I don't know that we have that conundrum. That would be part of what we'd dive into as we have a deeper analysis of our alternatives. In my mind, either way we need to make sure that the selection criteria are set up based upon the objective basis rather than where anyone stands on being shovel-ready. That seems to me our most immediate need. That opens the door for the additional considerations.

Council Member DuBois: I do think we should be careful with our language. Maybe for now we should say "trench/grade separations." I think when you only say one, you're not saying the other.

Council Member Scharff: I do think when we say grade separation, the rest of the world out there thinks a typical grade separation project.

Council Member Berman: Either under or over.

Council Member Scharff: Right, either under or over.

Council Member Berman: I really think (crosstalk) it altogether.

Council Member DuBois: Until we decide, maybe we should say both.

Council Member Berman: (crosstalk)

Council Member DuBois: I think we started talking—I don't know if we're ready to go back to the letter. I guess I'm not really sure how we're attacking this today.

Chair Burt: The letter is on the High Speed Rail subject, so let's first make sure that we're aligned on the direction on the VTA tax.

Council Member Berman: I think we are. I think even what Greg was saying was that that's an important first step, making sure that we continue

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to advocate for the San Mateo County approach, I'll call it for ease of words, and not first-come-first-serve, not first-ready-first-serve.

Council Member DuBois: Again, we were talking about grade seps, but I think we're talking more generally that the sales tax would allocate money to categories and that those categories would be prioritized based on need. I'm a little bit concerned that they're far down the road on a different process which was scoring all these projects, and some that criteria was how ready the projects were. I don't know if they're really changing or not.

Chair Burt: I think we're clear because we had discussed this as Council as well, that we want the criteria certainly within the dollars for grade separations—two things. One, they don't preclude other options. They're dollars toward respective places where there are grade crossings. Second, that it be based on objective criteria rather than who's most shovel-ready. Do we have consensus on that?

Council Member Scharff: Yeah.

Council Member Berman: Yeah.

Chair Burt: Great. We want to make sure on that. The second thing that Tom is raising is how are they proceeding on this huge bucket of every project that they asked anybody to submit on and where does that fit in with where they are now.

Mr. Mello: I think the answer I would give you is we're not quite clear on what the discussion is going to be once the results of the modeling and analyses are done. I imagine it'll be a collaborative, back-and-forth process between the different jurisdictions, advocating for their individual projects. With a focus on objective criteria, hopefully ...

Council Member DuBois: There's been a lot of work done. They've come up with a set of objective criteria, and I think they were working on a scoring mechanism. Again, there seemed to be a lot of momentum already, like those criteria were developed over a period of time.

Chair Burt: I guess the good news about that is if they're using objective criteria for selection of the other projects, that would support our position

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that they should use objective criteria for which grade separations are done and when.

Council Member Scharff: When we say "they," there's MTC, there's VTA and there's Caltrain. Who's making this decision?

Chair Burt: VTA. This is the VTA measure.

Council Member Scharff: Right. On the VTA measure, will Caltrain make the decision of which or will VTA actually make the decision of which grade separations?

Mr. Mello: The particulars of how the program would operate have not yet been determined. Right now, it's just kind of let's put some money in a bucket for grade separations and let's emulate the San Mateo County process where they award it based on objective criteria. The conversation hasn't gotten to the point of how those decisions would be made. I would imagine it would be VTA using some type of criteria.

Chair Burt: That's my understanding as well. It's VTA's dollars, our dollars through VTA, and they would be doing that. I would certainly think that that would also be in collaboration with both the cities and Caltrain, but I think that decision authority is with them.

## **NO ACTION TAKEN**

2. Discussion of Priorities and Work Plan for the Rail Committee, Specifically Regarding the Following:

A. Grade Separations:

- i. Resources Required;
- ii. Circulation Study;
- iii. Community Engagement.

B. High Speed Rail Advocacy:



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- i. Methods and Spokesperson(s);
  - ii. Next Steps.
- C. VTA Sales Tax Advocacy:
- i. Methods and Spokesperson(s);
  - ii. Next Steps.

Council Member Burt: The way we had this structured, we actually moved kind of from the speakers who are speaking to Item 1, and now we're on "2." Even though there's some crossover there, we have a speaker who wanted to speak to Item 2C, Adina Levin. Why don't we go ahead and do that? Adina.

Adina Levin: Good morning. Speaking specifically on "2C" and the VTA measure. Thank you for supporting the program versus project approach to grade separations. Language that might be able to actually spur in their think tank vision for VTA and communication with execs is trying to enhance this concept of having more program-based funding rather than specific project-based funding. That's language that might be used and recognized. With regard to the focus of the Caltrain-related funding, having substantial funding for grade separations is important, but I am wondering whether shifting the focus from mixed capacity improvements to 100 percent grade separations is something that would be accepted and raised by other cities, by the employers like Stanford and Google and Linked In that really deeply depend on Caltrain being able to create more passengers and by the Silicon Valley Leadership Group which doesn't have the same micromanaging role that they did before but will still be influential in getting it passed. I suspect that the rail rider and the company constituency including capacity is going to wind up being important. Two more thoughts. The idea of return to source, if you have good pavement condition, use the money for a local need instead, is a good idea and might get some traction. Lastly on the concept of program versus project. Palo Alto was the first to pioneer thinking about its proposed expressway project as instead a program and being able to solve its congestion on Page Mill utilizing transportation demand management, not just road widening. There are other cities that are interested in using this approach in areas in their jurisdiction. There are some governance issues relating to really being able to make that transition. That may be something that Palo Alto as the pioneer might speak up for and

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also potentially work with other cities including San Jose that are interested in that sort of transition where some of the expansion-only methods don't work for them either.

Chair Burt: Thank you.

Council Member DuBois: Just one quick comment, if I could?

Council Member Burt: Okay.

Council Member DuBois: As we're talking with VTA, I think we want to treat grade separations as a separate category from Caltrain improvements. I don't think we should—I mean, obviously there's going to be more projects than money, but we don't want to have that be the same category.

Chair Burt: Is it correct that if they're using the San Mateo County model, they had the 15 percent toward grade separations, and then they could have a different discussion of what dollars would go for other capacity like platform lengthening. We have one more speaker, and that's it. Roland LeBrun.

Roland LeBrun: Thank you. To give you a little bit of a (crosstalk) you've been asking. You need to look at the Envision Silicon Valley process and the website is [envisionsv.org](http://envisionsv.org). You're going to see what the current thinking is in terms of how they're going to break up the \$6 billion. Right now, it looks like \$1 1/2 billion for BART and \$800 million for Caltrain. When they say Caltrain, you've really got to also understand some of that money is going to be going to Diridon, because we're going to have to do some massive changes at Diridon for the BART interface. It's going to be a combination of BART and Caltrain funding that's going to go into the (inaudible) thing. With regard to the question that you had about grade separations, the only role Caltrain has in this is basically to provide input. I have actually seen two projects which supposedly are Caltrain projects at San Carlos and West Virginia. I can assure you these projects have nothing to do with Caltrain; they actually are pushing grade separation for High Speed Rail. The reason they're doing this is that right now they've got two tracks, and one of those two tracks is a Union Pacific track. Union Pacific has flatly told them, "You're not going to electrify this." They have got to build a third track. Right now, they're talking about grade separations on either side of Highway 280, and nobody knows where the funding for the bridge is going to come from for

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the third track that crosses Highway 280. That's probably \$100-\$150 million. Just to give you some context about what's going on.

Chair Burt: Thank you. Have we addressed the VTA issue well enough? Okay. Let's go ahead. On the High Speed Rail advocacy, we have the issue of this draft letter. Let me just share—I shared at the Council meeting on this that State Senator Jerry Hill facilitated a meeting between himself, Dan Richard and me, now probably close to two months ago, which was as a follow-up to issues I had been raising as this EIR was proceeding about both how rapidly it was scheduled to be done, the communication or lack thereof with cities and what process should be used going forward. One of the things that we discussed was—I should add that the High Speed Rail Authority had a webinar call for local elected officials back—what? Three months ago, Tom?

Council Member DuBois: Yeah.

Chair Burt: Tom and Richard and others from—I don't know if Ed was in on it.

Ed Shikada, Assistant City Manager: (inaudible)

Chair Burt: Several of us, where Palo Alto was pretty well represented. I was up there at the PB office in the City and had a chance to speak with Rail Authority representatives before and after and made these same points that this very accelerated process, even as just an EIR process for such a complicated EIR, was unrealistic and would be kind of ramrodding this going forward. Also, that the High Speed Rail Authority had actually made a commitment back in the, I think, 2009 Business Plan to use CSS as the process for developing a plan at that time for the full four-track system on the segment that the Peninsula is part of. It was the only segment in the state that they've made that commitment for. That process was moving forward with imperfections in it. When the blended system went through, the need for that went by the wayside for the time being. They have argued under the technicality that they brought this back forward. I said this should be CSS again. They said, "Technically we only approved it for that Peninsula rail program which was the four-track system." Dan Richard ended up agreeing that he was open to a dialog on that and agreeing to hold an upcoming meeting with Palo Alto officials to discuss a process going forward without agreeing to CSS in advance. That's some important background to this. I'd also say that in terms of whoever we may address this to, at the

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High Speed Rail Authority Jeff Morales is the CEO; but I would say that Dan Richard is not only the Chairman of the Board, he is the Executive Chairman meaning that the CEO of the Authority reports to the Executive Chairman in all practical purposes. Dan Richard was appointed by the Governor and reports directly to the Governor and is engaged with him. He's the most important figure in this rather than the CEO who is more responsible for execution than for policy. In that context, I think Dan Richard is the most important person to address this to, but we certainly want to include the others. Did folks want to wade in on the letter? There was a comment that under CSS, I really think that we need to convey a bit of the history of this and its value and purpose and not assume that everybody understands why it's important and what was agreed to in the past. I can tell you that the High Speed Rail representatives, the staff level, they have a team for this section that is now out of San Jose. The head of the team is Ben Trapisas.

Council Member DuBois: Trapisas.

Chair Burt: Trapisas. He was formerly San Jose's lead on transportation and the High Speed Rail. They've hired Bruce Facucci [phonetic] who we know, who has worked with the City of Palo Alto and had worked on the CSS process before when it was proceeding back in the '09 to 2011 period, I think it was. Guy Preston, who is I think the lead engineer on this, a former CalTrans person who, when I raised this issue at the Caltrain Local Policymaker Group and he was the High Speed Rail representative there, spoke up and said, "I didn't know it was part of this segment in the past." He had worked with CSS through CalTrans and thought it was an outstanding program and was supportive of that. I think that did not represent yet a position of the High Speed Rail Authority, but I would just say that we have two of the key staff people on this region who think highly of it. Dan Richard had actually worked with something like that with BART and had seen great success, but he has trepidation on whether CSS is somehow a way to derail their initiatives. In reality, it's an open process; it doesn't predetermine outcomes one way or another. Tom.

Council Member DuBois: I had two thoughts on this letter. One small one which is I think we should primarily address this to the High Speed Rail Authority in the way it's kind of Caltrain and High Speed Rail. I want to flip it, if we want to keep Caltrain as part of the letter. The second thing is in terms of timing. As much as possible, I really think this should be a multicity discussion. It would be great if this was a multicity letter. If we don't feel like we have time to do that, maybe we go ahead and send a Palo

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Alto letter, but we would also maybe reach out to other cities' rail committees. I'm not sure if that's something that Staff can do easily. I think in a lot of these things around rail, it may be good for us elected officials to actually reach out to our counterparts and do some of this work more than having Staff do everything. Those are my kind of two high-level thoughts on this.

Council Member Burt: Ed.

Mr. Shikada: If I might add to perhaps your thinking on the specifics of the letter. Certainly agree, Council Member DuBois' point that having a couple of options. One is since we already do have a venue for discussion certainly of the North County, West Valley cities, that's an easy conversation or topic to bring to that conversation. As it relates to other cities and specifically on High Speed Rail, I would agree that having elected involvement would be very important. One additional point for consideration in the letter that the discussion brings up is given that they're now in the phase of scoping the environmental document, the question of the project description itself will be very important. It may be useful to make reference to the trench as an element of that project description as they're entering in. There will obviously be more detailed elements of the project that we'll want to communicate back to High Speed Rail Authority, but at the highest level and in the essence of the project description itself, there may be an element that you want to address at this point.

Council Member DuBois: There's a little bit of a strategy discussion here. I mean, if we're trying to get them to commit to CSS and we bring up the trench, again do they feel like we're expanding the scope too early?

Chair Burt: Let me add to that. I did discuss that with Dan Richard. Frankly, over the last year-plus we had had discussions over a year ago with Carl Guardino as the Leadership Group was putting together or considering putting this VTA tax on the last ballot. Over a year ago Carl's response was he thought that seemed very unreasonable. It's now becoming recognized that objective criteria need to include different physical environments at different areas where grade crossings need to occur. Where they're very constrained, whether Palo Alto or elsewhere, design alternatives such as trenching need to be part of the consideration. Not the conclusion, but the consideration. Dan Richard did not express kind of a "that's a non-starter" concept at all. It was an acknowledgement that the objective circumstances of different locations on the corridor mattered.

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Council Member DuBois: I'm just concerned that calling out one solution in this letter, if the real purpose is to get the ...

Chair Burt: I'm sorry. Does it have that?

Council Member DuBois: No, it doesn't. What I heard Ed say was maybe we should add trenching to the letter. I think if the focus is to get them to agree to CSS, that may or may not be a good idea.

Chair Burt: I agree.

Council Member Scharff: Did you have language, Pat, that you thought we should add to this CSS to give them more (crosstalk).

Chair Burt: Rather than specific language, I would say that following kind of the numbered requests, I think there should be a third one around communication, that we give a bit of a background, not a long one, that CSS had been agreed to by the Rail Authority for this segment under the PRP, and that it was our understanding and our belief that it would, whatever future iteration came forward respective of High Speed Rail on the Peninsula, it would follow the same process. Second, briefly about why it's valuable. This is something that really Dan Richard acknowledged. He basically said in terms of the timeline for the EIR that they would not ram it through, that they would take as long as it took to do it right. He asserted a lot of pride in the EIRs that they have done in Central Valley and asserted his belief that they had taken the time and done them very thoroughly. A thorough EIR is quite different from a CSS process. They've argued they could do them in parallel. To a great degree the CSS informs the EIR. You can't have the one follow the other. They've kind of talked about CSS and those different things. I think that we should assert why CSS is the best way to not have a highly contentious outcome from their process and to problem solve without predetermining what those solutions may be. Those would be the two portions of that. If I might just add on the communication. This surfacing that they were moving forward with this EIR on a rapid scale came about because members of CARRD notified me that back in the August Board Meeting this had been on their agenda and had moved forward. It made no engagement and did not communicate this to the cities up and down the Peninsula. They had their own plan that they were beginning to figure they were going to have these public meetings. They had three, actually four, San Francisco, Burlingame, San Jose and Morgan Hill. Nothing between Burlingame and San Jose. They just were doing all these things in a

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vacuum. I requested that Caltrain agendaize it for the Local Policymaker Group meeting. They brought Guy Preston to that meeting, and we engaged on that. Part of the issue that I've raised a number of times is we shouldn't be blindsided by these important changes; they should be communicating them. They agreed. Now, on the one hand it's good to hear that they're modifying their most aggressive timeline on the EIR. It's disappointing that the way we find out about it is because somebody saw something on a website rather than them just going and communicating clearly that they had that intention. Naturally, it would be, I think, that they'd say before they take it to their Board, they'd let our Staff know that they intended to propose such a thing to the Board. I think we should emphasize that there needs to be strong and transparent communication going forward on this. Yeah, Josh.

Joshua Mello, Chief Transportation Official: If I could just echo Ed's point about the scoping and the project description. I do think that's a rather immediate item that we need to pay very close attention to, the project description, and we need to ensure that the project description itself does not preclude grade separations being included as part of the High Speed Rail project. I actually attended the Burlingame meeting. The comments that the HSRA staff made led the public in attendance to believe that grade separations could possibly become part of the project itself. That's what they were telling the public at the meeting. I think we need to make sure that the project description—we need to make sure that the grade separations don't just become kind of an afterthought, mitigation measure that's identified for somebody else to complete, that it is possible for those to be included in the project description if they're appropriate.

Council Member DuBois: We've heard different comments on that. That very first call three months ago, when we asked about grade separations, they said that there was perhaps funding for quad gates. Again, the initial discussion about the EIR was that they'd not want to change anything, because they want to use the electrification EIR. I think you're right, it's really critical that we watch how this project is described.

Chair Burt: I'm just pulling up all my notes from that. I went back and listened to that—I recorded it, so I listened to that webinar. Ben had said that they had funding for quad gates. He also said—I'm trying to remember his exact wording—they certainly would work collaboratively with cities around grade separations but didn't make any commitment that they could or would fund them or be a portion of the funding. They've also said that

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they're working with San Mateo on something along those lines. They haven't been entirely transparent with everybody else of exactly what that means. Dan Richard acknowledged that grade separations would be a necessity ultimately whether it be High Speed Rail. He and I agreed that if High Speed Rail never came to the Peninsula, Caltrain would need to be expanding its number of trains per hour in a way very similar and ultimately have a comparable requirement for grade separations. At that level, there was an acknowledgement that ultimately grade separations will need to occur. As others even this audience know well that High Speed Rail Authority has great funding challenges even without looking at how to fund grade separations on the Peninsula. I should add one other important thing I think I mentioned at the Council meeting. There's been a lot of discussion and probably several different valid explanations of why this Peninsula EIR suddenly got back on the table. Now, the High Speed Rail Authority has asserted that it was in their last Business Plan to begin this process in this timeframe. All the rest of their program is delayed, and it was to be a segment that would be following the southern California segment. Instead, without forewarning and with what was initially an 18-month timeframe, it raced forward. I probed a lot on that. Finally, it was explained to me at the Parsons Brinckerhoff meeting that the High Speed Rail Authority in October would be presenting to their Board the expressions of interest by the prospective private parties in the project. They expected that those would be very strong and accelerate the whole High Speed Rail program in the state and that potentially the construction of the blended system on the Peninsula would move forward from what they had previously put as a 2029 completion date. Whereas, many of us had been thinking it was more likely it would be pushed out. When those expressions of interest came out at the—that's not the correct title on them. I forget what they're called. At the October High Speed Rail Board meeting, they were not what Ben had indicated they expected them to be; they were the other way. There was no substantive financial commitments. Actually Dan Richard and the Governor's lead guy, Mike Rossi who's a finance guy, really said these are not positive developments at all. The premise for this racing forward, as it was expressed to me, was around the potential private funding along with the leveraging of the cap and trade dollars. They intended to be able to bond those. They can't bond them unless they're extended beyond what the Legislature currently has committed to, which I think is 2020. That will be a very important upcoming legislative matter. If the Legislature gives long-term commitment of those dollars to—the 25 percent of them to High Speed Rail Authority which they currently have, then those would be significant dollars that the Authority could then bond.



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Council Member Berman: Can I ask a question?

Chair Burt: Sure.

Council Member Berman: Can the Legislature even do that before those lawsuits are settled about the whole cap-and-trade system on the whole?

Chair Burt: There are actually several legal problems that are based around the cap and trade. One is whether this is a proper use of those funds, because the—is it Prop, what's the cap and ...

Mike Brady: 32.

Chair Burt: Prop 32 has specific requirements for how those would be used. It's being challenged whether this project meets those requirements. There is another challenge as to whether the cap and trade, which was adopted by the Legislature as a fee, was properly a fee. I forget if there was a third issue. I'm not sure of the intersection of that. The Legislature could act, and there conceivably could still be legal challenges to their action. I think the recent developments from the High Speed Rail Authority have—the problems that have come out in the press in recent months have gone from kind of the Legislature not really being very engaged and the public had kind of died down and the press had died down in their attention to now there's a great deal of attention. I think that there's a very good chance that the Legislature in their oversight role and the upcoming Business Plan which is the plan that is supposed to really be substantive on where they are going forward, that intersects with some of the other lawsuits. This coming winter they're supposed to unveil. I think by summer the Legislature is supposed to act on it. That's a big deal. The Business Plan, the funding for cap and trade are two big actions by the Legislature that will have real bearing on this. As is obvious, this is always a very complex issue. Are we fine with giving direction to Staff on this letter to expand on the background and the purpose of CSS? I would also advocate that we make a third point on what we are looking for in transparent and strong communication.

Council Member Scharff: Maybe you could elaborate on the transparent and strong communication, just so Staff has a sense of what would go in there.

Chair Burt: I think it's that they should communicate to not only Palo Alto but all the effected cities and parties any changes in intentions as they are considered or known, and they will also seek input from those parties.

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Those are things that they've actually orally committed to doing. Now, they've gone back and done it again.

Council Member DuBois: I guess the other changes were to change who the letter is address to. Again, I think we should have High Speed Rail first and Caltrain second.

Mr. Shikada: One procedural question. Whether the Committee feels this is something should go to the full Council for information and that that direction come from the Council or whether that would happen here at the Committee.

Chair Burt: On these changes?

Mr. Shikada: On the letter itself.

Council Member Scharff: I think it should go to the full Council on Consent.

Chair Burt: Sounds good.

Council Member Berman: Does holding off on this for four weeks change anything?

Chair Burt: We don't have another meeting.

Council Member DuBois: What about the idea of trying to do it for multiple cities? Should we get ours out on our own?

Chair Burt: Yes, I think we should get ours on our own in parallel. In fact, that template can be one that we could carry to other cities and use to try and get alignment there.

Council Member DuBois: On this Consent item, do we want to specify that it should go to other cities? How are we going to do that?

Council Member Berman: I think that's something that Staff can just do. I don't know that Council needs to approve that element. If we are going to wait until mid-January, we'd want other cities to start working on it before

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then. If we have to wait for Council approval to have that be part of the strategy, then ...

Council Member DuBois: If it goes cold to other Councils, I don't know how they would interpret it.

Chair Burt: On an informal basis, there wouldn't be anything that would constrain members of the Council from encouraging colleagues as they engage with them in other cities and kind of begin to get that consciousness going while we're preparing to adopt this, I guess, on the 4th of January.

Council Member Berman: One thing that I wanted to ask earlier that reminded me. So that we can do that and do our advocacy role with colleagues in other cities, is there a list of members of other rail committees in other cities or certain Council Members that are taking point on some of these things? Just so we know who most accurately to target. If that doesn't exist, then no problem. If it does ...

Chair Burt: I think what's happened is that as the interest in this has died down, just like in Palo Alto those efforts have. We have the representatives on the Local Policymaker Group to Caltrain. Those would be certain point people. We have representatives on the VTA transportation measure. Those are probably a couple of lists that would give us a better sense of who's most engaged.

Council Member DuBois: I think Menlo Park and Atherton have active rail committees. I think there are a couple of Mountain View Council Members who could help us.

Council Member Berman: Could Richard circulate that to us?

Richard Hackman, Management Analyst: I can put together a list that's as comprehensive as possible.

Council Member Berman: That'd be great. Don't spend a lot—I mean, just easy picking.

Mr. Hackman: Yeah, who's doing rail for who.

Council Member Berman: Thanks.

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Council Member DuBois: I'm kind of watching the clock. We kind of touched on grade separations. If we're done with High Speed Rail, could we spend a few minutes on trench/grade separations? I think Staff was also asking about the timing and funding on a project (inaudible). I don't know if we need to comment on that.

Chair Burt: In addition to these things, I also had jotted down Dumbarton. We really want to begin to also look at how we leverage our community resources. That was a great part of our rail initiative previously. Pardon me. I think that's going to be something that we also want to look at, how do we pull our community resources into this process in some way formally or informally, whether it's a citizen advisory committee to Staff or to who. Ultimately if we have CSS, then it would take a form there. In the interim, I think we want to re-engage these great community resources we have.

Council Member DuBois: I guess part of that is we're talking about CSS in the context of High Speed Rail, but we're also kind of talking about it more generally. Do we start a CSS process around grade separation options just on our own now and not tie it to High Speed Rail? The other thing is I'd like to see us focus on this grade separation issue. There is a private entrepreneur who's looking at Dumbarton Rail. I would personally not want to spend a lot of time on Dumbarton Rail. I think they're both very large projects. Again, I'd like to see us spend some mental capacity on this idea of the grade separations.

Mr. Shikada: If I might also add. For that purpose, as the Committee is considering this issue of grade separations, part of our next step is in the context of midyear budget consideration that will be coming back to the Council and our thoughts as to what the scope of any requests might be that we'd bring forward to Council. Clearly the project management resource is a part of that mix. To the extent that CSS is something that we can get started as a part of that same timeframe goal, we'll want to take the Committee's feedback in formulating our recommendations there.

Council Member DuBois: One final comment. Before we get too far down the road, I'd really like to see if this could be a multicity effort. This idea of us starting CSS with a Program Manager before we get there—again we talked about getting these interested rail people from other cities, but I think we should talk a little bit about how we do some evangelism and discussion and determine whether it could be a multicity effort or not.

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Chair Burt: Certainly Mountain View and Menlo Park are the two cities that we would have the strongest potential interaction with.

Council Member DuBois: I did see recently Atherton spending some money on some short-term improvements. I think we should we reach out to them pretty quickly as well, before they get too far down the road.

Chair Burt: Let's figure out how we might pull this altogether. On the future discussion of grade separations, Staff has basically recommended a position. Where again—in your report, Richard, where is that?

Council Member DuBois: Slide 12.

Chair Burt: I'm sorry. On Slide 12.

Mr. Hackman: It's page 3 of the Staff Report or Slide 12. Really it's ..

Mr. Mello: If it's appropriate, I'd love to go into a little more detail on our thinking since the October 13th meeting where we received direction from the full Council. We kind of were looking at a three-pronged approach to financing grade separations in the City of Palo Alto. The first and foremost would be to get some expertise onboard. We envision a Program Manager, maybe part-time, full-time, could be in-house Staff, could be consultant. We're kind of leaning towards a consultant-type position. This would be someone who had years, decades of rail experience, experience with EIRs and CEQA documents for large rail projects, ideally an engineer who could really help us talk through the trenching option and the different options for grade separations and provide that kind of in-house civil and rail engineering experience that we don't currently have. They would also help us initiate the context sensitive solution discussion around both. At the October 13 meeting, we also got direction that you wanted us to look at circulation across the Rail Corridor and look at each of the different grade crossings separately and together to see how they function now, how they could function in the future possibly. That would kind of be the first step for this Program Manager, to initiate that circulation study, have a community-wide discussion about the functions of the different grade crossings and then move into the public engagement process for the context sensitive solutions around what the individual grade separations or grade crossing would be, and have that full community-wide discussion. At the same time, this person could potentially serve as our advocate for the EIR process that's moving through High Speed Rail. They would have the expertise that we

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need to kind of go toe-to-toe with the High Speed Rail Authority, review the project description, the mitigation measures, the impacts, look at noise, traffic impacts. They would serve as our go-to person. I think they'd also perform a valuable service in being able to support the Rail Committee in its work.

Chair Burt: I would say that I think that this sounds like a good approach. I want to make sure that you're familiar with and those who weren't with our City back when we had a very active program on these topics—I alluded earlier to community resources. In addition to what I think is probably a necessary Staff position, Program Manager role, we have expertise in this community that will probably greatly surprise you on these issues, in this community and in the subregion. I think that we need at the outset to understand the value of that and make sure that they are very much part of the resources that we're referring to. We had one speaker, Adina Levin, who wanted to speak on "2B." I'll go ahead and allow that. I just want to make clear ordinarily when we have a topic, we have one opportunity to speak on the agenda item, not each sub-item. I'll go ahead and use the discretion. Go ahead, Adina.

Ms. Levin: Really briefly, I think that the idea of getting other cities' support on context sensitive solutions is a really valuable and healthy thing, particularly some of the cities that have a history of supporting High Speed Rail and not just the cities that have a history of opposing High Speed Rail, so that High Speed Rail will perceive this not as a "here's the cities that are trying to stop a project," but these are cities that have issues and want to work collaboratively. That may include the City of San Francisco where they have a really big problem with their 16th and 7th Street grade separation, like figuring out what to do in less than a year is basically impossible. In San Jose, issues with the design of Diridon Station, where that timeline may be difficult for San Jose. That's one key item. Another item in thinking about the scope of working with High Speed Rail, as we mentioned, grade separations as a critical topic. Other important topics for other cities are going to include those station changes, but also potentially a Mid-Peninsula station which has some significant tradeoffs. In the (inaudible) days, High Speed Rail was talking about airport-style parking which isn't appropriate on the Mid-Peninsula. High Speed Rail has kind of changed their tune on that and thinking about more transit-oriented. There will certainly be drawbacks, but there will potentially be benefits in terms of having commute capacity. That's a key topic.

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Chair Burt: Thank you. I'm sorry, but we actually were planning on adjourning the meeting at 10:00, so I'm not accepting speaker cards after ...

Mr. LeBrun: Ten seconds?

Chair Burt: Ten seconds.

Mr. LeBrun: I strongly support the notion of reaching out to other cities. You mentioned a list on the (inaudible), absolutely. The letter should be addressed to Dan Richard and to California High Speed Rail Corp., not Morales.

Chair Burt: Thanks. Let's try to see if we can wrap up. On this issue of a Program Manager, do we want to have Staff go to the Council with and do we support that?

Council Member Scharff: I want to understand the Program Manager. Are we hiring someone? Is this a consultant? How much money is this going to cost?

Council Member Berman: From where?

Council Member Scharff: I'm not going to just say let's go hire someone.

Chair Burt: Should we have this discussion—have a January Rail Committee meeting and have that discussion?

Council Member Scharff: I think that's probably good. Staff needs to flesh it out. I need a Staff Report. I need to understand what we're talking about.

Council Member Berman: Yep.

Chair Burt: We've hit the three major topic areas. Let's talk about anything that we need to kind of wrap up. Marc.

Council Member Berman: Thanks. It was encouraging to hear from Pat that some of the important players are becoming more open to the idea of a trench. I've heard from some people that they kind of dismiss it out of hand. It would be helpful if Staff could start accumulating a list of some of

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the arguments that people are making as to why it's completely impossible and infeasible, so that we can begin to address those. It's for our information also; I think it would be helpful.

Chair Burt: If I might add, some of those arguments have been around the costs. We had our Hatch Mott MacDonald preliminary grade separation/trenching analysis. It looked at a couple of different scenarios. One of the things that I did discuss with Dan Richard and he was attuned to is that the grade at which a trench at level surface goes into a trench very much affects the necessary length of the trench and the cost. We saw that a 1 percent grade had a billion dollar price or thereabouts. A 2 percent under the scenario that Hatch Mott looked at, which is not the only scenario that's possible, it halved it roughly. The cost difference in that case when we looked at conventional grade separations and the cost of land acquisition excluding the political impact of having to acquire 50 homes or something in our community very much narrowed to a difference, I think, between \$330 million versus \$510, if I recall the numbers correctly. A 3 percent grade separation, if the freight type was modified or freight requirements on the Peninsula were changed, could further narrow the differences in those costs. Suddenly, it becomes much more feasible. That goes into a topic for January that I'd like to spend a little more time on, whether we want some additional scenarios to be evaluated by Hatch Mott MacDonald using the preliminary work they did; it's not like starting from scratch. That probably is the biggest opposition. I think if the cost is not a significant difference, people don't object.

Council Member Berman: That was my—sorry. To follow up real quick. That was my kind of question. I mean, there's costs, and I think that's all decisions that we make. There's also just are we going to run into a creek, are we going to run into things that that would really ...

Chair Burt: That is part of the cost, and that's what determines it. Those two things are very intersecting.

Council Member Scharff: I think we really need to understand the freight and how that works and what rights they have and ...

Council Member Berman: We need approval (crosstalk).

Chair Burt: That's right.



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Council Member Scharff: If a 3 percent grade is completely never going to happen, then it may not be worth it.

Chair Burt: I don't think that is necessarily the case (crosstalk).

Council Member Scharff: It may not be. Like I said, I think we need to understand the regulatory structure.

Chair Burt: I'll just say that at the time of the Peninsula rail program, the 2009-'11 period, the freight issue was emerging as a discussion with—there's a difference between who has the current freight rights and their customer base and the freight users group.

Council Member Scharff: I'm just saying we really need to understand the issue.

Chair Burt: Absolutely. Dan Richard and I discussed this and the need to really pursue what are the freight alternatives as being critical to all these other decisions.

Council Member DuBois: I think the order here is critical. Before we run off talking to other cities and having them just say, "You guys are crazy," if there's a way that we could quickly at a very high level look at potential funding sources, again what a multicity effort would look like. It's difficult, but the high level of some of these engineering issues. I think that would go a long way before we start to reach out too much, so that we're talking somewhat informed. I want to thank Adina. There was a value capture thing by the MTC up in Oakland two days ago. I wasn't able to go, but she grabbed some extra packets. Looking at all the methods available to us in terms of sources of funding, all the different special districts and things that are possible, capturing air rights, I think we need to have kind of a basic set of talking points, so that we can be more convincing and can have something that seems feasible.

Chair Burt: That sequencing is important. It seems like we may be able to have enough that we can explain to people why the full set of options should be considered as, at this point in time, not precluded. Then the CSS process itself brings these people together. I mean, the freight people would be in that process and (crosstalk).

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Council Member DuBois: Before we get there, though, I see it largely falling on us to do kind of some early PR ...

Chair Burt: I understand.

Council Member DuBois: ... or evangelism.

Chair Burt: I'm saying there's both elements.

## **NO ACTION TAKEN**

### Future Meetings and Agendas

Chair Burt: I think we've evolved into what do we have on January. What we have going to the Council is the letter. Let's briefly try and wrap up with what we want to discuss in greater depth in January. It sounds like one is ...

Council Member Berman: Position. Sorry.

Chair Burt: Further discussion of a Program Manager role, but also what Tom just brought up which is our engagement and the basis for it with other cities and parties on the Peninsula.

Council Member Berman: Just on the strategy for moving forward?

Chair Burt: Yeah. Let's see.

Council Member Dubois: This sales tax is going to be here before we know it.

Chair Burt: Yeah, that update.

Council Member Scharff: When do they have to put that on the ballot? It's August, right?

Council Member Berman: Yeah.

Richard Hackman, Management Analyst: Is the last (crosstalk).

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Council Member Scharff: It's the last time.

Mr. Hackman: I've heard they've been thinking about June.

Council Member Berman: Putting it on the June ballot?

Mr. Hackman: No.

Council Member Berman: Approving it by June.

Council Member Scharff: Approving it.

Mr. Hackman: Before summer break basically.

Chair Burt: I guess the other topic I'd like to have is more discussion on our own community engagement and kind of citizen advisory role. I'll just repeat some of what I said before. When we went through this before, we did not have anywhere near the bandwidth or the in-house expertise to know everything about all this stuff. Our ability to be knowledgeable and effective was greatly expanded by leveraging our community members.

Council Member DuBois: I kind of see that as part of the engagement strategy. Are you seeing that as different?

Chair Burt: No, we could break it up, so that engagement topic could then have maybe two major parts, how we engage with surrounding cities and how we engage with community partners. Does that sound good? Great.

Mr. Hackman: May I just ask? If we're going to put the letter on Consent for January, do you mind making a Motion on that?

Chair Burt: Not at all. It begs the question does the Committee want to delegate someone to review it with Staff before it goes before the Council so that we make sure it looks good?

Council Member Scharff: Don't we pretty much have the wording? Staff's going to make changes in the wording at the communication part we talked about.

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Council Member Berman: There were a couple of pieces.

Ed Shikada, Assistant City Manager: (crosstalk) CSS.

Council Member Berman: CSS.

Chair Burt: Communication and expansion on CSS, those are the main things.

Mr. Hackman: (crosstalk)

Council Member Scharff: I think it's fine if you want—if the Chair would like to ..

Chair Burt: I wouldn't mind. Yeah, yeah.

Council Member Berman: Yeah.

Chair Burt: Anyone want to make a quick Motion?

Council Member Scharff: I'll make the Motion. I'll make the Motion that we forward the letter to Council, that the Chair reviews the letter just before it goes to Council and that, if it is a unanimous vote amongst us, then it would go on Consent.

Chair Burt: And the letter incorporate the changes we discussed?

Council Member Scharff: The letter incorporate the changes we discussed.

Council Member Berman: Second.

**MOTION:** Council Member Scharff moved, seconded by Council Member Berman to direct Staff to revise the draft letter to the California High Speed Rail Authority and Caltrain per the Committee's direction and place the Item on the City Council Consent Calendar for approval following Chair Burt's review and approval of the revisions to the draft letter Staff was directed to prepare.

Chair Burt: Any other discussion?

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Council Member Berman: Huh-uh.

Chair Burt: All in favor. All right.

**MOTION PASSED:** 4-0

Chair Burt: Does that conclude it today?

Council Member Berman: Works for me.

Chair Burt: All right, great. Thank you all very much. Date of our next meeting? We will need to have appointments to Committees by the incoming Mayor.

Council Member Scharff: I think we should leave it up to the (crosstalk).

Chair Burt: Yeah.

Council Member Scharff: I think for us to choose a date without knowing who's on the Committee isn't appropriate.

Suzanne Mason, Assistant City Manager: This Committee is not going to change. That's already been established.

Council Member Scharff: It has?

Ms. Mason: It was established that this Committee is a Committee for 2016.

Council Member Scharff: When did that get established? How did that get established? I mean, the Mayor makes the choice, so how did that get established?

Ms. Mason: I don't know. I asked, and that's what I was told before we came in here.

Council Member Berman: That would make sense.

Council Member Scharff: It would make sense, and I don't disagree.

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Chair Burt: How about if we—a date I don't think is dependent on who's on the Committee. If we're assuming that, kind of as good faith, we're going to have the incoming Mayor continue the composition, same composition of the Committee, let's just use those as working assumptions.

Council Member DuBois: Wednesday morning, at this time?

Chair Burt: One thing about Wednesday morning is we have Staff that, for instance last night had, not to mention us, late night meetings. I can do the 8:30, but I kind of wanted to make sure. I know Ed comes from San Jose.

Mr. Shikada: It's okay.

Chair Burt: He was up here late. You're okay?

Mr. Shikada: No problem.

Chair Burt: Wednesdays.

Council Member Scharff: What are we looking at for January? We're looking at the third Wednesday, is that the plan?

Council Member Berman: It'd be the 20th.

Council Member Scharff: Works for me.

Council Member Berman: I'll move my dentist appointment.

Mr. Shikada: We actually have the NCPA strategic issues conference.

Council Member Scharff: We do? On the 20th?

Chair Burt: I might be in China.

Council Member Scharff: Let's not do the 20th then.

Chair Burt: How does the 13th sound?

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Council Member Scharff: The 13th doesn't work for me.

Council Member DuBois: The 27th?

Chair Burt: Is that waiting too long if we go to the 27th?

Council Member Berman: Should we not do it Wednesday?

Council Member DuBois: It's just with the holiday, I think do it sooner.

Council Member Scharff: The 27th works.

Council Member Berman: Is that too long for some of this stuff, like the letter?

Chair Burt: The letter's separate.

Council Member Scharff: The 19th works. We could do it Tuesday. Anyone stuck on Wednesdays?

Chair Burt: No, but I don't know whether I'm going to be traveling. What about the week before?

Council Member Scharff: The 12th?

Chair Burt: The week of the 12th or (crosstalk).

Council Member Scharff: The 12th works. The actual 12th works.

Chair Burt: How does it work for folks?

Council Member Berman: You're talking about January 12th?

Chair Burt: Yeah.

Council Member Berman: I can't. I could 'til 9:30.

Council Member DuBois: What was wrong with the 27th?

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Council Member Scharff: The 27th works for me.

Council Member Burt: It would work for me too. We can do that.

Council Member Berman: I can do that.

Ms. Mason: 8:30?

Chair Burt: Yes.

Council Member Berman: Yeah.

Mr. Shikada: We may be doing the Policy and Services the night before.

Council Member DuBois: That's good. It motivates us to keep it short.

Chair Burt: We're tentatively on for the 27th at 8:30.

Council Member Berman: Just for planning purposes. Is the plan for these meetings to go from 8:30 to 10:00? Just for making schedules for the day and stuff.

Council Member Scharff: I think that's the plan, but I'd basically not do anything until 10:30.

Council Member Berman: I'll put it in my calendar until 10:30.

Council Member Scharff: It's an aspirational goal.

Chair Burt. Thank you all. Meeting's adjourned.

ADJOURNMENT: Meeting was adjourned at 10:19 A.M.