

Meeting:

DRC Policy Committee

Location:

**San Mateo County Transit District
1250 San Carlos Avenue
San Carlos, CA 94070**

Date:

July 24, 2007

Time:

Meeting Start: **2:00 PM**
Meeting Adjourn: **4:00 PM**

Minutes Prepared By: Issue Date:

Wenlin Yang 10/12/07

Attendees (sign-in sheet attached)

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<p><u>Policy Committee Members</u></p> <p>Council Member Ana Apodaca, ACTIA Director Breene Kerr, VTA Mayor Mark Green, ACTIA (Chair) Mayor Yuriko Kishimoto, VTA Commissioner Sue Lempert, MTC (Vice Chair) Council Member Heyward Robinson, SMCTA Director Tom Blalock, Capitol Corridor</p> <p><u>Program Management Team</u></p> <p>Howard Goode, SMCTA Joseph Hurley, SMCTA Marie Pang, SMCTA Christine Dunn, SMCTA Steve Minden, PCJPB Wenlin Yang, PCJPB Sylvia Cox, PCJPB</p>	<p><u>Others</u></p> <p>Diane Stark, ACCMA Christine Monsen, ACTIA Rebecca Kohlstrand, ACTIA Malcolm Quint, BART Arthur Lloyd, Caltrain Anthony Lee, Caltrans Anne Richman, MTC Alix Bockelman, MTC Scott Haywood, VTA Jim Pierson, City of Fremont Peggy Claassen, City of Newark Joan Malloy, City of Union City Mark Evanoff, City of Union City Mintze Cheng, City of Union City Ron West, Cambridge Systematics Simon Kim, HNTB Camille Tsao, HNTB Pat Gelb, PTG Linda Craig, League of Women Voters Bruce Jenkins, Rail PAC Beth Breedlove Jim Calhoun Larry Calhoun Larry Cheeves Betsy Farzi Barry Ferrier Margaret Furth Mark Hansen Richard Landauer Carrie Peterson Tim Pitsker Henry Riggs Susan Robinson Margaret Petitjean</p>

1. Call To Order

2. Roll Call

- o A. Apodaca, T. Blalock, M. Green, B. Kerr, Y. Kishimoto, S. Lempert, and H. Robinson were present to form a quorum.

3. Chairperson's Comments

- **M. Green** thanked the efforts of Sue Lempert and the MTC to allocate 6.27 million dollars to the project as well as the counties' contributions for the environmental and design phase work.

4. Consent Calendar

Minutes of April Meeting

- The minutes of April meeting were approved.

5. Information items

5a. Budget Status & Schedule Status

- **H. Goode** reported that the project budget and current expenditure for the environmental work and stated that MTC was scheduled to approve funding for the preliminary engineering work this week. He reported that the project schedule had slipped and would be revised, but the DEIR/S is still expected by late next summer.
- **B. Kerr** asked if the schedule for revenue service had slipped a year. **H. Goode** replied that the scoping meetings were held later than expected last year and the draft environmental document preparation will take a year. **S. Minden** stated that the revenue service is currently still shown for late 2012. The 30% design was scheduled to start a year ago, but the funding that was supposed to be available at that time had just recently been received, resulting in a delay of the work. He stated that the schedule will be revised to see if it can be recovered, but it may be hard to overcome all of the delays.

6. Public Comment

- **H. Goode** reported that S. Minden has presented the project to the City Council of Menlo Park two months ago and the City Council has submitted correspondence in response.
- **K. Ferguson**, Mayor of Menlo Park, thanked the Committee for being placed on the agenda. She thanked S. Minden for his presentation which provided a sound basis for the City Council to make decisions upon. She stated that the City of Menlo Park is in strong support of transit in the Dumbarton Corridor and that as members of C/CAG they voted in favor of the Dumbarton Rail. She stated that more miles fall within Menlo Park than any other City and that Menlo Park is an important stakeholder. She stated that the letter before the Committee raises important concerns to the residents of Menlo Park that should not wait to be addressed in the DEIR. They would like to take this opportunity during the evolution of the project and requested a written response to the questions in the letter. She also stated that she would be happy to respond to any questions the Committee may have.
- **Beth Breedlove**, resident of Menlo Park, stated that she supported what the City has put forth in this letter. Tracks run behind her house, but she is pro-transit. She stated that she grew up in Palo Alto with passenger trains. She referenced language from the MTC website in regards to integrating passenger and freight trains. She stated that she is concerned with freight service and with its impact to the quality of life in these vibrant neighborhoods. She stated that the project appears to support the communities of the East Bay. She stated that she supports the letter.
- **Henry Riggs**, resident of Menlo Park, President of the Lorelei Homeowners Association, stated that they are impacted by this project. He stated that he had been interested in rapid transit since college and sees the advantages. He has similar concerns as Beth. He has enthusiasm for fossil fuel efficiency, lighter infrastructure, and electric regenerative uses. His neighborhood could get behind a project that had these features and equipment in line with the 21st century. Before 300 million dollars are committed, he asked that these options be examined.
- **Margaret Furth**, resident of Menlo Park, stated that the Dumbarton tracks run behind her house. She stated that the Hughbelin freight uses the tracks at night. She stated that the project had been studied for 20 years and there are not enough riders to justify it. She stated that under federal law, they have to accept other heavy rail. She stated that she is concerned that this project is hiding what the freight wants and that the passenger service is just a vehicle to get more freight. She stated that employers are no where near the tracks and she wants to know who wants freight. She stated that it is a secret and it shouldn't be.

- **M. Green** asked K. Fergusson if all the items on her letter are of equal importance. **K. Fergusson** replied that they were.
- **M. Green** stated that there is no secret in regards to the freight issue and that the motivation and driving force for this project is the voters' approval of Regional Measure 2 in 2004. He stated that he is truly behind a rail solution, not a bus solution. He asked H. Goode to explain the legal right for the freight to use the Dumbarton line.
- **H. Goode** replied that he is not qualified as a lawyer, but has read the trackage rights agreement between the Southern Pacific and the agency and there is a provision for freight service. It stated that if improvements are needed, both parties would have to mutually agree on their share of the cost. Since improvements to the bridge are being proposed, the question is whether the UPRR wants to run freight and if so, how much are they willing to pay to do so. He stated that the second provision in the agreement allows the public agency to prohibit freight service via a \$250,000 payoff, but there are some interstate commerce laws that would require legal counsel and federal jurisdiction to determine the validity of this clause. **M. Green** stated that he would like to hear more about the \$250,000 payoff. **T. Blalock** requested that a lawyer provide information on the trackage rights agreement in a written form for the reference of future committee meetings.
- **H. Goode** reported that Mayor Kishimoto and staff took a tour of the Dumbarton line and viewed the backyards adjacent to the rail. He extended the invitation for a tour of the Dumbarton line to all members of the Committee. **Y. Kishimoto** stated that she did see how close the homes were to the right of way and thanked the City of Menlo Park for their statement of support for transit. She stated that even if they decided to pay the \$250,000 payoff, there was a chance that it could be appealed. She stated that it would be good to understand the legal and regulatory issues. She stated that the mitigation measures should benefit the community and used a bike trail as an example. She stated that it seemed worthwhile to look into the feasibility of constructing an infrastructure for Electrification.
- **H. Goode** stated that no budget has been planned for Item 4 in Menlo Park's letter, which would be to electrify the Dumbarton line. He stated that Electrification is a Caltrain mainline project and that Caltrain will consider electrifying the Dumbarton rail on its own accord when there is funding available. **B. Kerr** stated that the Dumbarton line will be coming online at the same time frame as Caltrain electrifies. He stated that it didn't make sense to purchase diesel rolling stock that will last 20-30 years while they were being phased out for electrified trains. Running diesel trains concurrently with the electric trains will also cause operational delays. He stated that it would be a poor use of the public's money to purchase diesel rolling stock and that alternate vehicles, such as dual mode trains, should be looked into.
- **S. Lempert** thanked Mayor Fergusson for her leadership. She stated that she had attended the Council meeting and that it is a hard place to hear your constituents' concerns and to also support transit. She stated she was pleased with the positive tone of the letter and thought that the concerns could be met. She stated that the issue of freight is being overblown. The Dumbarton project proposes minimal passenger service during commute hours when people are not home. She stated that the UPRR had not expressed any interest in putting forth any financial contribution nor shown any interest in the project to date, which leads her to believe that they are not planning on using the Dumbarton for freight or putting up any money. She stated that the Dumbarton rail corridor is important to the Regional Rail Plan and part of the long term vision of Electrification. She stated that everyone wants everything right away, but there isn't the money for all of it. It is the goal to have all these things, but you're not going to get there in one day. She stated that it is the responsibility of the Committee to come up with the long term vision and a practical near term plan which will be within budget and addressed in the EIS/R. She stated that the long term cost will probably include the cost to protect neighborhoods so that a project can go ahead.
- **Sue Lempert** reads an editorial from The Almanac, a newspaper local to Menlo Park, "Menlo Park residents and council members need to recognize that the city will have to make some sacrifices for the Bay Area region and the environment. This train fits the city's goal to

address global warming at the local level, and residents must look beyond their own backyards." (The Almanac, July 4, 2007)

- **H. Robinson** asked if any of the project costs included money from the UPRR. **H. Goode** stated that there was no assumption of UPRR money in the funding plan. **H. Robinson** stated that the project was being solely funded by public dollars. He asked how expensive Electrification would be. **H. Goode** replied that the information was available for the Caltrain Peninsular corridor, but not for the Dumbarton line. **H. Robinson** stated that he needed the numbers to be able to make a decision. He stated that the mitigation for heavy rail might be more than the cost of using lighter vehicles. **H. Goode** stated that from Caltrain, there is a lot of detailed information from which a preliminary assessment to Newark could be performed. Past Newark, it gets very complicated since it is in the UPRR right of way. **H. Robinson** stated that what he was hearing from the public in regards to wanting electrification to be considered was not due to freight service, but because it may be cleaner. Freight is a nighttime event, so people would be at home if there was any freight service. He thanked the Committee for receiving the letter and requested that a response be drafted.
- **T. Blalock** stated that there is a disconnect. Capitol Corridor trains are diesel and owned by the state of California and also run on the Centerville line, and that won't be changing. ACE trains to the Newark wye aren't changing. If you electrify, you would have to make a specific change in Newark.
- **B. Kerr** stated that the sooner you get to electrification, trains will move faster. If you inject diesel trains on the same line, you will be delaying the advantages of the electric line. He asked if dual mode technology should be examined.
- **Y. Kishimoto** asked if new locomotives are planned for Dumbarton. **H. Goode** replied that the budget assumed new rolling stock and the operating and maintenance plan accounts for that. **Y. Kishimoto** asked if the life span would be 20 years. **H. Goode** replied 30 years with an mid point overhaul. **Y. Kishimoto** stated that she supported electrification, not just for the fast start/stop of the service but also for air quality and reduction in greenhouse gases.
- **M. Green** stated that items 2, 3, 5, 6, and 7 of the Menlo Park letter had already been addressed. The response to item 4 was upcoming and he asked if item 1 could be addressed at the next meeting. **H. Goode** asked for clarification on whether freight on the bridge should be assumed. He reported that currently, it is assumed and asked if the Committee wanted to direct that freight be removed. **M. Green** replied that there might be a chance to receive a lot of money with freight and that they needed to hear more about the buyout. He stated that for the project to progress, the dual mode system needs to be examined. He stated that it was hard to hear members complain about delays and then delay the project some more.

6c. Regional Rail

- H. Goode presented an update on the Regional Rail Project.
 - A two year study was performed in partnership between BART, MTC, Caltrain and High Speed Rail for the long range vision of passenger and freight trains and to identify what needs to be done. The key partners are prepared to review a draft plan. The plan is scheduled for adoption by the MTC in September to go into the Regional Transportation Plan. Information is available online at www.bayarearailplan.info and the draft plan will be posted and available for comments as well.
 - One main point was focusing on BART as a core system with selected extensions. Another was to study the utilization of freight railroads and right of way for passenger services. Better use of freight and whether a time or physical separation between freight and high volume passenger service is needed was a third main point. Finally, the plan recommended that there be a single point of negotiations with UPRR for the region's passenger service.
 - DRC related items were discussed, including the phasing of DRC and electrified trains with light weight equipment by 2030. It is assumed that there would be a dedicated passenger line between Newark, Niles and Tracy by reinstating an abandoned Union Pacific rail line between Sunol and the Niles junction. Increasing service to the Central Valley with dedicated ROW would result in DRC ridership doubling.

- The draft report will be presented at four workshops, in San Jose, Oakland, Suisun City, and Livermore.
- **S. Lempert** stated that C/CAG had added a fifth workshop in San Mateo on August 9, at 6 pm. She thinks that the increased ridership over the Dumbarton is so exciting because lots of options are needed to get people out of their cars. Silicon Valley is expanding and population growth is increasing. Transit has north and south connections, but east and west connections are needed. She stated that the Regional Rail Plan brings the Bay Area more in line with the rest of the country. People won't drive into metropolitan areas, but will take the rail in.
- **H. Robinson** asked if ROW is needed to for the Regional Rail plan. **H. Goode** replied yes.
- **M. Green** stated that the first point is negotiations with the UPRR. High Speed Rail released their program EIS/R with alternatives and several options that travel across the DRC. The meetings in San Jose, Oakland, Livermore, and Suisun City will discuss the options and how they interplay with Dumbarton.

7. Action Items

7a. Citizens Advisory Panel Recommendation

- **S. Minden** reported that the CAP had its first meeting on May 30th, about 2 months ago, at the Menlo Park Senior Center. 9 out of 10 members attended for a quorum. At the meeting, it was agreed that CAP meetings would regularly take place about a week in advance of the PAC meetings. It was also agreed that additional meetings were needed to bring members up to speed on the project. Since that meeting, Atherton had appointed members. No appointments had been received from East Palo Alto and the VTA to date. He stated that it was Staff's recommendation to drop the un-appointed positions for now so that it is easier to reach a quorum. The role of the panel, the expectation of the members, and a presentation on the Brown Act were planned for the next meeting.
- **S. Lempert** stated that she was uncomfortable going ahead without the appointments from VTA and East Palo Alto. East Palo Alto needed representation because they don't have rail access and they will suffer some of the higher impacts for the bay crossing. She also stated that she didn't want the CAP to impact staff time and the budget. She asked for the limits of what CAP can ask of the Staff and did not want them to be a financial drain on the budget. She asked what the charge and mission of the CAP was. **H. Goode** stated that there was a concern that the public wasn't being heard during the development of the environmental documents and that the public hearings after the release of the draft document did not suffice, so he had suggested creating a CAP as an advisory panel to the Committee to address this problem and the PAC agreed to it. Their mission is to bring community input and advise the PAC.
- After discussion, **M. Green** stated that the quorum for the next CAP meeting would be based on the number of current appointments. A letter would be sent out asking for the alternate and missing appointments by October 1st. After October 1st, the quorum will be adjusted to reflect the new appointments. There were no objections from the Committee.
- **M. Green** asked that Staff keep a tight reign on members' requests for Staff time.

7b. Proposed Alternatives for the EIR/S

- **S. Minden** proposed changes to the alternatives to be studied in the environmental document. He stated that the BRT option over the rail bridge should be re-defined as over the highway bridge, called the TSM alternative. The TSM alternative has many of the same benefits of the rail bridge without the high costs of conversion. Some limited capital improvements are needed but most of the cost would be from O&M with larger bus fleet and possibly subsidizing ridership. He recommended that the EIS/R alternatives would be Rail 1 (Full Project with Niles connection and phasing option of Redwood City to Newark), 2 (Full Project without Niles connection and phasing option of Redwood City to Newark), 3 (Segment G Union City Intermodal + TSM), TSM and No Project. He stated that the No Project also includes the bridge demolition.
- **M. Green** asked if something in writing regarding the bridge demolition had been received. **S. Minden** replied that there are several letters received from the US Coast Guard. The Coast Guard would prefer that the bridge be put back into use, but if not in service, then need to demolish it. **S. Lempert** asked who would remove it. **H. Goode** asked if MTC and other funding partners would help in the demolition. **M. Greene** stated that the demolition of the bridge being

tied to Alternative 3 is weighing down the alternative. He views Alternative 3 as a phasing option. **H. Robinson** stated that they should evaluate the project without the cost of the bridge demolition. **S. Lempert** stated that if there wasn't a bridge, they would be no need for a Committee and the RM2 money would not be available.

Public Comment

- o Linda Craig, League of Women Voters, stated that they had concerns with cost and ridership projections. They had regional concerns, including regional rail and impacts to congestion. They had concerns in regards to mitigation and would like to know the methods for compliance.
 - o Tim Pitsker, resident of Fremont, stated that at the MTC workshop for the Regional Rail freight was proposed out of the Port of Oakland to Niles Canyon over a freight bridge in Segment F. He stated that the City of Fremont is upset about this and will fight it and the situation could be avoided. He stated that the UPRR is looking at the Martinez connection and 4 tracks. He stated that Pacheco pass option is supported by Monterey County. He stated that Gayle Steele, Supervisor of Alameda County, has put together a task force and there would be litigation over this bridge. He asked that the UPRR be pushed to choose other alternatives. He stated that the project should proceed with passenger not freight and that freight is not wanted.
- *****
- o **H. Goode** stated that Union City had raised the issue of bridge demolition with Alternative 3. **H. Robinson** said it should only be with the No Project. **H. Goode** stated that the environmental language will have to be worked on but the impact needs to be addressed.
 - o **Y. Kishimoto** motioned that to accept the staff recommendation to replace the BRT alternative with the TSM alternative, but with the bridge demolition be removed from Alternative 3. She also motion that the MTC conditions on 30% design phase funding be complied with. **B. Kerr** seconded the motion. The motion was approved 7-0.

7c. Implementation Plan

- o **H. Goode** reported that the implementation plan is a means to assess cost effectiveness, evaluate and recommend phasing, provide expanded interim bus service, and to put together a financial plan. He stated that the MTC is producing a strategic plan on resolution 3434 projects of which the outcome will be which projects may get current funding and which projects don't. He stated that MTC requires a draft implementation plan from the Dumbarton project so that they can do put together their strategic plan. After the strategic plan update has been completed, the final implementation plan will be completed with the input from the environmental process.
- o **A. Bockelman** presented information on the MTC Resolution 3434 Strategic Plan. She stated that the region's transit expansion project has 13.5 billion dollars and that there are approximately 20 projects including rail, bus and ferry looking for funding. She reported that the focus of MTC is on the near term implementation strategy which is important because of the escalating project costs that many project were experiencing. She stated that the Dumbarton was not alone in this respect. She stated that there are a lot of near term requests for RM1 and RM2 funding and that MTC is about to embark on the next long range regional transportation plan anticipated to in 2009.
- o **S. Lempert** motioned to approve the preparation of the implementation plan. **T. Blalock** seconded the motion. There were no objections. The motion was approved 7-0.
- o **H. Robinson** asked why 13.2 million dollars was requested from MTC for the design phase but only 6.3 million was received. **M. Green** replied that the position of MTC is that ROW issues need to be cleared before they would advance the rest of the funding for station and track design in Segment G and the BART station modification phase II. **H. Robinson** asked if there was enough money to cover the scope of work in the MTC funding conditions. **H. Goode** replied that it was sufficient.
- o **H. Robinson** asked for the status on the UPRR negotiations. **H. Goode** replied that the JPB has taken the lead in the UPRR negotiations. **Y. Kishimoto** asked what the timeline is on the negotiations and when would there be a report. **H. Goode** replied that there would be an update at the next meeting if available but that no date with the UPRR had been set yet.
- o **Y. Kishimoto** stated that it would be great to see the interim bus service increase operational. **H. Goode** replied that the implementation plan would open the door to ask for a specific proposal of

the RM2 operating fund, and follow by a public hearing process. **S. Lempert** stated that it will depend on how MTC Staff views the feasibility of the proposal and how to put it together through the RM2 allocation process.

8. Correspondence

- A letter was received from the City Of Menlo Park City Council.

9. Requests from Members

- **Y. Kishimoto** asked for the schedule and the budget update. She would like an idea of how much have been spent and what is planned with the available funding. **H. Goode** replied that a summary by line item updated with the changes approved today would be presented at the next meeting, as well as the updated schedule.
- **H. Robinson** asked for a cost breakdown by Segment. He thanked staff for the meeting with George Naylor to discuss ridership modeling. He stated that the modeling data needs to be available to all the members.

10. Time and Date for Next Meeting

- The next meeting will be held on Tuesday, October 23rd at 2 pm. The City of Palo Alto will be hosting the meeting and the location will be provided at a later date.

11. Adjourn

Attachments: Sign-In Sheet, DRC PAC Presentations