

City of Brisbane Agenda Report

TO: Honorable Mayor and City Council
FROM: Clayton Holstine, City Manager
DATE: City Council Meeting of September 13, 2010
SUBJECT: High Speed Rail Yard

BACKGROUND

Mayor Conway requested that this item be placed on the City Council agenda for September 13th. The purpose is to update the council and community on status of this project and how it may affect Brisbane and to seek further direction from the City Council.

The primary issue that would affect Brisbane is the placement of the Level 3 maintenance facility. The track alignment is already sufficient as an at-grade 4-track alignment already exists through most of Brisbane.

In January of this year the HSR consultants verbally committed to City of Brisbane that would explore options for our consideration that would either aesthetically shield a maintenance facility or allow for some co-use. While this was a very vague promise, it was made to provide some schematic options for discussion purposes. To date HSR has failed to provide any work product to Brisbane. As recently as a month ago we were assured that such work was being done and we would be provided with something to evaluate.

In August the HSR staff presented a report called a Supplemental AA Report – San Francisco to San Jose Section which identified Brisbane as the only site under consideration for a maintenance facility. This was a surprise as the HSR staff and consultants had indicated that they were evaluating both the San Francisco Port Authority land as well as area near the SFO airport. Staff has sent HSR a letter critiquing their lack of veracity and transparency in process.

In August staff was told by HSR team that they were amending their August 5th report to evaluate the SF Port Authority property and another alternative that would be a hybrid where 40 acres would be used at the Port and 60 acres on the Brisbane Baylands.

HSR has significantly increased the amount of land for the maintenance facility as time has moved forward. Initially they said they needed 40 acres, then 80 acres and now 100 acres. While they have identified a list of needs, they have yet to provide any layout of a facility or made any other justification of the need for 100 acres. City staff has quizzed them on this too.

SUMMARY

The issue of a maintenance yard as a use on the Brisbane Baylands is a policy issue for the City Council as well as a decision by the land owner(s). Staff's concerns which we have articulated to HSR are over the process. HSR has failed miserably at communicating in an honest, open or transparent manner. To the contrary they have consistently failed to live up to their commitments, and either through deliberate calculation or incompetence failed to keep to Brisbane informed of their recommendations or decisions.

The decision to provide a public document to the HSR Board in August that signaled out Brisbane as the only site under consideration for a maintenance yard was not even communicated to Brisbane staff or elected officials. Instead we were informed sub-rosa by an interested 3rd party. A letter sent on August 25th outlining our concerns has gone unanswered by HSR staff. A verbal commitment to study other sites and to engage Brisbane in this issue that was promised by HSR staff to be placed in writing back in August has still not been received.

Brisbane staff and council has reached out to HSR by participating in various policy and working committees, meeting with HSR staff and doing a field trip to the San Jose maintenance yard, going on tours, etc. Our good faith efforts have been met with a combination of indifference, obfuscation and perhaps deliberate prevarication.

OPTIONS

Later this month there is a meeting to be held with the Mayor and Councilwoman Richardson and the HSR staff. Our concerns can be articulated by the policy makers at that meeting.

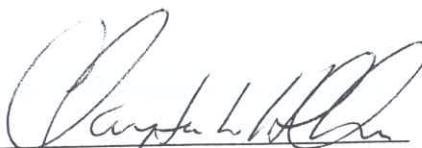
There is a working committee of City Manager's along the peninsula who has similar concerns with the HSR process. The meeting was held on Thursday September 9th. I will report verbally to the City Council on Monday night the status of that effort.

There will be a meeting at the League of Cities in San Diego hosted by the City of Palo Alto that will address concerns. One or more council members will be able to attend that meeting.

The Council might consider joining the Peninsula Cities Consortium (PCC) which is a group of Cities along the peninsula who has organized to create a more forceful voice in addressing HSR. The current cities that are involved are Burlingame, Belmont, Atherton, Menlo Park and Palo Alto. The past reluctance to join this group has been that our issue is unique and not the same as the track issues that the other cities are concerned with. However, the bigger issue now is dealing with HSR given their track record. Attached is a letter explaining the potential of the PCC.

RECOMMENDATION

The purpose of placing this item on the Council agenda was to commence a discussion. The council should review this issue and ask questions of staff and solicit public input. This will be an ongoing issue so there may be direction to take certain actions and join groups such as the PCC.



Cynthia L. Hill
City Manager

communitycoalition on high speed rail

August 17, 2010

**To: Elected Officials on the
San Francisco Peninsula**

RE: What Peninsula Cities Can Do About High-Speed Rail

Ladies and Gentlemen:

This letter is proposing some very specific actions that Peninsula cities can take to ensure that any future development of the Caltrain right of way for high-speed rail purposes is “done right.” To us, “doing it right” means that any high-speed rail project on the Caltrain right of way *must* be done in a way that does not damage, and hopefully actually improves, the local communities through which the high-speed trains will go. This is, in fact, exactly the same concept of “doing it right” that has been adopted, officially, by the Peninsula Cities Consortium, which was established as a mechanism for Peninsula cities to collaborate and cooperate on high-speed rail issues.

“Doing it right” on the Peninsula is not an “impossible dream,” but unless cities mobilize effectively, it is ever clearer that the implementation of the high-speed rail project on the Peninsula will be a “nightmare” for local residents and local businesses, and not the “dream come true” that many thought it might be, when Proposition 1A was passed by the voters in November 2008. We hope you agree that this proposed project must be “done right!”

Some Basic Propositions About The Implementation of HSR

- 1. The state (and the High Speed Rail Authority) cannot use the Caltrain right of way for high-speed rail purposes unless at least one key local agency “signs off.” This is because the Caltrain right of way is actually owned and controlled by the Caltrain Joint Powers Board, which is largely comprised of local elected officials. If the Joint Powers Board chooses to exert its ownership power on behalf of the local communities of the Peninsula, Caltrain can ensure that the implementation of high-speed rail on the Caltrain right of way is “done right,” from the perspective of the local communities along the right of way, and that local communities are satisfied with how the project will be executed.**

2. It is not inevitable that the High Speed Rail Authority must use the Caltrain right of way. As of this date, the Authority has not made a legally-effective “program level” decision that the Caltrain right of way should be chosen. The Community Coalition on High-Speed Rail has been insisting that other possibilities (including the Highway 101 right of way) be reviewed in the kind of detail that has been given to studies of the Caltrain right of way. Costs need to be compared, too. Any route will have problems; it may just be that there would be fewer problems on a non-Caltrain alignment, and until there is adequate advance planning, it’s not clear what the best and most cost-effective route will be.
3. Just because it costs more doesn’t mean that it shouldn’t be done “right.” The Authority clearly doesn’t care very much about the impact of the project on the local communities that it will disrupt, if the Caltrain alignment is used. The Authority’s focus is on completing the overall project. Local City Councils and Boards of Supervisors, however, need to focus on local impacts, and this is a project that could have very negative impacts locally. It is also a project that will be around for 100 years or more. It’s the biggest public works project in the history of the state. In view of the fact that this is, actually, a proposal to build new infrastructure that will be around for this entire century, we need to do it “right” from the beginning, and that means that we need to spend the money necessary to “do it right.” None of our local Peninsula communities should be ashamed about standing up for their local needs and concerns.
4. The “benefits” of high-speed rail to local communities are few. The potential impacts are massive. The proposal is to use a local commuter track for trains that whiz past local communities at 125 miles per hour or more (creating much noise and vibration) without stopping. In fact, local train service, which does benefit our local communities, might actually be disrupted by the use of the Caltrain right of way for high-speed rail. Again, local officials should not be ashamed to insist that our local communities not be injured or damaged by a project that provides few or no benefits, but that imposes many adverse impacts.
5. The California High-Speed Rail Authority has done a fine job “promoting” the idea of high-speed rail. However, the Authority has done a poor job managing the taxpayers’ money, conforming to the requirements of state law, and exercising basic good management practices. Criticisms from the State Auditor and the Legislative

Analyst's Office are well taken, as is the criticism of the Authority's "ridership model" made by the prestigious UC Berkeley Institute of Transportation Studies. Local communities need to become much more engaged, or the High-Speed Rail Authority's mismanagement will have dire consequences on local residents and businesses.

- 6. The proposed high-speed rail project is ultimately a *state* project. The Legislature and Governor are ultimately in charge (and not the High-Speed Rail Authority), because the Legislature and the Governor will decide whether or not to fund the Authority's proposals. Local communities are used to demanding that Sacramento pay attention to local concerns. And when they do, local legislators, and the Legislature as a whole, pay attention. Local City Councils and Boards of Supervisors need to demand that state government insist that this state project not damage some of the finest local communities in the state.**

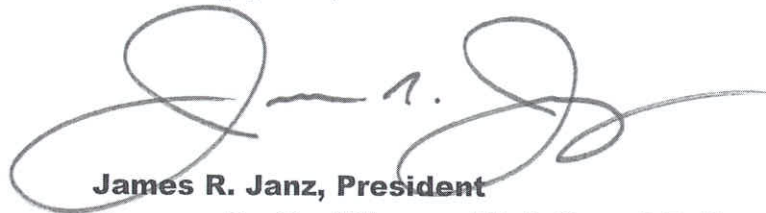
Some Things That Local Communities Can Do

- 1. Officially ask the Caltrain Joint Powers Board to ensure that any implementation of high-speed rail on the Caltrain right of way be acceptable to the local community. CC-HSR is developing a draft resolution that makes that request. Please contact us if you'd like to consider introducing such a resolution for action by your City Council or Board of Supervisors.**
- 2. Join together with other local communities, to combine forces to deal with the Authority, the Caltrain Joint Powers Board, and the State Legislature and the Governor, on high-speed rail issues. The Peninsula Cities Consortium (PCC) already exists; it currently includes representatives from Burlingame, Belmont, Atherton, Menlo Park, and Palo Alto. The PCC strongly encourages additional cities to join the organization, since having more cities participate increases everyone's influence.**
- 3. Consider litigation. No one likes lawsuits; however, the Authority is not actually following the law in many of its decisions, and it's important to insist that the proper legal process be followed.**
- 4. Keep in touch with community-level efforts (like those of the CC-HSR). We encourage interested City Council members, and members of the Santa Clara and San Mateo County Board of Supervisors, to contact**

our attorney, Gary Patton*, for any assistance he may be able to provide, and to ensure that our group can be as helpful as possible, as local governments take action to make sure that any development of high-speed rail on the Peninsula ends up being a “positive” and not a “negative” experience for all of us.

Thank you very much for your willingness to provide leadership on this critically important community issue. We will be in touch, to follow up on this letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'James R. Janz', with a stylized flourish extending to the right.

**James R. Janz, President
Community Coalition on High Speed Rail**

* Gary Patton is an environmental attorney who represents the CC-HSR. He is also “Special Counsel” for the Planning and Conservation League (PCL) on high-speed rail issues. Mr. Patton was a Santa Cruz County Supervisor for twenty years, and also served as the Chairperson of the Local Government Commission, a statewide nonprofit group made up of both City Council Members and members of Boards of Supervisors. Mr. Patton is well-respected in Sacramento and around the state. He can be reached at 831-429-4055 or through email at: gapatton@wittwerparkin.com.