


City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: City Manager 

SUBJECT: High Speed Rail Update

DATE: Meeting of October 4, 2010

As the High Speed Rail process has moved over the past 12-18 months, there has been an ongoing communication problem with the High Speed Rail Authority (HSRA), primarily due to HSRA's failure to provide clear and accurate information to the City on a variety of issues. This culminated in HSRA identifying the Baylands as the preferred (and only) site for a 100 acre storage storage/maintenance yard without any formal consultation with or prior notice to the City. On August 25, 2010 I sent a letter to Robert Doty outlining HSRA's communication and procedural deficiencies in regard to the maintenance facility. The attached letter dated September 28, 2010 was received in response from Mr. Doty.

On a positive note, the Mr. Doty's letter acknowledges HSRA's communication failures and states their commitment to improve in that regard. The letter further notes that HSRA will be considering alternative locations for the maintenance facility in their forthcoming EIR, which is an improvement from their previous stated position that the Baylands was the only maintenance facility under consideration.

However, the letter and ongoing conversations between the HSRA and the City make it apparent that the HSRA's analysis of the site's suitability has been superficial at best and is based solely on two factors- property size and proximity/access of the site to rail lines and the San Francisco HSR line terminus. The HSRA fundamentally does not understand potential environmental constraints and technical difficulties associated with developing the landfill portion of the Baylands with a train yard, and what the true cost implications might be. They also apparently have little knowledge or understanding of the Baylands community planning process that is underway, and the incompatibility of their proposal with either the community or developer's vision for the site. The attached draft letter has been prepared for the City Council's review outlining the City's substantive concerns with the HSRA's current proposal.

Another HSR- related issue is the desire expressed by Councilmember Richardson to join the Peninsula Cities Consortium (PCC) which consists of Menlo Park, Burlingame, Atherton, Belmont and Palo Alto. The intent of the Consortium is for the member agencies to work collaboratively to influence the HSR project so that city concerns are

addressed. Staff is researching the legal ramifications of joining the PCC and is anticipating bringing this action back to the City Council on October 18 for formal consideration.

Lastly, Mayor Conway has served as the City's representative on the High Speed Rail Authority's Policy Working Group, which is composed of one elected representative from each jurisdiction along the proposed HSR alignment between San Jose and San Francisco. The Mayor has expressed his desire to step down from the group and it would be appropriate for the City Council to select a new representative.



CITY OF BRISBANE

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October 5, 2010

Robert Doty
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Re: Response to September 28, 2010 Letter

Dear Mr. Doty:

Thank you for your response of September 28, 2010 to our letter of August 25, 2010. The City appreciates your commitment "to look for other possible solutions for the storage and maintenance of high speed rail vehicles" beyond the previously identified Brisbane site. The City further notes and appreciates the commitment set forth in the letter that the forthcoming draft EIR will identify and evaluate alternative sites.

The City of Brisbane opposes the designation of the Brisbane Baylands site as a potential maintenance/storage facility. The City and Baylands property owner are actively engaged in an extensive planning process to develop a specific plan for large scale future development of the site. A community preferred alternative reflecting the community's desire for public open space and sustainable transit-focused development providing additional services and community amenities to local residents has already been identified for study in the forthcoming EIR. The property owner is refining their original 2006 specific plan proposal. The rail yard proposal is clearly incompatible with both the community's vision and property owner's goals for the site.

The City also questions the "preliminary analysis" that led to conclusion that the Brisbane site is the most viable option for a maintenance/storage facility from an engineering perspective. We believe this conclusion is premature at best, based on a cursory level of analysis that reflects a lack of understanding regarding the site and its unique constraints. The lack of site characterization and understanding could easily lead the HSRA into grossly underestimating the costs of mitigating and preparing the site for its proposed use. The City questions whether the preliminary analysis to date took into account the costs to the City of Brisbane of removing this prime future development site off the tax rolls. According to HSRA's October 2009 *Technical Memorandum-Alternatives Analysis for Siting Maintenance Facilities*, both capital costs and economic impacts to the local community are evaluation measures to be considered in evaluating alternatives.

Inasmuch as the EIR/EIS Notice of Preparation (NOP) published by the HSRA in January 2009



for the San Francisco to San Jose High Speed Train segment did not identify construction of a rail yard at the Brisbane Baylands as part of the project, the City's NOP response did not discuss potential environmental issues associated with such a facility that need to be addressed in the forthcoming EIR. The potential maintenance/storage facility is an ongoing heavy industrial land use with different potential environmental impacts from those associated with the temporary construction and ongoing operation of high speed rail along the San Jose/San Francisco corridor. The EIR should fully identify and evaluate these land use impacts, as the City is doing for the specific plan land use proposals that are under consideration. The recommended list of topics to be addressed in the forthcoming EIR is attached, but a few of the potential environmental issues are highlighted for your consideration.

Land Use Compatibility; As noted above, the proposal is inconsistent with current development proposals for the site that are under active consideration by the City of Brisbane, and this potential impact should be analyzed in the forthcoming EIR. While the rail yard proposal does not consume the entire Baylands Specific Plan site, the potential impacts of the rail yard on the larger development as well as on community benefits that would have been achieved by the larger development must be analyzed. Compatibility of the project with regional land use policies and goals which promote smart growth and infill development along transit corridors and the Sustainable Community Strategy should also be evaluated. Potential blight impacts should also be analyzed, both in regard to the impact of the project on surrounding properties which are slated for redevelopment, as well as the potential impacts on the City of Brisbane Redevelopment Project area in which the site is located.

Physical Site Issues: The site is a former unregulated municipal landfill that has not been closed in compliance with Title 27. Landfill closure and remediation issues must be addressed in the forthcoming EIR. The site is subject to seismic activity and liquefaction, and these impacts must be analyzed. Due to underlying waste decomposition and surcharge of soils deposited on the site over time, the site is also subject to differential settlement and geotechnical issues would need to be addressed in the forthcoming EIR. The impacts of climate change and potential sea level rise should also be evaluated. Lastly, the site in question has very limited infrastructure, and the impacts associated with providing infrastructure to serve the facility must be analyzed.

Operational Impacts: Ongoing operations of a facility as proposed will result in a host of operational impacts, ranging from light and glare, noise, aesthetics, traffic, and public services. All these issues need to be addressed in the forthcoming EIR.

Please contact John Swiecki, Community Development Director at 415.508.2120 should you have any questions regarding this letter.

Sincerely,

W. Clarke Conway
Mayor

cc: Clay Holstine, City Manager

AESTHETICS

The project would greatly change views to the site from many areas in Brisbane, San Bruno Mountain, US 101, Bayshore Boulevard, San Francisco, San Francisco Bay, and other surrounding locations. The EIR should address the visual changes that would result from development of the site as proposed. Impacts associated with lighting and glare must also be addressed.

AIR QUALITY

Potential air quality impacts during construction and operation of the project shall be addressed in the EIR.

BIOLOGICAL RESOURCES

The EIR should analyze the direct and indirect impacts of the proposed project on biological resources. Intertidal, estuarine wetlands and emergent freshwater wetland have been identified on the site. The EIR should verify the extent and amount of wetlands, and evaluate plans for wetlands restoration and creation and identify mitigation measures, as appropriate, to assist in their successful implementation.

GEOLOGY AND SOILS

The project is in a seismically active area, and could be subject to significant ground shaking in the event of a major earthquake. Seismic risks should be addressed in the EIR and mitigation should be developed. The project site is characterized as having a high to very high potential for seismic related ground failure, such as liquefaction, and this issue, including mitigation measures to address this risk, should be developed in the EIR. Past landfilling operations on the site have involved on-going soil erosion control mitigation. Grading and earthwork for site development would have the potential for soil erosion impacts and mitigation should be developed in the EIR. The site lies within a former municipal landfill and is potentially subject to differential settlement which should be addressed in the forthcoming DEIR.

HAZARDS AND HAZARDOUS MATERIALS:

The site is a formal municipal landfill under the jurisdiction of the Regional Water Quality Control Board. The EIR shall review existing information regarding potential presence of hazardous materials on the site, evaluate the adequacy of existing risk assessment data for purposes of completing CEQA review, identify potential impacts and propose mitigation measures, as appropriate.

HYDROLOGY AND WATER QUALITY:

Water quality impairments have resulted from leachate emanating from the former landfill areas, from oily contaminants in water running off the former railroad site, and from other sources of water pollution. Water quality investigations have been conducted at the instigation of the Regional Water Quality Control Board, and monitoring, remediation and mitigation actions have been implemented, and are continuing. The EIR should assess any potential effects that implementation of the project would have on continuing efforts to bring the site into conformance with water quality standards and minimize future water pollution from sources on the site. Additionally, it is anticipated that the project would alter the drainage pattern on portions of the site. The impacts of grading and storm drain infrastructure on potential soil erosion runoff must be addressed.

The effectiveness of proposed drainage improvements system and its consistency and compatibility with Brisbane Storm Drainage Master Plan should be assessed in the EIR and mitigation measures developed as necessary. The DEIR shall evaluate any impacts of the project on groundwater flow and quality. Portions of the site may be subject to tsunami inundation, and it would be appropriate to evaluate this issue in the forthcoming DEIR.

LAND USE COMPATIBILITY:

The conformance of the project with the Brisbane General Plan and proposed land use scenarios under consideration pursuant to the Brisbane Baylands Specific Plan process shall be addressed in the EIR. Portions of the site lie within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). The EIR shall evaluate the consistency of the project with applicable BCDC regulations and policies. Potential blighting impacts on proposed surrounding development and Brisbane Redevelopment Project Area #1 shall also be assessed.

NOISE:

The EIR should include a comprehensive noise impact assessment including mitigation measures as warranted. This analysis shall also address noise impacts associated with construction activity.

POPULATION AND HOUSING:

While the proposal does not include residential development, growth inducing potential associated with additional jobs shall be analyzed in the EIR.

PUBLIC SERVICES AND INFRASTRUCTURE:

The project will result in increased demand for public services such as fire and police protection, as well as the need for infrastructure such as water, sewer electricity far beyond what currently exists at the site. These impacts shall be addressed in the forthcoming EIR.

TRANSPORTATION/TRAFFIC:

The project would generate new traffic, and could adversely affect the service levels of a number of intersections, and highway segments. The EIR should include a comprehensive traffic and transportation evaluation.



September 28, 2010

Clayton Holstine
City Manager
City of Brisbane
50 Park Place
Brisbane, CA 94005

Dear Clay:

Thank you for your letter dated August 25th. I would like to address the issues that you raised in your letter and look forward to continuing to collaborate with you, the Brisbane Council and staff as the process moves forward. I would like to address your comments in the broad categories below:

Communications Regarding the Maintenance Facility

As part of the on-going environmental process, the Authority was obligated to disclose a possible maintenance facility location as part of the Supplemental Alternatives Analysis Report (SAAR) published in August, 2010. Over the last year and a half we have been working with the City of Brisbane and other agencies on identifying possible storage and maintenance facility locations. You, your Council and staff have always communicated clearly that a maintenance facility is in no way your preferred land use and activity for the Brisbane Baylands Planning Area. In the time that we have been discussing a possible maintenance facility with the City of Brisbane, we also analyzed sites at the Port of San Francisco and San Francisco International Airport. As a result of that preliminary analysis the Brisbane site was found to be, from an engineering and train operation perspective, the most viable option of the three. In the time before the publication of the SAAR, we should have contacted you and let you and your staff know how this information was going to be presented in the SAAR, to give you and your policymakers fair warning. We did not do that and for that I apologize. We will do our best to make sure that this does not happen again.

Supplemental Alternatives Analysis Report (SAAR)

In your letter you identified errors and deficiencies in the SAAR. It is our intention to publish an "Addendum / Errata" document that not only corrects mistakes but also elaborates on issues that require further explanation. Specifically we will address the following:

- We will update the Table S-1 and S-2 to reflect that subsection 2A traverses the City of Brisbane.
- We will update the document to reflect the meetings that we have held with Brisbane City staff, Council, UPC and other stakeholders to discuss the possible maintenance facility in Brisbane.
- On page two of your letter, you identify the need for additional elaboration of the comparison of alternative maintenance facility sites. We will provide a comparative analysis of the different



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maintenance facility locations, following guidance from the technical memo "Alternatives Analysis for Sitting Maintenance Facilities".

- Your letter also identified the interest by the City for the Authority to continue to evaluate additional alternatives either in San Francisco or elsewhere. The Authority will continue to look for other possible solutions for the storage and maintenance of high-speed train vehicles. Other options beyond the other two already identified (San Francisco International Airport and the Port of San Francisco) include different statewide operating practices where trains do not start or end their service in San Francisco or splitting the storage and maintenance functions in other locations throughout the system. While these solutions are not ideal from a long term operating perspective, they can and should be investigated as part of the on-going environmental and engineering work.

Public Meetings

As noted in your letter, we will plan on holding a public information meeting on the potential Maintenance Facility in Brisbane. We will provide a presentation regarding the Alternatives Analysis process and how Brisbane was selected as the preferred site for the facility and what the characteristics of a modern storage and maintenance facility would be. Additionally we will provide maps showing where the facility could be placed and what some of the potential uses for the site could be beyond just the rail uses. It is our intention to hold this meeting in late October or early November.

Next Steps

Our most immediate next step is to have the "Addendum / Errata" document published in mid-October of this year. In addition we are anticipating a revised operating plan that could result in a modification to the storage requirements for the yard and a smaller and possibly more acceptable foot print. Then the next major step is to have a Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the San Francisco to San Jose section of the high-speed train project published in late December of 2010. This document will discuss the environmental issues associated with the high-speed train alignment and the potential maintenance facility in Brisbane and discussion of other potential options for maintaining trains at other locations. At that point, the City will have 45 days to comment on the document.

A Final EIR/EIS for the San Francisco to San Jose section of the high-speed train system will be published in July of 2011. This document will identify a "preferred" alternative for the system that could also include a maintenance facility discussion and decision. A Notice of Determination (NOD) by the Authority will be made in August of 2011 and the Record of Decision (ROD) by the Federal Railroad Administration in September of 2011. Only after the environmental process is complete (completion of the NOD and ROD) will the Authority be able to enter into agreements for property acquisition and/or construction of the project.



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I look forward to our continued dialog about the high-speed train project and its relationship to the City of Brisbane. We appreciate your input to-date and hope to continue to have a productive relationship moving forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Doty".

Robert Doty
Director
Peninsula Rail Program

CC: Doc. Control