



City of Palo Alto

City Council Staff Report

(ID # 10268)

Report Type: Action Items

Meeting Date: 4/22/2019

Summary Title: Connecting Palo Alto Grade Separation Project Follow Up: Timeline, Working Group, and Criteria

Title: Connecting Palo Alto Work Plan for Selection of Preferred Solutions to Rail Grade Separation Needs: Approval of Structure and Membership of Expanded Community Working Group, Work Plan, and Revisions to Alternatives for Further Study; and Direction to Staff to Return to Council with Associated AECOM Contract Amendment

From: City Manager

Lead Department: City Manager

Recommendation

Staff recommends that the City Council:

- A. Approve the structure and membership of an expanded Community Working Group;
- B. Approve the Rail Grade Separation Work Plan as a follow up to the March 18th Committee of the Whole recommendation including a timeline and process by which the City Council would select a preferred solution to begin environmental review;
- C. Approve Alternatives to be studied by the Community Working Group;
- D. Direct Staff to return to Council with an amendment to contract C18171057 with AECOM to reflect scope changes and extension to October 2019 for Council selection of a preferred solution.

Background

At the March 18, 2019 Committee of the Whole (COTW) meeting, the COTW recommended a set of actions relating to rail grade separation including direction to staff to prepare a detailed timeline (including community engagement) with a preferred solution being considered in October 2019; a plan for a community working group that would focus on recommending consensus-based project alternatives; and a contract amendment with AECOM to reflect scope changes. The final recommendation from the COTW meeting included the following:

- A. Direct Staff to propose a detailed timeline for the Connecting Palo Alto Rail Grade Separation planning effort, with the timeline being extended to October 2019, and which includes community engagement;
- B. Direct Staff to create a dynamic model that orders the alternatives based on the criteria;
- C. Direct Staff to return to Council with a plan for a community working group which reports to Council and would focus on recommending consensus-based project alternatives based on funding and technical issues, and ideas for communication;
- D. Direct Staff to develop a list of ongoing questions and answers from the Rail Committee of the Whole; and
- E. Recommend the City Council approve the parameters for an upcoming contract amendment to contract C18171057 with AECOM funded in the Grade Separation capital project (PL-17001) to continue work to assist the City with the selection of a preferred solution for environmental review.

As a follow up to that recommendation, staff has prepared a recommended Rail Workplan as follows.

Discussion

To provide additional information regarding the staff recommendation, this report is separated into four sections: Structure of an expanded Community Working Group; timeline and Rail Workplan; alternatives to study; and AECOM contract amendment.

Structure and Membership of an expanded Community Working Group:

The COTW directed staff to return to Council with a plan for a community working group which reports to Council and would focus on recommending consensus-based project alternatives based on funding and technical issues, and ideas for communication. Staff followed the recommendation and scoped out a Working Group for rail that will maximize the input sought by Council as well as keeping with the timeframe of October for a preferred solution.

In developing the recommendations that follow, staff has developed an approach that balances several goals:

- Continue progress toward decisions on a preferred solution while community engagement is high, and minimizing concern from residents potentially affected by specific alternatives;
- Engage the business community on potential revenue strategies in a constructive and inclusive manner; and,
- Proceed in a timeframe that supports decision-making related to both rail grade separations and prospective ballot measures.

The recommended approach reflects a separation between the rail grade separation work and development of any prospective business tax concepts, with the latter being

led by the Finance Committee and City Council. A separate report on the latter topic has been prepared for consideration by the Council on April 22. Essentially, the workplan reflects an "iterative" approach. An initial revenue measure estimate will be transmitted from the Finance Committee to the Rail Community Working Group, so that the Community Working Group can evaluate grade separation alternatives with this in mind. As refined revenue estimates become available, these will be transmitted to the Community Working Group to factor into any change in conclusions.

The recommendations that follow have implications under State conflict of interest rules. Under State law, a purely advisory body may include residents and businesses with real property interests near the crossings, and other financial interests implicated by the grade crossing decisions. To qualify as purely advisory, the body cannot (i) "make a final governmental decision", (ii) "compel or prevent a governmental decision", or (iii) make "substantive recommendations" that are "regularly approved without significant amendment or modification" by a City public official or City Council "over an extended period of time." (FPPC Regulations 18700(c)(2)(A)). The work of the current community advisory panel has been consistent with this definition, and therefore its members were not subject to vetting for disqualifying real property or financial interests. It appears that the revised Community Working Group may have an expanded and more formal decision making role: to recommend grade separation projects that will be reviewed by Council and approved without significant amendment. This type of advisory body will be subject to State conflict of interest rules, which will prevent nearby property owners from serving and may result in some current members being unable to continue on the new Working Group.

Proposed Format and Scope of an expanded Community Working Group: The Community Working Group would recommend to the City Council a preferred grade separation alternative for the southern segment (Charleston and Meadow) and the middle segment (Churchill) based on existing alternatives already approved by the City Council, available technical information, and the optional funding plans provided by the City. As with the existing Community Advisory Panel, the expanded Community Working Group will also be responsible for helping spread the word about grade separation activities to the broader community. As proposed, the Community Working Group will not consider polling nor the development of any specific local tax measures.

The consideration of any revenue generating activities will be considered on a parallel track outside of the rail grade separation discussions. The rail workplan presumes that the Finance Committee and City Council will discuss such revenues in a timeframe consistent with this workplan.

Proposed Membership of the Community Working Group: Staff proposes a working group with a membership of 15-18 members. A group any larger is less manageable to keep productive during meetings. Based on Council discussion of the intent of the working group, staff proposes the following membership composition for the Working

Group:

- Current 12 Community Advisory Panel (CAP) Members
- 1 Representative from Stanford University
- 1 Representative from Stanford Research Park
- 1 Representative either from Stanford Health or the Stanford Shopping Center
- 1 Representative from the Palo Alto Chamber of Commerce
- 1 Representative from the Palo Alto Unified School District
- 1 Representative from the Friends of Caltrain Board

It should be noted that staff has received some concerns regarding the composition recommended by the COTW. Informal feedback from some CAP members has reflected concern with the formality required by council-appointment, including Brown Act requirements. It has also been noted that most business participants will not reflect perspectives beyond their own organization, and will not be representative of multi-tenant properties.

Staff will continue to meet with Caltrain, Santa Clara Valley Transportation Authority, and the Santa Clara Valley Water District to discuss issues relevant to each agency. Staff will report back to Council and the Working Group.

Proposed Selection of Community Working Group Members: As recommended by the COTW, individual members of the Community Working Group would be selected by the City Council. In order to continue progress made to date, staff recommends that current CAP members have the opportunity to remain on the Working Group, with additional residents added as replacements only. Staff anticipates bringing Community Working Group member name recommendations to the Council in early May. However, completing the conflicts analysis involved with a formal advisory body may cause the timeframe to be extended.

Staff Support for the Community Working Group: Meeting management and materials will be provided through the Office of the City Manager and the AECOM consultant team.

Proposed Meetings for Working Group: There will be seven (7) meetings scheduled at intervals of approximately two (2) to four (4) weeks apart beginning in late May through October. The dates are shown in the comprehensive timeline in the next section of this report. While the meetings will be open to the public, they will be scheduled in the late afternoon similar to the previous Community Advisory Panel (CAP) meetings.

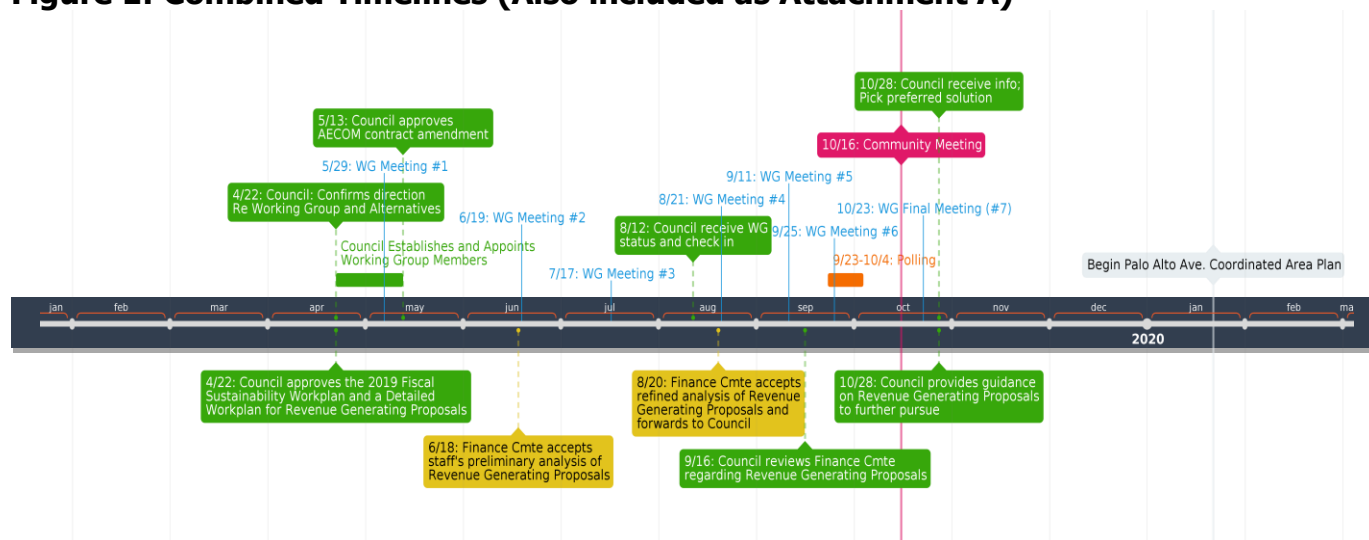
Proposed Operating Procedures (Noticing, etc.) for the Community Working Group: The Community Work Group will be subject to the Brown Act ("the Act"). Meetings will be open to the public and recorded, and serial meetings will be prohibited. Agendas will be posted in advance and available on the website, and the meeting materials will be made

public before, at and after the meetings, in accordance with the Act. Meetings will adhere to the published agenda and will include public comment as required by the Act.

Timeline and Rail Workplan:

The chart below includes a detailed timeline of the proposed Rail grade separation Workplan. The timeline optimizes the Council goal to get to a preferred solution in October 2019. It also overlays, for ease of reference, a separate draft workplan in relationship to the review of revenue generating proposals including the potential for a business tax ballot measure. Staff is seeking City Council to review and approve the revenue generating proposals workplan separately from the Rail Workplan. This will allow the City Council to focus on generating revenues in a comprehensive way that factors in all City needs which go beyond grade separation. More details about the timeline are included below the chart.

Figure 1: Combined Timelines (Also included as Attachment A)



The aforementioned timeline includes the following key decision points for the City Council:

Key Decision Points to City Council or Finance Committee	
April	Agreement on iterative approach, workplan, and roles; agreement on alternatives for Community Working Group consideration.
May	Agreement on evaluation weights and matrix as initial assumptions; confirmation on the alternatives for AECOM to evaluate; creation of and appointments to the Working Group
June	City Council or Finance Committee: approve initial revenue generating proposals estimates.
August	Community Working Group Check in with City Council; City Council confirmation or revision of the criteria weighting; Council decide on polling questions

Key Decision Points to City Council or Finance Committee	
September	City Council: confirmation on potential revenue generating proposals including revised revenue estimates
October	City Council selecting a preferred solution and Finance Committee or City Council make a determination on revenue generating proposals to pursue

Timeline Details Related to the Community Working Group:

Schedule	Task
Report to Council as follow up from COTW direction	Staff follow up with recommendations based on the March 18 COTW recommendation
AECOM Contract Amendment Report	Staff will work with AECOM on scope and schedule given City Council discussion and decisions.
City Council discuss criteria weights	City Council reviews staff proposed weighting model
WG Meeting #1	Will review Grade Separation Background as well as the evaluation model from Council; would also get a Brown Act orientation
WG Meeting #2	Will receive an overview of the alternatives on the table; will also receive an initial financial overview
WG Report to Council	City Council will receive a Community Working Group status report – Findings to date and questions by the Community Working Group
WG Meeting #3	Technical and funding review
WG Meeting #4	Technical and funding review
WG Meeting #5	Consensus and discussion. Idea is to get the group to agree to land on one alternative per crossing.
Polling	Polling – the poll will be drafted by a consultant and staff Council will weigh in on it before it goes out. The WG will not edit the questions.
WG Meeting #6	Community Working Group will approve their report to City Council
Community Meeting	Receive feedback on the crossings and proposals
Council Preferred Solution Selection	City Council to select preferred solution – City Council would review the Community Working Group recommendations; polling; and community meeting response as well as the financial data and make a decision regarding rail/grade separation. Of note, on the parallel track at the same meeting, the City Council would also give staff direction about the revenue generating proposals that they would like financial staff to prepare.

The workplan also anticipates an iterative approach for the City Council or COTW to provide an initial weighting scale of the different evaluation criteria, to be used by the Community Working Group. The Community Working Group would use the City Council-provided weighting scale to evaluate the alternatives under consideration. Staff will bring an agenda item in May for the City Council to review a proposed weighting model based on a model created by a current CAP member.

Alternatives to Study:

The City Council, as of the January 22 Council Meeting, has six alternatives left for consideration at the three (3) rail crossings at Churchill, Meadow, and Charleston. The Council has narrowed the list of alternatives from the initial list of 34 ideas. The concepts currently under consideration as of January 22 are as follows:

- Churchill Ave. | Full or Partial Closure & Add Improvements
- Meadow Dr. & Charleston Rd. | Hybrid
- Meadow Dr. & Charleston Rd. | Rail Trench
- Meadow Dr. & Charleston Rd. | Viaduct
- Citywide Tunnel
- South Palo Alto Tunnel (direction only to develop scope and budget)

The first five (5) alternatives above are included in the current scope of work for the AECOM contract, while the 6th alternative, the South Palo Tunnel (and the variation of it with freight at grade and passenger rail in a tunnel) is currently only authorized for potential addition to the AECOM contract.

Based on the status of work completed to date and recent community feedback, staff recommends the Council direct the following refinements to alternatives under study:

- Proceed with conceptual evaluation of South Palo Alto Tunnel. While the South Palo Alto tunnel will have many of the same issues identified as the citywide tunnel (cost, creek environmental concerns, and need for property acquisitions), staff recommends proceeding with evaluation of a South Palo Alto tunnel and drop consideration of a variation of freight at street level.
- Add consideration of a viaduct at Churchill Avenue. At the March 27 community meeting, several community members suggested that a viaduct at Churchill be considered. In reviewing the initial list of 34 ideas, staff confirmed that a viaduct specifically at Churchill was not explicitly considered, only a citywide viaduct and the Meadow–Charleston viaduct. Given the community interest in seeking an alternative to a closure at Churchill Avenue, staff recommends that study of a viaduct at Churchill Avenue be included in the scope of work ahead.

In addition, based on the work to date on the Churchill closure concept, further work will include evaluation of widening the Alma Street bridges at Embarcadero Road to provide four continuous lanes on both Alma Street and Embarcadero Road.

AECOM Contract Amendment:

Based on the parameters of the previous items, staff will work with AECOM to prepare an amended scope and budget for the AECOM contract and bring that amendment to the City Council for approval in May. The amendment will factor in the scope and budget changes discussed on March 18 as well as the necessary scope and budget changes based on Council direction on the issues described in this report. The

additional tasks to the contract will enable AECOM to work with City staff to complete the work needed on each alternative as well as the work needed to support the expanded Community Working Group.

Reference:

March 18, 2019 Committee of the Whole Meeting:

<https://cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=79668.01&BlobID=70361>)

Attachments:

- Attachment A - Zoomed-In Timeline (Apr. 2019-Feb.2020)

Attachment A: Zoomed-In Timeline (Apr. 2019 – Feb. 2020)

