



City of Palo Alto

City Council Staff Report

(ID # 10572)

Report Type: Action Items

Meeting Date: 8/19/2019

Council Priority: Grade Separations

Summary Title: Recommendation for Rail Blue Ribbon Committee

Title: Recommendation for City Council Direction on Establishment of a Rail Blue Ribbon Committee to Advise the City Council on the Selection, Funding, and Support for Grade Separation Projects

From: City Manager

Lead Department: City Manager

Recommendation

Staff recommends that the City Council provide direction to staff on establishment of a Rail Blue Ribbon Committee ("RBRC") to supplement current community engagement and develop recommendations to the City Council on the selection, funding plan, and strategies for local and regional support of rail grade separations.

Background

Palo Alto is proactively working to address a critical impending need – maintaining crosstown access and safety – given the ongoing Caltrain electrification project and expected increasing frequency of train preemption at Charleston Road, Meadow Drive, Churchill Avenue, and Palo Alto Avenue. Given that addressing this need requires multiyear planning and construction of grade separations with costs in the hundreds of millions, the effort to date has been an extensive and complex technical and community planning process.

The complexity of the decision-making ahead is driven by numerous factors, such as:

- **Localized and Neighborhood Impacts** – All grade separation options are major construction projects that have a wide range of localized impacts. The existing Community Advisory Panel (CAP) has been instrumental in ensuring that the technical analysis of options addresses the issues of concern in a manner that can be clearly understood by neighbors.
- **Physical and Engineering Constraints** – The City has engaged AECOM, a leading

engineering consultant, in the technical evaluation of options. Working with City staff, AECOM is currently evaluating options that can meet Caltrain operating requirements and other engineering criteria within the tight physical constraints of each crossing.

- **VTA Funding Decisions** – Santa Clara County’s 2016 Measure B provides \$700 million for grade separations in Palo Alto, Mountain View, and Sunnyvale. VTA has begun the process of implementing Measure B across all funding programs, and establishing criteria for allocation to each city. The amount and timing of Palo Alto being able to access these funds is unclear, and represents a competitive environment given interests among the cities as well as other VTA funding priorities that at some point could threaten the fulfillment of Measure B’s commitment to grade separation funding.
- **Caltrain Long-Range Plans and Approvals Required** – Caltrain is currently undertaking a long range business plan, identifying operational, financial, and governance considerations for its long term sustainability. Caltrain’s role in the completion of grade separation projects, of which there may be 42 along the corridor, is unclear and will impact the cost and timing of construction, as well as ultimately requiring Caltrain approval for all grade separation projects.
- **Local Funding Options Under Consideration** – The City Council Finance Committee has initiated evaluation of possible local funding methods such as a business tax for a portion of the funding needed for grade separations as well as other needs. State law limits cities’ ability to place local tax measures to council election cycles, which means the City can only advance a measure in November 2020 or 2022.
- **Criticality of Construction Management** – After local decisions are made on preferred alternatives and funding, cooperation agreements will be required between the City, VTA, and Caltrain that define roles and responsibilities through environmental clearance, final design, and construction. As multiple public works projects that will extend over several years, it will be critical for these agreements to reflect a commitment to minimizing the disruption and other impacts that such major construction could have throughout Palo Alto.

Given these complex and interrelated considerations, the City Council has expressed an interest in revisiting the role of a community working group to support development of a longer term strategy for the decision-making needed on rail grade separations.

Discussion

To date, the City has relied on a Community Advisory Panel (CAP), recently expanded and referred to as the Expanded Community Advisory Panel (XCAP), to provide neighborhood-level feedback to the technical analysis of grade separation options. The

XCAP has ensured that the grade separation options being considered are evaluated in a comprehensive and balanced manner that addresses neighborhood concerns, as well as presented to the community in a manner that is clear and supports resident engagement. Given this role, the XCAP is advisory to the City Manager and comprised of community members selected by staff. The XCAP is not subject to Brown Act rules nor Fair Political Practices Commission (FPPC) conflict of interest screening.

Current participants on the XCAP include residents from various neighborhoods: Greg Brail, Phil Burton, Tony Carrasco, Inyoung Cho, Megan Kanne, Larry Klein, Patricia Lau, Nadia Naik, Keith Reckdahl, and David Shen, as well as a few organizational representatives: Barbara Best (PAUSD), Adina Levin (Friends of Caltrain) Billy Riggs (PTC), and Judy Kleinberg (Chamber of Commerce).

The XCAP provides invaluable input to staff on the development and communication of highly technical and potentially contentious issues. XCAP members have also dedicated significant personal time over the past year to meet with neighbors and increase awareness and understanding of the options and complex tradeoffs that must be considered in the decisions ahead for the city.

While on June 24 the City Council approved an amendment to the contract with AECOM to continue the selection of preferred grade separation alternatives ([Report #10463](#)), the city manager acknowledged and councilmembers expressed interest in a more comprehensive community engagement approach. This included questions regarding the XCAP and revisiting an advisory role directly to the City Council.

Recognizing the range of issues involved with the work ahead, the council has expressed interest in a more robust approach to support not only the selection of alternatives, but also developing the community support needed to successfully obtain voter approval on a local funding measure as well as the advocacy needed to ensure regional and other external funding.

In order to accomplish this goal, staff has developed an option for the City Council to consider: establishing a new panel to directly advise the Council on grade separation decisions, with consideration to the community-wide benefits and impacts, local and regional political considerations, and financing strategy for implementation. For discussion, we refer to this new panel as the "RBRC." This reflects a connection to the successful model used several years ago with an Infrastructure Blue Ribbon Committee (IBRC) for the development of recommendations that led to the Infrastructure Plan projects approved by Palo Alto voters and currently being delivered throughout the city. The goal of the RBRC would be to provide the City Council with strategic recommendations that recognize the interplay of issues that range from neighborhood-specific concerns with grade separation options to the need for citywide voter support and the regional competition for funding and project commitments.

As proposed, the RBRC would be additional to the XCAP and distinct in the following aspects:

- The RBRC would not evaluate technical aspects of grade separation options, but use the evaluation developed by staff and the XCAP to formulate recommendations to the City Council.
- The RBRC would be selected by and report directly to the City Council, and as such be subject to Brown Act and applicable conflict of interest rules (effectively precluding individuals with real estate or financial interests potentially affected by the alternatives). RBRC meetings would be open to the public and supported by staff.
- The RBRC would provide advice to the City Council that reflects an understanding of the political environments locally and regionally, and the advocacy viability of options in light of these considerations.
- The RBRC would require some parameters to conduct its business, such as selection of a chair/vice chair and voting on recommendations.

Staff recommends that the XCAP be retained in order to continue its valuable role ensuring that neighborhood perspectives are reflected in the development and evaluation of the grade separation alternatives. Should the City Council approve proceeding with the RBRC, staff will review and revise the current community engagement workplan to reflect incorporation of the RBRC into the decision-making process.

With the basic concepts outlined above, staff recommends that the RBRC would ideally be comprised of former Palo Alto mayors or city councilmembers. These individuals have direct experience in balancing the complex and competing issues presented here, but would also, as a body, demonstrate to regional stakeholders the significance of the grade separation issue to Palo Alto.

Subject to City Council approval to pursue this approach, staff would also recommend that the City formally request the following organizations actively participate in RBRC discussions in a non-voting capacity:

- Palo Alto Chamber of Commerce,
- Stanford University,
- Caltrain,
- VTA, and
- Silicon Valley Leadership Group;

as well as any other organizations the Council feels essential to informed decision-making and setting the groundwork for subsequent steps.

If the City Council approves this approach, staff requests City Council direction on two key elements: (1) the RBRC's scope of assignment, and (2) its composition and selection of individuals.

Scope of RBRC Assignment

The core role of the RBRC would be to advise the City Council on the selection of grade separation alternatives. What may be less certain is the role the RBRC should play in the development of a funding strategy for implementation. At one level of involvement, the RBRC's role could be limited to making recommendations on dollar amounts that should be targeted for city ballot measure funding, without regard to the type of measure. At a higher level, the RBRC could be tasked with recommending a dollar target, timing, and parameters of a city ballot measure (such as a general or dedicated business tax) as well as next steps for regional and other external funding.

A greater level of RBRC involvement in development of the funding strategy would likely involve the RBRC in the design of polling as well as a community awareness campaign leading to decisions on a ballot measure.

Composition and Selection of RBRC Members

As noted above, Staff recommends the RBRC be comprised of former Palo Alto mayors or city councilmembers in order to reflect the qualifications and stature needed to make key recommendations to the City Council as well as potentially continue their involvement in next steps.

The total number of members on the RBRC will drive the magnitude of staff effort required to organize and support the RBRC. As such, staff would recommend the group consist of 10-15 voting members; however, staff will support whatever composition the City Council deems needed. Options for identifications of individuals to serve could include:

- each Councilmember selecting 1-2 individuals to serve,
- referral to the City Manager to return to council with a recommended slate of members,
- an open application process with candidates to be interviewed by the City Council, or
- some combination of the above.

Staff requests City Council direction on the approach most appropriate to advance the City's interests.

Timeline, Resource Impact, Policy Implications

The current timeline for the evaluation of grade separation alternatives is designed to support a City Council decision later this calendar year. If the City Council approves the establishment of an RBRC as proposed, the current workplan could proceed to the point of identifying all the relevant considerations for alternatives, and possibly elimination of some alternatives, while keeping open the final decision on preferred alternatives. The RBRC could then use this information in the formulation of its recommendations through Spring 2020 in anticipation of a potential city (and other regional transportation

ballot measures) in November 2020.

Other timing considerations include the ongoing decision-making processes at VTA and Caltrain, recognizing that Palo Alto will be in a better position to advocate for funding allocations once locally preferred alternatives are selected. In addition, the Palo Alto Avenue crossing at the northern city limit is also on hold with plans for a comprehensive study of downtown/University access, pending decisions on other grade crossings and the availability of resources to dedicate to that effort.

Environmental Review

The decision to establish a Rail Blue Ribbon Committee is not a project as defined by the California Environmental Quality Act (CEQA).