

# Caltrain Rail Corridor Use Policy – Approval of Use Variance for Proposed Communications Hill Bridge



# Agenda

- **Refresh on:**
  - Background and Context on Use of JPB's Property
  - JPB's Property Access Agreement Process, including role of RCUP
- **Proposed Project Overview**
- **RCUP Compatibility Finding and Staff Recommendation**

# **Background and Context on Use of JPB's Property**

# Current Use of JPB Property

- Use of JPB property is principally dedicated to serving the agency's mission as a rail service provider.
- The JPB distinguishes between “railroad uses” and “non-railroad uses.”
- **“Railroad Uses” – use of property to support delivery of rail service**
  - Infrastructure, equipment, and facilities necessary for delivering rail service, such as tracks, stations, access facilities, grade separations, signals, etc.
  - Railroad uses are not static: the railroad is continuing to grow.

# Current Use of JPB Property, continued

- **“Non-railroad uses” – ancillary uses of property that do not directly support delivery of rail service.**
- **Three categories of non-railroad uses:**
  - Utilities from third parties
  - Public-serving uses proposed by third parties, such as access facilities, etc.
  - Commercial uses proposed by third parties, such as car sales lots, parking, storage, etc. as well as TOD projects
- **Non-railroad uses allowed on JPB property only if compatible with current and potential future agency needs and railroad uses of the property.**
  - Generally, leases are required to be terminated if/when the property is needed for railroad uses.

# Future Use of JPB Property

- Caltrain has a dynamic corridor.
- Many changes coming to Caltrain corridor in the future, which will affect future rail service and future use of JPB property:
  - Electrification of corridor
  - Potential grade separation projects
  - Blended service with High Speed Rail
  - Planned future expansion of Caltrain service (2040 Service Vision)
  - Expanded fleet and maintenance needs
  - Other potential infrastructure projects related to 2040 Service Vision Implementation
- **This dynamic corridor creates complexity in the use of JPB property.**
  - There is tension between preserving land for potential future railroad use and allowing land to be used for longer-term non-railroad uses.

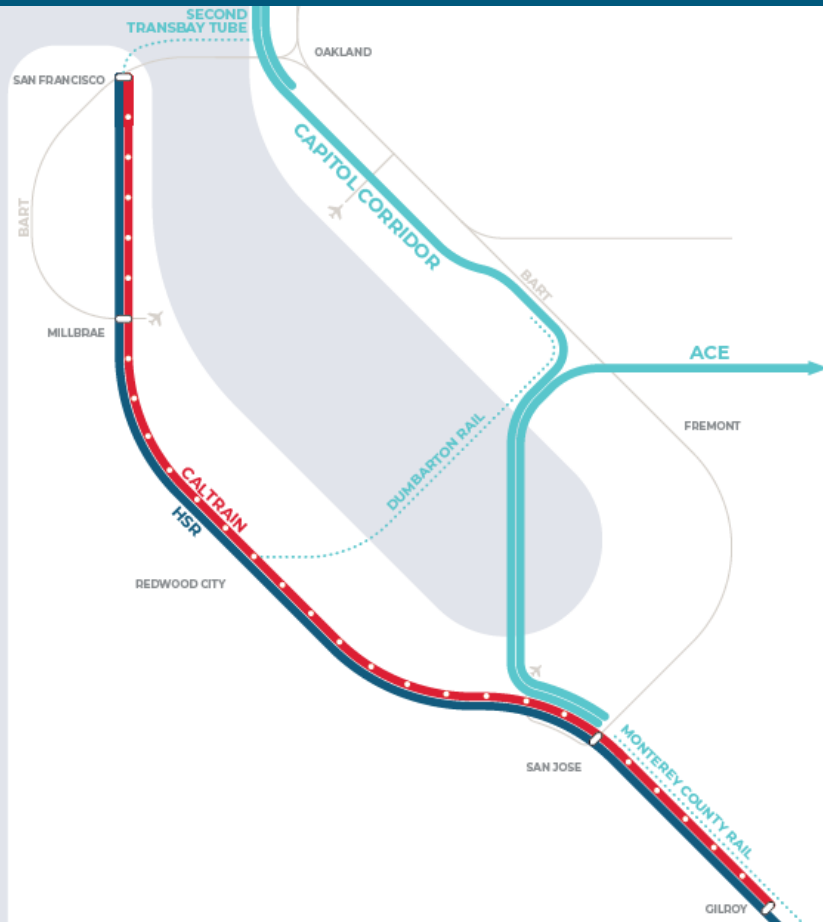


# Caltrain's Long-Term Service Vision

Caltrain peak hour service: 8 trains per hour per direction

HSR peak hour service: 4 trains per hour per direction

+ Potential for 4 additional train slots per hour with additional investment



## GROWING BEYOND OUR VISION

Caltrain is ready for additional investment as planning for expanded Bay Area rail continues. With additional passing tracks and infrastructure, we can expand service from 12 to 16 trains per hour, creating opportunities for even more service and enhanced connectivity to other regional rail corridors.

### SERVICE VISION INVESTMENT

8  
CALTRAIN  
TRAINS

### ADDITIONAL INVESTMENT

4  
HIGH SPEED  
RAIL TRAINS

4  
TRAIN SLOTS  
FOR EXPANDED  
SERVICE OR  
REGIONAL  
CONNECTIONS



# **JPB's Property Access Agreement Process**



# Third Party Uses of JPB Property Require a Property Access Agreement

- JPB staff **frequently** receive requests from third parties to use JPB property for all types of non-railroad uses, such as:
  - Utilities
  - Commercial businesses
  - Access facilities
  - Development projects
  - Pop-up events
  - Farmers markets
- For approved third party uses, the JPB will issue an appropriate **Property Access Agreement** to the third party:
  - Depending on use, Property Access Agreement could be a license agreement, right-of-entry permit agreement, service agreement, encroachment permit, lease agreement, or easement agreement.

# What is involved in the process?

<b>Component of JPB's Review Process:</b>	<b>Staff Approval Process for Proposed Uses Involves Ensuring Compatibility With:</b>
1. Rail Corridor Use Policy (RCUP)	<ul style="list-style-type: none"> <li>• Current and potential future railroad needs</li> </ul>
2. Technical Review (Caltrain Capital Project Design and Delivery Process for capital projects)	<ul style="list-style-type: none"> <li>• Caltrain Engineering Standards</li> <li>• Operational requirements</li> <li>• State and federal regulations</li> <li>• Agreements with Union Pacific Railroad, CA High Speed Rail Authority</li> </ul>
3. Approval of Proposed Use and Granting of Property Access Agreement	<ul style="list-style-type: none"> <li>• Staff approval is granted after successful completion of compatibility review processes.</li> <li>• Necessary approvals:               <ul style="list-style-type: none"> <li>• Staff approval required for uses with less than 5 years' duration.</li> <li>• Staff approval + Board approval required for uses with more than 5 years' duration.</li> </ul> </li> <li>• After approvals are complete, Property Access Agreement is issued as applicable and approved project may proceed.</li> </ul>

# RCUP Overview

- **Purpose:**
  - Provide Board-adopted policy to check compatibility of proposed uses and guide use of JPB property to achieve Caltrain's Adopted Long-Term Service Vision.
- **Objectives:**
  - Support the long-term use of JPB property to deliver the Service Vision, while also clarifying opportunities for non-railroad uses (of short and long duration) on the rail corridor.
  - Develop a process for considering and approving the compatibility of the range of proposed uses and projects on JPB property.
  - Provide transparency on decision-making process and outcomes.



**The RCUP is a Policy Framework. What does it contain?**



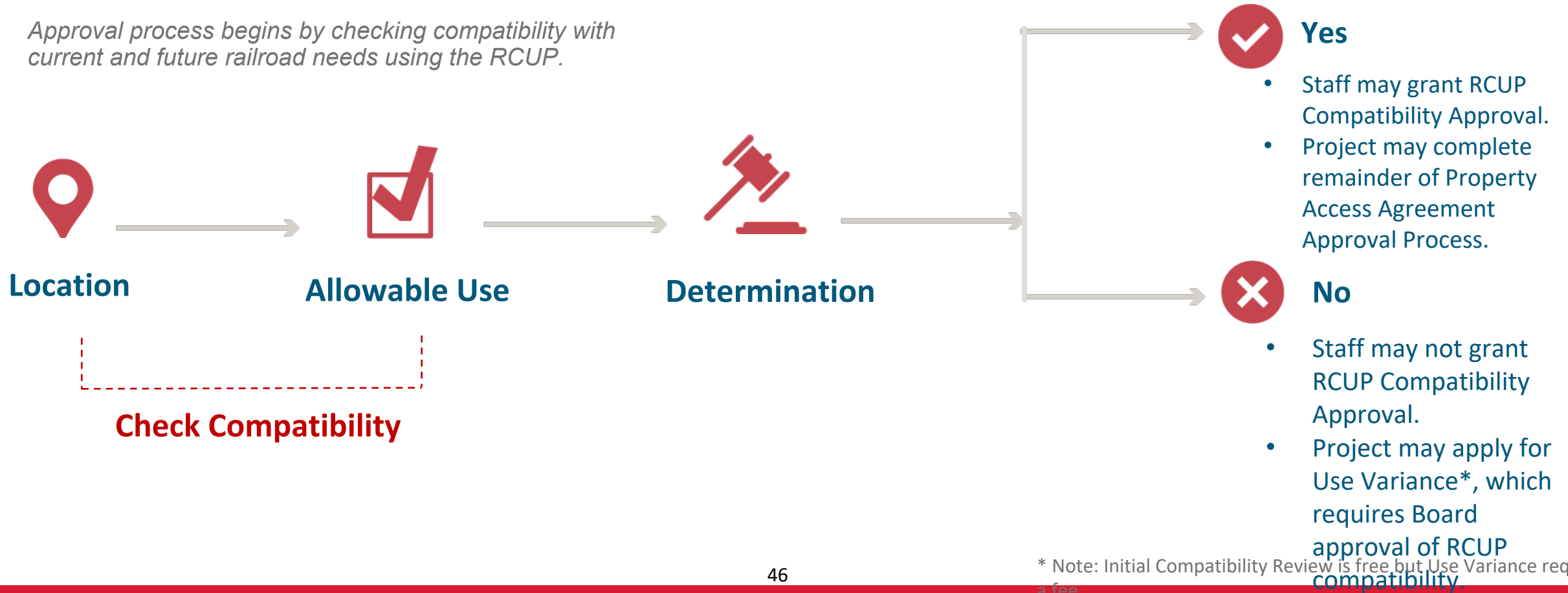
**Maps**



**Decision-Making Process**

# RCUP Decision-Making Process for a Proposed Third-Party Use

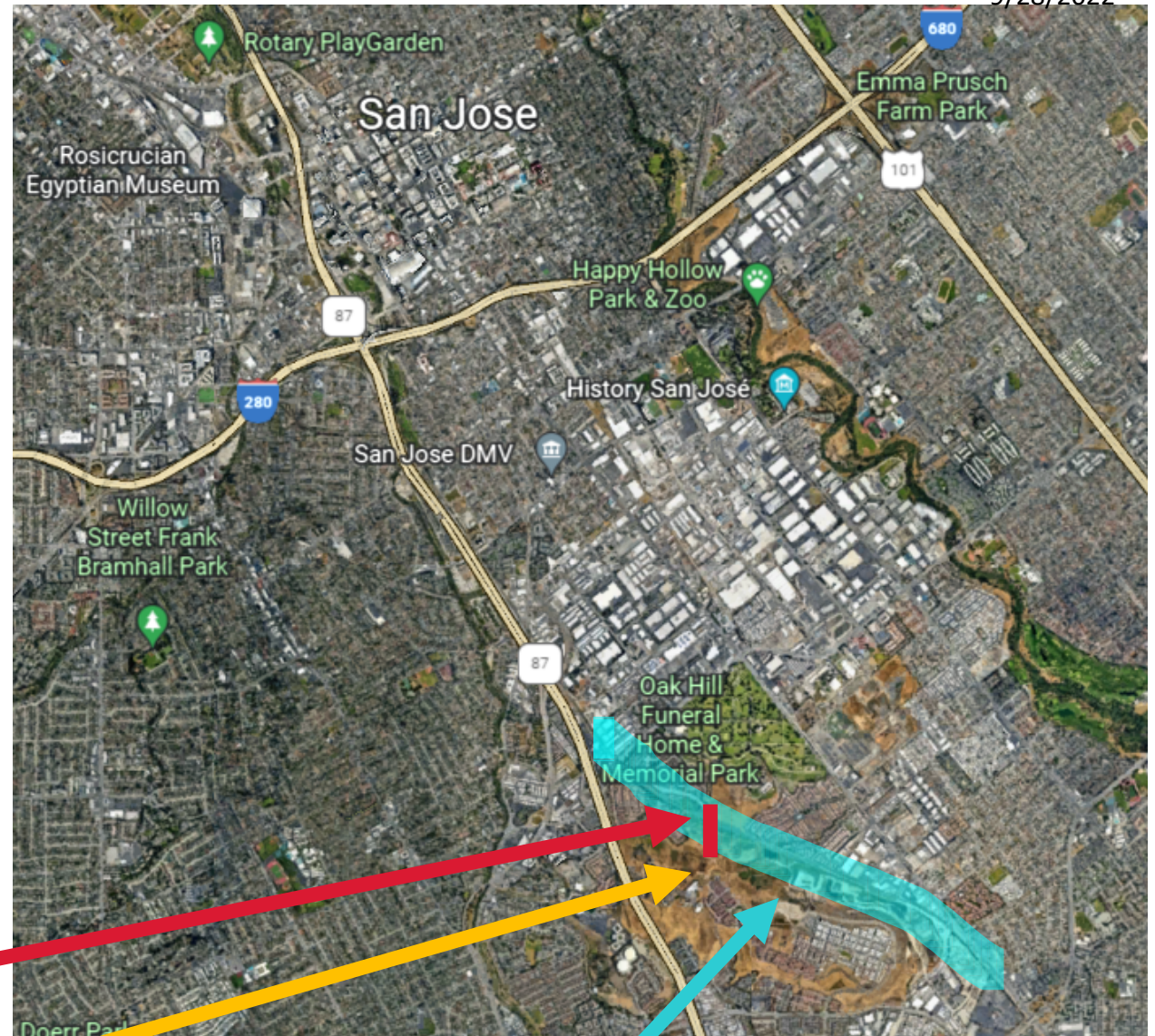
Approval process begins by checking compatibility with current and future railroad needs using the RCUP.



# Proposed Project Overview

# Proposed Project

- Proposed **vehicular bridge** to support KB Home's development at Communications Hill in San Jose, CA.
- Two-lane bridge will provide access over Caltrain tracks for a new community – 2,200+ homes, commercial and industrial space, parks, etc.
- Bridge is part of a broader road network being constructed for the development.
- Bridge has been required by the City of San Jose as part of the entitlement process and is supported in the City's General Plan and Communications Hill Specific Plan.



**Proposed Bridge**

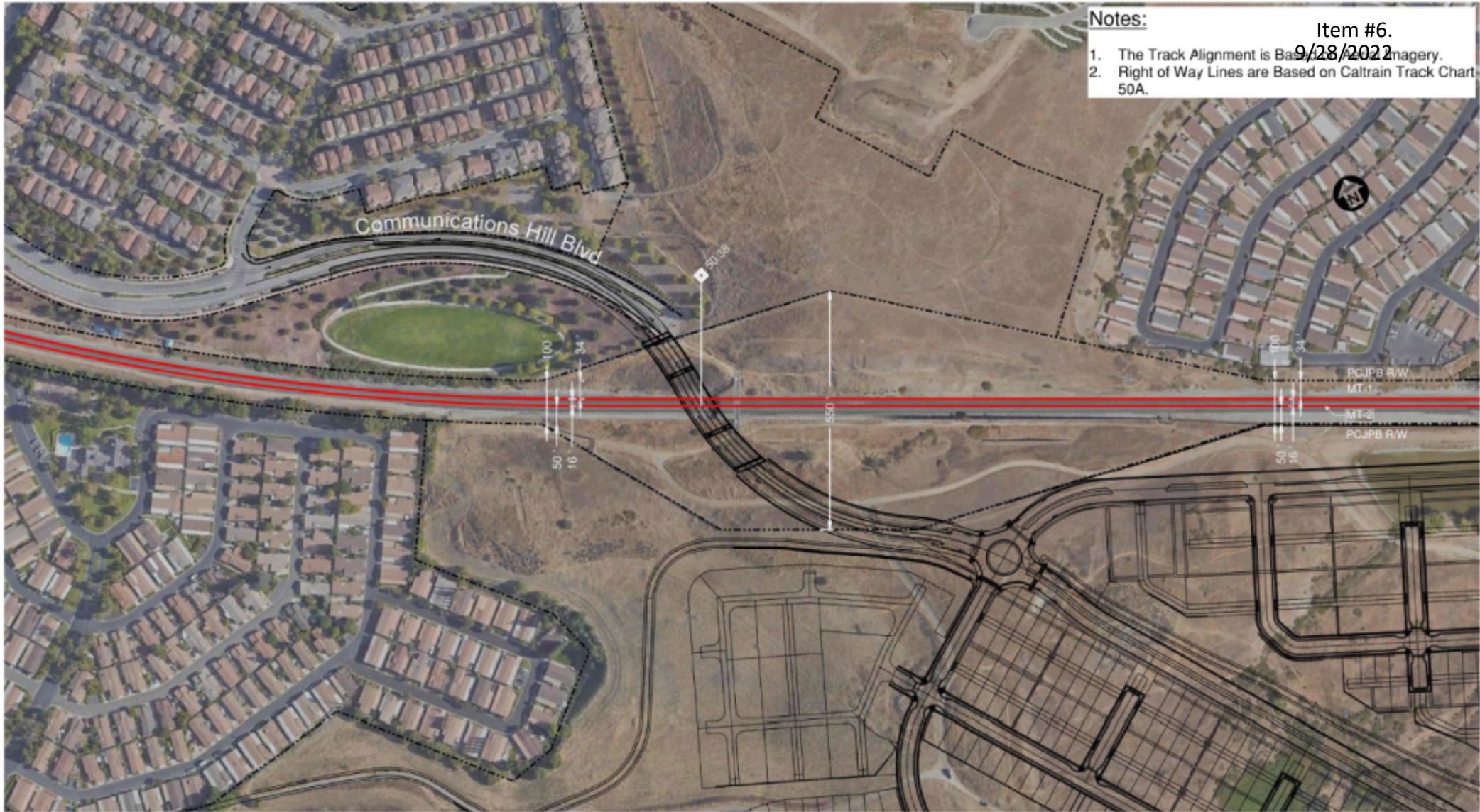
**Communications Hill  
(New Community)**

**Caltrain ROW  
(general alignment highlighted blue)**



# Proposed Project

Draft Rendering



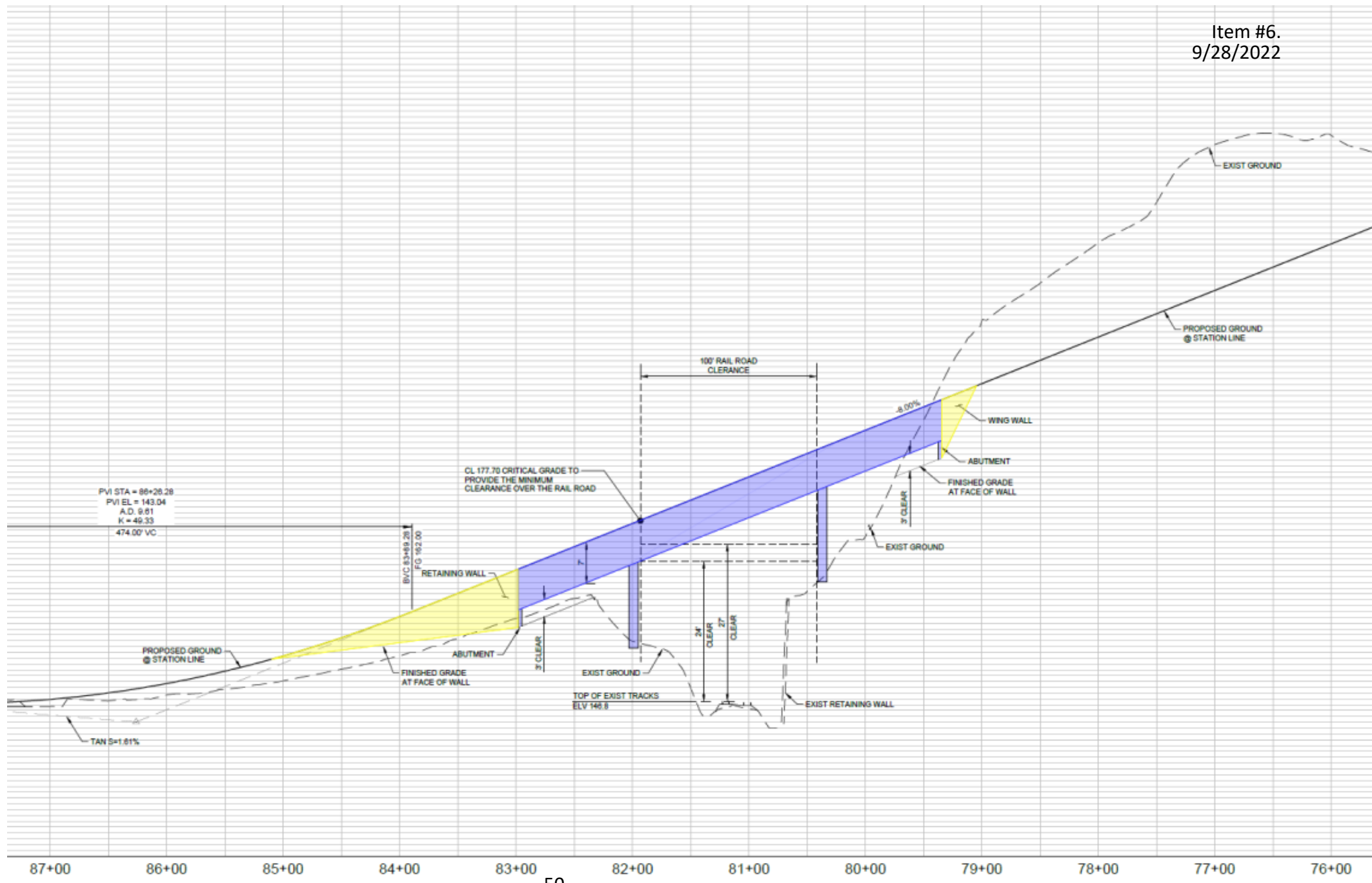
COMMUNICATIONS HILL  
OVERHEAD PROJECT  
COMMUNICATIONS HILL BOULEVARD  
SAN JOSE, CA 95112

RIGHT OF WAY EXHIBIT

SCALE: 1"=100'  
DATE: 2/15/2022

# Proposed Project

Draft Rendering





# **RCUP Compatibility Finding and Staff Recommendation**

# RCUP Compatibility Finding and Staff Recommendation

**Proposed project:** a new vehicular bridge crossing at Communications Hill Boulevard in San Jose, CA

**Project sponsor:** KB Home, Inc.

**Project status:** conceptual design phase; applied for RCUP compatibility approval

**Partners:** City of San Jose

## **RCUP Findings:**

- Initial finding: Incompatible
- Project sponsors applied for RCUP Use Variance
- Staff have reviewed proposed project and developed recommendation for Board approval

## **Staff Recommendation:**

- Staff recommend that the Caltrain Board approve the Use Variance for the proposed vehicular bridge at Communications Hill Boulevard with conditions.



# Recommended Conditions for Approval

Item #6.  
9/28/2022

1. The proposed project will be designed and constructed so as to ensure it complies with the terms contained in the JPB's TRA with Union Pacific Railroad ("UPRR") and the JPB's agreements with California High Speed Rail Authority ("CHSRA").
2. The proposed project will be designed and constructed to account for and minimally disrupt all rail infrastructure, assets, and facilities within the rail envelope that are owned by the JPB and UPRR.
  - If there is disruption or damage to JPB or UPRR infrastructure, assets, and facilities, the project sponsor will need to cover all costs related to the impacts and actively work with the JPB and UPRR to ensure the impacts are mitigated in a way that is minimally disruptive to ongoing operations.



# Recommended Conditions for Approval

Item #6.  
9/28/2022

3. The proposed project will be designed and constructed so as to minimally interrupt Caltrain operations, tenant railroad operations, and freight operations during and after construction.
  - It is anticipated that this project would proceed at a time when the JPB's Peninsula Corridor Electrification Project ("PCEP") may still be under construction as well as in the future when Caltrain will be operating a mix of electric and diesel service. It is anticipated that PCEP and the future energized railroad operations on the corridor may add complexity to the process of designing and delivering the proposed project.
  - It is anticipated that freight service and UPRR coordination required by the TRA may add complexity to the process of designing and delivering the proposed project.
  - Passenger service and freight service delays and speed restrictions shall be taken into account in the construction scheduling and delivery, and they may result in limitations on the hours available for construction.



# Recommended Conditions for Approval

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9/28/2022

4. The proposed project will be designed to be compatible with the potential future capital projects that the Caltrain Business Plan has conceptually identified in this area of the corridor to achieve the growth in passenger train service outlined in Caltrain's Long-Range Service Vision, adopted by the JPB in 2019.
  - This includes potential future capital projects in this area that are associated with expansion of the rail corridor from two tracks to three tracks (with provision of space for additional track expansion if feasible); infrastructure and facilities to enable electric train service in this portion of the corridor; systems improvements (signals, communications, etc.); rail infrastructure improvements associated with CHSRA; and other rail infrastructure improvements associated with the potential future reconstruction of Diridon Station and CEMOF relocation/construction of new Heavy Maintenance Facility (HMF) near Capitol Expressway.



# Recommended Conditions for Approval

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9/28/2022

5. The design of the proposed project will comply with all current and future JPB standards and UPRR standards, including those for engineering, operations, and maintenance.
  - “Future” JPB standards refers to the forthcoming, updated standards for the soon-to-be electrified railroad, which are anticipated to be complete by December 31, 2022, or as soon thereafter as the revised standards are issued.
6. The proposed project will be designed to not impede the JPB’s ability and UPRR’s ability to access, secure, and maintain infrastructure and property in the area during and after construction.
7. The proposed project will be designed to minimize potential impacts to the surrounding communities that could arise from the perception of sounds emanating from the rail corridor due to the new bridge.



# Recommended Conditions for Approval

Item #6.  
9/28/2022

8. The project sponsor will be responsible for all planning and activities associated with the proposed demolition of the American Dairy Bridge, including ensuring compliance with JPB standards, UPRR standards, and all relevant State and local laws (such as California Environmental Quality Act requirements and State Office of Historic Preservation requirements).
9. The project sponsor will be responsible for leading all design activities for the proposed project, and the JPB will be responsible for completing its design review of the proposed project from conceptual design through final design.
10. The project sponsor will be responsible for the construction of the proposed project, and the JPB will be responsible for coordinating with the project sponsor during construction.
11. Future agreements will provide clear roles and responsibilities for all parties for all stages of the proposed project.
  - This will include agreement(s) related to reimbursement of JPB costs, project coordination, community outreach and engagement, and project construction, as well as the constructed project's asset ownership and provision of ongoing security, maintenance, repairs, lighting, etc. associated with the constructed project.



# Next Steps



# Next Steps

## Caltrain Board Process:

- Caltrain staff recommend that the WPLP Committee endorse the staff recommendation for Board approval.
- After WPLP Committee, the item will move forward to the Caltrain Board's October 2022 meeting agenda on the consent calendar, for full Board approval.

## After Board approval:

- After the Board approves the Use Variance for the proposed project, it will be considered to be compatible with the railroad's current and future needs.
- The project may then proceed to the rest of the railroad's capital project design and delivery process, taking into account all required conditions associated with the Use Variance.
  - This will include engineering, operational, and regulatory review.
- For immediate next steps, the project sponsor will begin to work with Caltrain on technical review via a service agreement.



**Thank you!**