



## Memorandum

**Date:** April 26, 2013

**To:** CalMod Local Policy Maker Group (LPMG)

**From:** Marian Lee, CalMod Executive Officer

**Re:** CalMod Update

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The April meeting is cancelled. There were not enough agenda items to warrant a meeting. This memo was prepared to provide a brief update on key CalMod activities since the March LPMG meeting. Attached are the summary meeting notes from the March meeting.

### **Blended System Planning Studies**

Staff has been preparing draft reports for two blended system planning studies conducted last year: *Service Plan/Operations Considerations Analysis* and *Grade Crossing and Traffic Analysis*.

The first study address stakeholder interest in studying various “what-if” scenarios (i.e. passing track options) utilizing the simulation model developed by LTK engineering which was used to examine the viability of supporting a blended system in the peninsula corridor. The second study examines the sensitivity between blended system train schedules, gate down time and local traffic at the at-grade crossings.

The preliminary findings of these studies were presented to the CSCG (City/County Staff Coordination Group) and the LPMG in December 2012. Draft reports are targeted for release to the public by the end of this month/early next month. All relevant comments will be addressed and acknowledged in the final reports.

## **Peninsula Corridor Electrification EIR**

Staff is preparing a summary report of the public comments received during the Notice of Preparation (NOP) comment period. The summary report will be posted on the Caltrain website this month. This document is not for comment. It is informational.

### **4<sup>th</sup> and King Station/Yard Reduction/Removal Feasibility Assessment**

At the request of the City of San Francisco, Caltrain will be studying the feasibility of reducing and removing the existing 4<sup>th</sup> and King Station/Yard (approximately 20 acres) which currently functions as the San Francisco terminus station.

The City/County of San Francisco has desires to redevelop the South of Market /Mission Bay Area which includes the Caltrain 4th and King Station/Yard located on the south side of Townsend Street between Fourth and Seventh Streets. Redevelopment of the area will help meet the city and regional housing requirements and generate revenues to fund critical transportation projects.

Staff has been working with local staff to prepare a scope of work, budget and major milestones.

The target date for study completion is fall of 2013. This study will focus on understanding the system-wide implications of altering the station/yard configuration and/or functions. The level of effort will be sufficient to inform a decision on if any of the feasible options can be included in the Electrification Corridor EIR without stalling the progress of the electrification project or if they should be studied further and environmentally evaluated through a separate process.

This item is being coordinated at the staff level through the CSCG and PCWG meeting and updates will be presented to the LPMG at milestones of the project.

### **Action Items from March Meeting**

The following are responses to the March Meeting action items.

#### **CHSRA Bond Litigation**

On Tuesday, March 19, 2013, Kamala Harris, Attorney General of California filed the suit in Sacramento Superior Court on behalf of the CHSRA and High-Speed Passenger Train Finance Committee. As requested by a LPMG member, a copy of the summons (Case No. 34-2013-00140689) is attached. CHSRA staff will be invited to the May LPMG meeting to answer additional questions.

## SB 557

City of Palo Alto requested Caltrain staff to relay to Senator Jerry Hill's office the city's interest in including language that would ensure retaining the committed Prop1A funds for the peninsula segment no matter the progress/delay of other segments of the HSR project. Senator Hill's staff acknowledged the comment but made no commitments to alter the bill.

## CBOSS Questions

During the meeting, several questions were raised about the CBOSS project. Below are the answers to those questions.

- Q. How will an earthquake impact the fiber communications network?  
A. If there is a major disruption, there are key recovery mechanisms and redundancy systems in-place to help restore the communication infrastructure quickly.
- Q. Will CBOSS impact city signals?  
A. The CBOSS System will not impact city signals because it is an overlay system that interfaces with grade crossing warnings.
- Q. How can CBOSS give us improved performance if it is an overlay to an old system with lots of limitations?  
A. The performance characteristics of CBOSS (i.e. enforcing station stops, midblock upgrade, schedule management, advance grade crossing warning system) integrated with Caltrain's existing fixed block wayside signal system will provide substantial performance improvements.
- Q. Why aren't we using the Metrolink System in Southern California?  
A. The Metrolink System is not tailored for unique requirements for Caltrain's passenger rail operations and blended service in the future.

## **Next LPMG Meeting**

The next meeting will be held May 23, 2013, 6PM at the SamTrans Offices.

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8 Authority and High-Speed Passenger Train  
Finance Committee*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SACRAMENTO

12  
13 **HIGH-SPEED RAIL AUTHORITY and  
HIGH-SPEED PASSENGER TRAIN  
14 FINANCE COMMITTEE, for the STATE  
OF CALIFORNIA,**

15  
16 Plaintiffs,

17 v.

18 **ALL PERSONS INTERESTED IN THE  
MATTER OF THE VALIDITY OF THE  
19 AUTHORIZATION AND ISSUANCE OF  
GENERAL OBLIGATION BONDS TO BE  
20 ISSUED PURSUANT TO THE SAFE,  
RELIABLE HIGH-SPEED PASSENGER  
21 TRAIN BOND ACT FOR THE 21ST  
CENTURY AND CERTAIN  
22 PROCEEDINGS AND MATTERS  
RELATED THERETO,**

23  
24 Defendants.

Case No. 34-2013-00140689

[EXEMPT FROM FILING FEES PER GOV.  
CODE § 6103]

**SUMMONS**



1           **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**  
2 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND NOT LATER THAN**  
3 **MAY 9, 2013, WHICH IS TEN DAYS OR MORE AFTER COMPLETION OF THE**  
4 **PUBLICATION OF THIS SUMMONS. READ THE INFORMATION BELOW.**

5           **¡AVISO! USTED HA SIDO DEMANDADO. EL TRIBUNAL PUEDE DECIDIR**  
6 **CONTRA USTED SIN AUDIENCIA A MENOS QUE USTED RESPONDA NO MAS**  
7 **TARDE QUE EL DIA NUEVE DE MAYO DE 2013, QUE ES DIEZ DIAS O MAS**  
8 **DESPUES DE TERMINACION DE PUBLICATION DE ESTA CITACION JUDICIAL.**  
9 **LEA LA INFORMACION QUE SIGUE.**

10           **TO ALL PERSONS INTERESTED IN THE MATTER OF THE VALIDITY OF THE**  
11 **AUTHORIZATION AND ISSUANCE OF GENERAL OBLIGATION BONDS TO BE ISSUED**  
12 **PURSUANT TO THE SAFE, RELIABLE HIGH-SPEED PASSENGER TRAIN BOND ACT**  
13 **FOR THE 21ST CENTURY, AND CERTAIN PROCEEDINGS AND MATTERS RELATED**  
14 **THERE TO:**

15           Plaintiffs have filed a civil complaint against you. You may contest the legality or validity  
16 of the above matter by appearing and filing with the Court a written responsive pleading to the  
17 complaint not later than May 9, 2013, which is ten days or more after the completion of the  
18 publication of this summons. Your pleading must be in the form required by the California Rules  
19 of Court. Your original pleading must be filed in this Court with proper filing fees and proof that  
20 a copy thereof was served on Plaintiffs' attorney. Unless you so respond, your default will be  
21 entered upon Plaintiffs' application, and Plaintiffs may apply to the Court for the relief demanded  
22 in the complaint. Persons who contest the legality or validity of the matter described below and  
23 in the complaint will not be subject to punitive action, such as wage garnishment or seizure of  
24 their real or personal property.

25           **DETAILED SUMMARY OF MATTER TO BE VALIDATED:**

26           In November 2008, the voters enacted Proposition 1A, codified as the Safe, Reliable High-  
27 Speed Passenger Train Bond Act for the 21st Century, Streets and Highways Code section 2704  
28 et seq. (the "Bond Act"). The Bond Act, among other things, authorizes the issuance of bonds

1 and other obligations by the State of California ("State"), in a principal amount of up to nine  
2 billion dollars (\$9,000,000,000), in order to fund the development of a high-speed train system in  
3 California. (Sts. & Hy. Code, §§ 2704.04, subds. (b)-(c), 2704.06.)

4 Public Utilities Code section 185020 created the High-Speed Rail Authority (the  
5 "Authority"), which has various duties under the Bond Act.

6 The Bond Act created the High-Speed Passenger Train Finance Committee (the  
7 "Committee") for the purpose, among other things, of authorizing the issuance and sale of bonds  
8 pursuant to and authorized by the Bond Act. The Committee consists of the Treasurer, the  
9 Director of Finance, the Controller, the Secretary of Business, Transportation and Housing, and  
10 the chairperson of the Authority. (Sts. & Hy. Code, § 2704.12.) Pursuant to the Bond Act and  
11 Government Code section 16730, upon request of the Authority, the Committee "shall determine  
12 whether or not it is necessary or desirable to issue bonds authorized pursuant to [the Bond Act],"  
13 and, if so, "the amount of bonds to be issued and sold." (Sts. & Hy. Code, § 2704.13.)

14 On March 18, 2013, pursuant to Government Code section 16730, and after public notice,  
15 the Authority requested that the Committee determine whether or not it is necessary or desirable  
16 to issue bonds authorized pursuant to the Bond Act, and, if so, the amount of bonds to be issued  
17 and sold.

18 On March 18, 2013, the Committee, pursuant to the Bond Act, and after public notice,  
19 adopted its Resolution IX, entitled, "High-Speed Passenger Train Finance Committee, Resolution  
20 IX (2013)," authorizing the issuance of State of California High-Speed Passenger Train Bonds or  
21 Commercial Paper notes in an amount not to exceed \$8,599,715,000 to carry out the purposes of  
22 the Bond Act.

23 Also on March 18, 2013, the Committee adopted a companion resolution, entitled, "High-  
24 Speed Passenger Train Finance Committee, Resolution X (2013)" that authorized the issuance of  
25 State of California High-Speed Passenger Train Refunding Bonds to refund any bonds or  
26 commercial paper notes issued under Resolution IX or bonds issued under Resolution X.

27 Plaintiffs, for the State, request that this Court issue a judgment declaring the validity of:

28 (1) the general obligation bonds or commercial paper notes Plaintiffs have authorized to be issued

1 and sold, for the State, and pursuant to and consistent with the Bond Act for the purpose of  
2 funding construction of a high-speed train system as authorized in sections 2704.04 and 2704.06  
3 of the Streets and Highways Code; (2) any refunding bonds issued to refund the bonds,  
4 commercial paper notes, or refunding bonds; (3) any contracts related to the issuance and sale of  
5 the bonds, commercial paper notes, or refunding bonds; (4) the resolutions authorizing the  
6 issuance and sale of the bonds, commercial paper notes, or refunding bonds; and (5) certain  
7 proceedings and other matters related thereto. Plaintiffs further request a judgment declaring that  
8 all proceedings taken by Plaintiffs in connection with the issuance and sale of the bonds, the  
9 commercial paper notes, and the refunding bonds are in conformity with the applicable provisions  
10 of all laws and enactments at any time in force or controlling upon such proceedings, whether  
11 imposed by constitution, statute, regulation, or otherwise; and that once declared valid, any  
12 challenges (including pending challenges) based on uses of proceeds of the bonds, commercial  
13 paper notes, or refunding bonds will not affect the determination of validity of the bonds,  
14 commercial paper notes, and refunding bonds, or the determination of validity of any contracts  
15 related to the issuance and sale of the bonds, commercial paper notes, or refunding bonds.

16 **YOU MAY SEEK THE ADVICE OF AN ATTORNEY IN ANY MATTER**  
17 **CONNECTED WITH THE COMPLAINT OR THIS SUMMONS. SUCH ATTORNEY**  
18 **SHOULD BE CONSULTED PROMPTLY SO THAT YOUR PLEADING MAY BE FILED**  
19 **OR ENTERED WITHIN THE TIME REQUIRED BY THIS SUMMONS.**

20 **SI USTED DESEA SOLICITAR EL CONSEJO DE UN ABOGADO EN ESTE**  
21 **ASUNTO, DEBERIA HACERLO INMEDIATAMENTE. TAL ABOGADO DEBERIA**  
22 **SER CONSULTADO PRONTO PARA QUE SU REPUESTA ESCRITA PUEDA SER**  
23 **REGISTRADA DENTRO DEL TIEMPO REQUERIDO POR ESTA CITACION**  
24 **JUDICIAL.**

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The name and address of the Court is:

Superior Court of the State of California  
County of Sacramento  
720 9th Street  
Sacramento, California 95814-1398

The name and address of Plaintiffs' attorney is:

Stephanie F. Zook  
Deputy Attorney General  
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Sacramento, California 94244-2550

Dated: APR 3 2013

M. MERAZ

Clerk  
(Actuario)

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## **CalMod Local Policy Maker Group (LPMG) Summary Meeting Notes for March 28, 2013**

The following are summary meeting notes. The purpose of these notes is to capture key discussion items and actions identified for subsequent meetings.

### **Information/Discussion Items**

#### **1. CBOSS Presentation**

The LPMG received a PowerPoint presentation on the Communications Based Overlay Signal System (CBOSS) project. This project will include positive train control (a federal mandate) components that ensure additional safety measures as well as specified attributes that will improve Caltrain corridor performance. The additional Caltrain required attributes will enhance crossing safety and performance; improve headways and operational flexibility; and help with schedule management.

Caltrain is currently in the design stage and revenue service operation of CBOSS is scheduled for October 2015. The installation of the fiber backbone is scheduled to occur this fall and Caltrain staff will coordinate local outreach related to construction activities with the CSCG and continue to provide LPMG with updates at milestones of the project.

#### **2. Corridor Electrification Environmental Process**

The LPMG received a verbal update on the public comments received during the public scoping period. Over 200 comments were received. There were a wide range of comments but the most common ones were: potential impacts related to local traffic; noise from train horns; visual impacts from overhead electrical wires; concerns about tree removal; safety impacts at at-grade crossings and need for grade separations; impacts to emergency response time; construction impacts; support for bikes on trains; and the relationship between HSR and the project.

Comments were received by email, mail, and in-person. A summary report is being prepared and will be made available to the public through the CalMod website in the coming weeks.

The environmental process is on track to be completed in approximately 18 months. The draft EIR is scheduled to be released in Fall/Winter 2013 and the final EIR approved Summer/Fall 2014.

#### **3. JPB/CHSRA Agreement**

In March 2013, the new Agreement was finalized and approved by both the JPB and the CHSRA Board of Directors. The new Agreement confirms the two agencies' commitment to advancing a

Blended System for the peninsula corridor and replaces the outdated 2004 MOU and the 2009 agreement between the two agencies.

4. SB 557

This item was shared with the LPMG as the San Mateo County Transportation Authority Board is encouraging all cities along the peninsula corridor to support SB 557.

This legislation, introduced by State Senator Jerry Hill (D-San Mateo), is consistent with the blended system principles included in the April 2012 nine-party regional funding MOU and focuses on clarifying that of the \$1.1 billion appropriated for early high-speed rail improvement projects in the Budget Act of 2012, \$600 million shall be allocated for Northern California and \$500 million shall be allocated for Southern California.

The legislation also limits the ability to transfer funds from the Peninsula segment to other segments of the high-speed rail project and requires any system expansion beyond the blended system approach on the San Francisco to San Jose segment to be approved by all parties of the nine-party MOU.

Caltrain Executive Director Mike Scanlon submitted a letter of support for the proposed bill. The Senate Transportation and Housing Committee plans to hold a hearing on this bill on April 23, 2013.

**Action Items**

- Provide information about the recent CHSRA bond litigation and invite CHSRA staff to the next meeting to provide more insight about the CHSRA action
- Pass along to Senator Hill's office LPMG member request to add language in the SB557 that would ensure funding for the peninsula corridor regardless of potential delays in other segments of the high-speed rail system.
- Answer key questions raised by the public and LPMG members related to the CBOSS project.