



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: John Ristow

**SUBJECT: MEMORANDUM OF
UNDERSTANDING WITH
HIGH- SPEED RAIL**

DATE: February 7, 2022

Approved

Date

2/17/2022

COUNCIL DISTRICTS: 2, 3, 6, & 7

RECOMMENDATION

Adopt a resolution authorizing the City Manager to execute the Memorandum of Understanding (MOU) with the California High-Speed Rail (HSR) Authority.

OUTCOME

This action will authorize the City Manager to sign the MOU (Attachment 1) with the California HSR Authority, establishing a process for ongoing collaboration with HSR.

BACKGROUND

Approximately 21 miles of the California HSR project is within San José City limits, extending from the Santa Clara Caltrain station in the north along the Caltrain line through Diridon Station, Tamien Station, Communications Hill, and along Monterey Corridor through South San José and Coyote Valley. San José is included under the San José to Merced Project Section of the HSR project. This section is currently under environmental analysis, with the Draft Environmental Impact Report / Statement (EIR/S) released in April 2020 and the Final EIR/S expected to be released in February 2022 and certified in April 2022.

The HSR program has been under development for over 20 years. The Statewide Program-level EIR/S was published in 2005, and the project-level EIR/S process began in February 2009. By the end of 2011, HSR Authority had completed an Alternatives Analysis and was preparing a Draft EIR/S. Environmental review for the San Francisco Bay Area was put on hold in 2012, after the 2012 HSR Business Plan adopted an implementation phasing plan to start construction

in the Central Valley and build south to create an Initial Operating Segment from Merced to Burbank.

The 2016 Business Plan revised the proposed program phasing, switching the Initial Operating Segment to a San José to Bakersfield “Silicon Valley to Central Valley” system. In mid-2017, the City and HSR Authority started the San José Community Working Group to improve communication with City residents. The City also developed several City-generated options for alignments through San José. In 2018, HSR Authority introduced a new blended at-grade alternative (“Alternative 4” in the EIR/S) that kept HSR Authority and Caltrain on the same tracks, largely within the existing rail corridor owned by Caltrain and Union Pacific Railroad (UPRR), and extended electrified Caltrain south to Gilroy. In the Monterey Corridor, this alternative is contingent on successful negotiations between the State of California (HSR Authority and the California State Transportation Agency) and UPRR. After study and draft environmental analysis, the HSR Authority named Alternative 4 its Preferred Alternative.

In the Diridon area south through Communications Hill, the Preferred Alternative:

- Adds a fourth mainline track for UPRR north of Diridon Station
- Lengthens and raises the height of two platforms at Diridon Station to accommodate HSR trains
- Adds two overhead pedestrian crossings for additional access to all platforms at Diridon Station
- Adds a third mainline track south of Diridon Station (extending south from the Los Gatos Creek bridge)
- Installs additional gate arms (four-quadrant gates for automobiles, and gate arms for pedestrians) at the Auzerais Avenue crossing and the Virginia Street crossing

Along the Monterey Corridor, the Preferred Alternative:

- Adds a third mainline track (mostly within the existing rail corridor)
- Rebuilds Capitol and Blossom Hill Caltrain Stations, adding pedestrian overpasses for access
- Installs additional gate arms (four-quadrant gates for automobiles, and gate arms for pedestrians) at Skyway Drive, Branham Lane, Chynoweth Avenue, Blanchard Road, Palm Avenue, and Live Oak Avenue at-grade crossings
- Closes Emado Avenue and Fox Lane private at-grade crossings
- Adds multiple wildlife crossings from Metcalf Road to the southern city limit

The City of San José has supported the HSR project for over a decade to explore the benefits and impacts of various alternatives through San José. Previous City Council actions include:

- 2007: The Mayor advocated to the HSR Authority Board for an HSR alignment through San José via Pacheco Pass.
- 2010: The Mayor requested HSR Authority continue studying an underground option at Diridon Station.

- 2016: The City Manager requested increased investment in Diridon Station, and transparency and collaboration in evaluating new alternatives.
- 2017: The Mayor requested an extension of the timeline for the enhanced San José Community Working Group and the HSR Staff-Recommended Preferred Alternative.
- 2018: The Mayor requested HSR Authority incorporate the City Generated Option (CGO) into the range of alternatives, hold off on identifying a preliminary preferred alternative, and consider separating out the Pacheco Pass segment from the San José to Merced Project Section.
- 2018: The Mayor and City Manager requested HSR Authority develop the CGOs, plan for significant investment at Diridon Station, and align the environmental schedule with the Diridon Integrated Station Concept plan (DISC).
- 2019: The City Council adopted three positions on the HSR project (Attachment 2). In summary:
 1. That HSR Authority include in their EIR the alignment that is decided upon in the then underway Diridon Integrated Station Concept Plan.
 2. That HSR Authority fully grade-separate train and vehicular/pedestrian traffic at key San José locations, including Auzerais, West Virginia, Branham, Skyway, and Chynoweth.
 3. That HSR Authority remain engaged in the Diridon Integrated Station process and Rail Corridor Plan work, including efforts to identify funding and make necessary changes during HSR environmental and design processes to accommodate the station plan and grade separations.

In June 2020, the City commented on the 2020 Draft HSR Business Plan¹ and the Draft San José to Merced Environmental Impact Report/Statement (EIR/EIS). The letter on the Draft EIR commented on the project alternatives, environmental analysis, and preliminary design drawings. The main areas of comment were:

- HSR and the DISC Plan
- Environmental impacts of at-grade crossings and suggested mitigations
- Cumulative environmental impacts from adopted plans of other rail operators
- Environmental Justice
- Station design and access at Capitol Station and Blossom Hill Station

City staff has made progress on City priorities over the past two and half years working with HSR. In early 2020, the City and HSR Authority agreed on using and improving the current Caltrain alignment through Gardner and North Willow Glen neighborhoods as part of the DISC. Further construction staging work has shown that if HSR Authority builds a two-track bridge over I-280, it would reduce the construction footprint of DISC on both sides of I-280.

In late 2020 and 2021, HSR Authority conducted a further analysis of effects to environmental justice communities, mitigation, project benefits, and community improvements. As a result of

¹ <https://www.sanjoseca.gov/home/showpublisheddocument/60995/637286837302870000>

that analysis, the HSR Authority proposes several “Community Improvement” programs for inclusion in their Final EIR. The proposed environmental justice improvements are:

Diridon Station Area

- Noise insulation for residential buildings west of SR 87
- Inez C. Jackson Library improvements

Gardner/Willow Glen Community Area

- Gardner Elementary Noise Insulation or Soundwalls
- Noise insulation for residential buildings west of SR 87
- Fuller Park/Fuller Avenue Recreational Amenities

Washington, Guadalupe, Tamien, Alma, and Almaden Community Area

- Noise insulation for residential buildings east of SR 87
- Rocketship Mateo Sheedy Elementary School Play Fields/Landscaping

South San José Community Area

- Construct three new pedestrian/bicycle overpasses of Monterey Road and the railroad corridor at Skyway Drive, Branham Lane, and Chynoweth Avenue
- Monterey Road pedestrian/bicycle overpass at Skyway Drive
- Noise insulation for up to 20 residential buildings along the west side of US 101 from Blossom Hill Road to SR 85
- Caroline Davis Intermediate School All Weather Turf and Track

The noise insulation program would pay for additional noise insulation to residential buildings to reduce noise effects from existing highway traffic. This measure would reduce community noise effects sufficient to offset the remaining adverse noise effects with the Preferred Alternative in each community area, after mitigation.

After the adoption of HSR Authority’s latest Business Plan in early 2021, it became clear that while the long-term goals of both agencies were very closely aligned, important differences in near-term strategies and priorities remain. Therefore, it would be beneficial to develop a document outlining both agencies shared goals and the differing roles and responsibilities each would take in advancing them. City and HSR Authority staff began developing an MOU to structure the agencies’ on-going work after the completion of the HSR environmental process.

ANALYSIS

The MOU describes existing conditions and on-going work that affect both the City and HSR Authority, then covers areas of agreement around Diridon Station and along the Monterey Corridor.

In the Diridon Station area, the two agencies acknowledge and agree:

- To align station and access planning between the HSR project, the updated Diridon Station Area Plan, and Downtown West entitlements
- That both agencies will continue to progress the Diridon Integrated Station effort, which is separate and more comprehensive than the improvements at Diridon Station proposed as part of the HSR project
 - That the grade separation of Auzerais Avenue and West Virginia Street is tied to the construction of the Diridon Integrated Station
 - To identify opportunities to minimize throwaway costs in the implementation of both the HSR and Integrated Station projects
- To minimize impacts to Fuller Park, reaffirming both agencies' commitments
- To endeavor to protect and preserve future rail right-of-way

Along the Monterey Corridor, the two agencies acknowledge and agree:

- That the HSR project will have impacts along the Monterey Road Corridor, including disproportionate effects to minority and/or low-income populations, resulting in additional environmental justice community improvements
- To the mitigations and community improvements proposed by the HSR Authority
- That the City prioritizes grade separations along the Monterey Corridor to resolve future safety, noise, transportation, and other impacts
- That the HSR Authority will be able to enter into an agreement with the City to support the grade separation projects as an in-lieu replacement for specific mitigations and community improvements in South San José
- Upon roles and responsibilities for each agency in moving grade separations forward

Diridon Station and Gregory/Gardner/North Willow Glen Neighborhoods

The MOU acknowledges that the HSR project and environmental process was well underway before the DISC process began in earnest in late 2018.² The DISC process needs to further refine its program of projects, business case, design, and environmental review to reach the milestone that the HSR project endeavors to reach this spring – an environmentally cleared project and Record of Decision from the federal government.

The MOU also acknowledges the significant progress made through the DISC process and lays out a path to realize the City's priorities through DISC, beyond the scope of the HSR project.

As described above, the HSR project includes a modest amount of new infrastructure at Diridon Station – new platforms and access required for HSR. It does not reconfigure the full Station or elevate the tracks, as envisioned through the DISC process. The City Council's positions on HSR's Preferred Alternative included were that HSR Authority should: 1) follow the same

² The HSR EIR/S for the San José to Merced segment finalized its set of alternatives in 2018, before the Integrated Station work began.

alignment as DISC and 2) grade separate Auzerais Avenue and West Virginia Street from train tracks. The HSR project generally proposes to do the first, but not the second.

Both the DISC Concept Layout (2020) and HSR project follow the existing Caltrain rail line and berm through Gardner and North Willow Glen neighborhoods. The projects significantly differ, however, in that HSR proposes to add one at-grade track south of the station, while DISC proposes to add one or two tracks and fully rebuild and expand Diridon Station with all tracks and platforms raised around 25 feet above their current location to better connect our communities. Raising the tracks is a significant investment that would automatically grade separate Auzerais Avenue and West Virginia Street from train traffic, thereby increasing safety and removing noise associated with trains blowing their horns at intersections. Conversely, keeping the tracks at-grade makes grade separation of these streets impracticable, as it would require acquiring multiple properties along the streets to build deep under-crossings (akin to the under-crossing at Park Avenue and the railroad tracks today).

Since the HSR project only proposes one additional track south of Diridon, and that track generally fits within the existing rail right of way, the HSR project will only have a de minimis impact on Fuller Park. Further, the proposed community improvements identified through the environmental justice process and supported by the City include additional recreation amenities for Fuller Park.

In summary, it would be much more efficient and cost-effective to fully rebuild Diridon Station in the integrated fashion identified by Concept Layout at the same time as the HSR line is built, rather than in two steps (the HSR project, followed by the DISC project). The MOU lays out a path to continue collaboration on DISC and endeavor to bring the HSR and DISC projects to fruition together.

Monterey Road

With the MOU and in final environmental documents, the HSR Authority agrees to provide partial funding towards grade separations at Skyway, Chynoweth, and Branham; however, it is not including those grade separations as part of its project. The HSR Authority's agreement to redirect funds from both mitigations and community improvements to the grade separations would provide a significant source of funds to the grade separations. The MOU also clarifies that the City would lead planning and design for the grade separation projects, in a similar fashion to the way that jurisdictions along the Caltrain corridor lead local grade separation projects today. This allows a more responsive and flexible design process with the community. The City has already begun pursuing funding to advance the grade separations separate from the HSR project.

It is important to note that this arrangement also puts the burden on the City to close the grade separation funding gap and opens the risk that the HSR project could get funded and move ahead without the grade separations. This increases the urgency for the City to progress work on and secure funding for the grade separations, as well as the Diridon Integrated Station, as described below.

Timing and Funding

Currently, the HSR Authority is focused on completing construction in the Central Valley. Its phasing strategy then proposes to connect the Central Valley to the Silicon Valley, which is anticipated to be environmentally cleared in April. Construction of the San José to Merced segment is unfunded. Moreover, construction of the HSR project through the Pacheco Pass, once the segment is funded and fully designed, is projected to take roughly a decade. Given these time and funding considerations, the City and other partner agencies have several years to finish project development, environmental review, and secure funding for the Integrated Station and Monterey Corridor grade separations at the same time as HSR Authority secures additional funds for the San José to Merced construction. Given the significant work required to meet these milestones, the City and its partners need to continue diligently advancing the DISC and grade separation projects.

CONCLUSION

The proposed Memorandum of Understanding provides a basis for cooperation between the City and HSR Authority on areas of shared interest. It addresses most of the goals and requests in the City's 2019 positions and 2020 comment letter. The MOU provides a workable path forward for achieving the City's priorities above and beyond the HSR Preferred Alternative, as studied in the HSR environmental impact report/study (EIR/S).

EVALUATION AND FOLLOW-UP

Department of Transportation staff provide quarterly reports to the Transportation and Environment Committee on Regional Transportation Funding and Projects, including updates on HSR, DISC, and associated rail improvements.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

Since 2017, HSR Authority has hosted San José Community Working Group meetings covering issues of importance to city residents, businesses, and other stakeholders. On February 25, 2022 HSR Authority plans to release the Final EIR in an online news release and follow it up with presentations to the HSR Community Working Group for San José on March 9, 2022. HSR Authority staff will present the Final EIR/S to the HSR Authority Board on April 21, 2022.

HONORABLE MAYOR AND CITY COUNCIL

February 7, 2022

Subject: Memorandum of Understanding with High- Speed Rail Authority

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This memorandum will be posted to the City's website for the March 1, 2022 Council agenda.

COORDINATION

This memorandum has been coordinated with Planning, Building and Code Enforcement, City Attorney's Office and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

The HSR Authority presented to the Transportation and Environment Committee on February 7, 2022.

CEQA

Not a Project, PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

/s/

JOHN RISTOW

Director of Transportation

For questions please contact Brian Stanke, Rail Planning Manager, at brian.stanke@sanjoseca.gov.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF SAN JOSÉ
AND
THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY**

This Memorandum of Understanding (the "MOU") is entered into as of the date of final execution, by and between the California High-Speed Rail Authority ("Authority"), an agency of the State of California, and the City of San José, a California Municipal Corporation and charter city (the "City"). The Authority and the City are referred to collectively as the "Participants".

WHEREAS:

- A. The Authority is responsible for planning, designing, constructing, and operating the California High-Speed Rail system (HSR). Its state statutory mandate is to develop a HSR system that coordinates with the state's existing transportation network, which includes intercity rail and bus lines, regional commuter rail lines, urban rail and bus transit lines, highways, and airports.
- B. HSR will eventually provide intercity, high-speed service on more than 800 miles of track, connecting the major population centers of Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego.
- C. Phase 1 of HSR will operate from San Francisco, as the northern endpoint, to Anaheim, as the southern endpoint, and will go through the City of San José and Diridon Station.
- D. The Authority is conducting environmental clearance activities for the San José to Merced project sections of the Phase 1 HSR system, including the planned alignment along the Caltrain corridor and through the Diridon Station, and will prepare the necessary documents in compliance with requirements of the National Environmental Policy Act and the California Environmental Quality Act for its project sections. The Authority has released its San José to Merced Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) dated April 2020 (Draft EIR/EIS) for review and comment.
- E. The Authority continues to revise and develop the draft environmental document which will ultimately culminate in the publication of the Final San José to Merced EIR/EIS (Final EIR/EIS), likely in the first half of 2022. The Final EIR/EIS for this project section will analyze the Authority's intended project for HSR service between San José and Merced. It will further disclose and analyze potential impacts of the construction and operations of the project section, including proposed mitigation measures that could be applied if warranted and practicable.
- F. Diridon Station is an existing major transit hub located in Downtown San José hosting transit services provided by: Amtrak, Altamont Commuter Express (ACE), Capitol Corridor, Peninsula Corridor Joint Powers Board (PCJPB, aka. Caltrain), and Santa Clara Valley Transportation Authority (VTA) light rail and bus on property owned and controlled by Caltrain. With the planned additions of Bay Area Rapid Transit (BART) and HSR service, and expanded Caltrain, ACE and Capitol Corridor and Amtrak service, San José Diridon Station is expected to become one of the busiest intermodal stations in North America.

- G. Multiple planning efforts affecting the station area are underway by the City and various partners, including the Authority. First, five partner agencies (California High-Speed Rail Authority, Caltrain, City of San José, Metropolitan Transportation Commission (MTC), and VTA) are working together on a plan to expand and redesign the station in anticipation of significant new transit service under the Diridon Integrated Station Concept (DISC) plan. In addition, the City of San José has updated its plan guiding development of the surrounding area, the Diridon Station Area Plan (DSAP, updated 2021). Finally, the City approved entitlements for a mixed-use development known as the Google Downtown West (DTW) project. The referenced entities have been collaborating and coordinating to best integrate the various plans in a way that meet the needs and goals of the respective entities both via informal efforts and formal agreements.
- H. The efforts outlined above have overlapping planning and development processes between the multiple rail corridor plans and surrounding City functions and land use plans. This MOU is intended to ensure that there is a mutual understanding between the City and the Authority, including clear coordination between the Authority's plans, the City's development processes, and ongoing integration efforts between rail and surrounding land uses. The Participants intend to jointly pursue mutually beneficial solutions where possible.
- I. This MOU is not intended to amend or revise the commitments established in the existing DISC Cooperative Agreement between the Participants, or the Authority's Final EIR/EIS. Rather, the Participants intend for this MOU to align the commitments in these agreements with a clear process for ongoing coordination and collaboration.

NOW, THEREFORE, in consideration of the recitals set forth above, the Participants hereby agree to the following areas of coordination and collaboration.

- 1. The City of San José and the Authority have a long-standing partnership that has helped facilitate the advancement of HSR and other rail improvements across the State and in Northern California.
- 2. The Participants have worked collaboratively together (along with other agencies) to advance planning for rail in the City that goes beyond the Authority's projects and commitments in its environmental documents.
- 3. The Participants shall continue to collaborate, together and with other agencies, regarding the planning and development efforts identified above in Section G.
- 4. Given the multiple overlapping planning and development processes between rail corridor plans and surrounding city functions and land uses, this MOU is intended to clarify and align the City's and the Authority's respective interests and plans in support of the joint pursuit of mutually beneficial solutions. This includes two distinct geographic areas of interest: Diridon Station Area and the Monterey Corridor.
- 5. With respect to the **Diridon Station Area**, the Participants agree to the following:

- a. The Participants acknowledge their common commitment to extending HSR to and through San José and Diridon Station.
- b. The Participants shall coordinate access planning between City (including the Diridon Station Area Plan and the Downtown West project) and Authority plans (as established in the Final EIR/EIS for the San José to Merced Project Section the Record of Decision, and related decision documents thereon by the Board of Directors).
- c. The Participants shall continue working together, and with other partner agencies, to develop the DISC plan and to achieve a comprehensive vision of Diridon Station as an intermodal hub, beyond the addition of HSR to existing rail services.
- d. The Participants acknowledge that an integral part of the DISC plan is grade separating Auzerais Avenue and W. Virginia Street. These grade separations are tied to DISC's plans to elevate the rail corridor and platforms at Diridon Station and provide important benefits to the surrounding communities regarding noise, transportation, and safety.
- e. The Participants acknowledge the amendment to the DSAP and the Google DTW entitlement (finalized as of the effective date of this agreement), and hereby commit to working together to align access and circulation plans between DSAP/DTW and station access for HSR and other users.
- f. It is the intention of both Participants to protect and preserve future rail right-of-way.
- g. It is the intention of both Participants to minimize impacts to Fuller Park and work collaboratively to ensure that impacts from the high-speed rail project or DISC are addressed to maintain the park as a valuable community asset.
- h. The Participants shall work together to advance needed interagency agreements and secure funding towards bringing HSR to San José and building out Diridon Station as an integrated hub, provided said interagency agreements and funding are not inconsistent with other agreements or existing law.
- i. The Participants intend to build on the Authority Final EIR/EIS to facilitate the efforts set forth in this Section 5. This will include:
 - a. Working together to develop an updated station access plan that meets the Authority's performance requirements and is consistent with the vision of the approved DTW entitlements and DSAP, identifying the Participants' roles and responsibilities with regard to the station access plan and then working to implement improvements, consistent with individual projects' delivery processes and timelines.
 - b. Developing a list of "Priority Parcels" that are part of the Authority's project footprint in the Final EIR/EIS in the vicinity of Diridon Station and coordinated actions for protection and acquisition of such parcels. Priority Parcels are those at

greatest risk of incompatible development that would result in substantially higher costs and disruption. Coordinated actions will include:

- i. As specified in the DSAP, the City exploring potential rail corridor compatibility strategies that establish criteria and regulations to ensure future development can accommodate planned increases in transit services and infrastructure. This potentially includes policies and procedures for protection of Priority Parcels.
 - ii. The Authority prioritizing acquisition of Priority Parcels once environmental clearance is obtained, and funding is secured.
 - c. Coordination between HSR and DISC teams to identify opportunities to minimize throwaway costs in the implementation of both projects.
6. With respect to the **Monterey Road Corridor**, the Participants acknowledge and agree as follows:
 - a. The Authority's San José to Merced Draft EIR/EIS identifies potential project impacts and proposed mitigations throughout the San José to Merced project section. The Authority has an obligation, and will continue, to evaluate and study this Draft EIR/EIS until the Final EIR/EIS is published and acted upon by the Board of Directors. As such the analysis and findings in the Draft EIR/EIS, including potential impacts and proposed mitigation, are not final and could change between Draft and Final publication. The Authority's Board of Directors must thereafter consider and possibly act on the Final EIR/EIS.
 - b. The Draft EIR/EIS identifies potential project impacts to traffic delays and emergency response times and includes proposed mitigation measures that could be applied if warranted and practicable, which are undergoing analysis and revision in preparation for the Final EIR/EIS. The Draft EIR/EIS includes mitigation measure "Safety & Security-Mitigation Measure (SS-MM) #4: Install Emergency Vehicle Response Improvements", which describes a detailed pre- and post-operational process for evaluating and analyzing potential delays that the project could potentially cause, including the consideration of numerous strategies to address any identified impacts. Where impacts are identified based on monitoring or modeling, the Authority would develop an Emergency Vehicle Priority Treatment Plan in conjunction with local agencies and make a fair-share contribution related to the level of impact to implement phased emergency vehicle priority treatment strategies.
 - c. As described in SS-MM #4, the Authority may also consider making an in-lieu payment to other infrastructure projects, including nearby grade-separation projects, as an alternative strategy for mitigating this impact, provided that mitigation measure SS-MM-4 is carried forward to the Final EIR/EIS, the Record of Decision, and related decision documents thereon by the Board of Directors. If an in-lieu decision is made in the future, it shall be consistent with SS-MM#4 and the in-lieu payment would be the capital contribution that the Authority would have otherwise made to one or more of the

emergency vehicle priority treatment strategies necessary to implement SS-MM#4 in the impacted locations.

- d. While it is subject to revision in the Final EIR/EIS, the Draft EIR/EIS identified potential effects to minority and/or low-income populations along Monterey Road in South San José and considers a number of improvements to offset effects remaining after mitigation on safety and security. If the City moves forward with one or more grade separation project(s) discussed below in Section 6(f), the Authority may consider entering into an agreement with the City to support the grade separation projects as a replacement for other improvements as long as they will provide similar or greater benefit to reducing/offsetting the effects to the minority and/or low-income populations identified in the Final EIR/EIS.
- e. The Authority and City will work together on the design, development and consideration of potential improvements to the Monterey Road Corridor that could be mutually beneficial and will be consistent with the Final EIR/EIS, the Record of Decision, and related decision documents thereon by the Board of Directors.
- f. The City has prioritized separating train traffic from people walking, bicycling, taking transit, and driving along the Monterey Corridor – specifically at Branham Avenue, Chynoweth Avenue, and Skyway Drive. While not part of the Authority’s Preferred Alternative, these grade separations would achieve multiple objectives for both the rail corridor and the surrounding community. The City and the Authority will work collaboratively as follows:
 - i. The City is responsible for leading the initial planning, preliminary design, and public engagement. The Authority and City shall work collaboratively throughout the life of the grade separation project(s) to ensure that it/they adhere to the Authority’s published design and construction standards.
 - ii. The City is primarily responsible for developing a funding plan and securing funds to implement desired grade separation project(s). The Authority will support, but not be responsible for, securing funds, other than any committed to the mitigation measures described in the Final EIR/EIS, the Record of Decision, related decision documents thereon by the Board of Directors or directed by the Board of Directors. The City and Authority will also work with other potential partners (e.g., MTC, VTA, Caltrain, and the Federal and State government) to secure any required funds.
 - iii. Should the City and its partners secure environmental approval and funding for desired grade separation project(s), the Authority will support implementation of the project(s) in conjunction with the improvements needed for HSR in the corridor consistent with the terms herein and any direction by the Board of Directors.
- g. The Participants acknowledge that some of the objectives of this Section 6, and the larger collaborative effort, will require an agreement with Union Pacific Railroad for use of its corridor. In addition, action by either Participants hereunder will require direction and approvals from their respective governing bodies.

7. In addition to what is set forth above, the Participants hereby agree to **Other Areas of Collaboration** as follows:
 - a. Implementation of the various plans and concepts identified in this MOU will require substantial investment over a prolonged period. The City and the Authority will work together to pursue both new and existing funding sources to achieve their mutually beneficial objectives.
 - b. The Authority and the City will work together, and with other partner agencies, to advance contingent projects (including a new rail yard for Caltrain and other passenger operators, and electrification of the rail corridor between San José and Gilroy) needed to enable improved passenger rail service throughout the corridor and the vision laid out through the DISC process.
 - c. The Participants will work together, and with other partner agencies, should an update of the Memorandum of Understanding for High-Speed Rail Early Investment Strategy for a Blended System in the San Francisco to San José Segment Known as the Peninsula Corridor of the Statewide High-Speed Rail System (or the 9-party MOU) be required or beneficial.
 - d. The terms of this MOU may have to be reconsidered or revised (in the form of an amendment) if there are changes in the Final EIR/EIS, or direction from the Authority's Board of Directors, that impact the objectives of this MOU.
 - e. The Participants will work together to develop any future agreements or amendments to agreements, including this MOU, if necessary or in furtherance of the objectives of this MOU.
8. The Participants will work collaboratively to achieve the objectives of this MOU including, among other actions:
 - a. the commitment of personnel;
 - b. the participation in recurring meetings and/or workshops;
 - c. the exchange of necessary technical and other information; and
 - d. good faith negotiation of more detailed agreements where needed.
9. The respective contact points for communication and information exchange, as well as any notice required to be submitted under this MOU are:

City: [name, title, contact information]

Authority: [name, title, contact information]
10. This MOU is a voluntary initiative and does not create any legally binding rights, limitations, or obligations upon the Participants. Each Participant shall bear its own costs related to this effort unless otherwise agreed in writing.

11. This MOU is not intended to amend or impact in any way other existing written agreements between the Participants or the other entities referenced in this MOU.
12. This MOU is effective from the date of its last signature. This MOU can only be amended by the Participants in writing.
13. Any of the Participants may, at any time, withdraw from this MOU by providing a written notice to the other Participant 90 days in advance.

Date: _____

CITY OF SAN JOSÉ

BY: _____

Date: _____

CALIFORNIA HIGH-SPEED RAIL
AUTHORITY

BY: _____



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo
Councilmember Sergio Jimenez
Councilmember Raul Peralez
Councilmember Dev Davis
Councilmember Maya Esparza

SUBJECT: CALIFORNIA HIGH SPEED
RAIL UPDATE

DATE: August 16, 2019

Approved

Date

RECOMMENDATION

Accept the staff report and direct the City Manager and Mayor to communicate the following City Council position to California High Speed Rail staff and the Authority Board when they convene in San José on September 17th:

1. That the City's support for the project depends upon the California High Speed Rail Authority's willingness to integrate a feasible alternative alignment recommended by the Diridon Integrated Station Concept (DISC) Plan planning process into a supplemental environmental impact statement and environmental impact report.
2. That High Speed Rail (HSR) **must fully grade-separate train and vehicular/pedestrian traffic** at key San José locations, including Auzerais, West Virginia, Branham, Skyway, and Chynoweth. To that end:
 - a. Restate the Council commitment to minimize negative impacts to the Gregory/Gardner/North Willow Glen neighborhoods by fully developing and evaluating the alignment over 280/87.
 - b. If what emerges from the DISC process does not include a viaduct over 280/87, then, at a minimum, separate train traffic at Auzerais and West Virginia south of Diridon Station, and provide infrastructure improvements to mitigate noise and neighborhood impacts.
 - c. Affirm the City's role in advocating for grade separations, infrastructure improvements, and a development plan that mitigates unfavorable impacts to the neighborhoods and residents along the Monterey Corridor.

- d. Direct staff to formally submit the final results and analysis of the City's Feasibility Study on grade separations to HSR, and continue to build on this work through the Rail Corridor Planning process.
3. That HSR remain engaged in the DISC process and the subsequent Rail Corridor Plan work, including efforts to identify funding and make necessary changes during HSR environmental and design processes to accommodate the station plan and grade separations.

DISCUSSION

San José's growth and quality of life depends on the expansion of rail capacity, but it matters enormously how that rail is designed, engineered, constructed, and ultimately operated. We have monitored with great interest the process that California High Speed Rail (CAHSR) has done to reach the recently announced Preliminary Preferred Alternative (PPA), and we appreciate the multifaceted benefits of this complex project. Nonetheless, we remain steadfastly in support of our community's priorities, rooted in reasonable concerns for safety and neighborhood welfare. We shared the following priorities on January 30, 2019, with the Diridon Station Joint Policy Advisory Board, the interagency public body addressing current and future rail issues in San José converging at Diridon Station:

- **Grade Separations:** With future service increases, many more passenger trains will be operating at rapid speeds through our City. Experience throughout the country and the world show that grade separations are the only way such volumes can operate safely, reliably, and compatibly with surrounding communities. Designing and building grade separations should remain strongly at the forefront of all discussions and be included as a project cost.
- **Monterey Corridor:** All existing rail alignments along Monterey Road should be highly sensitive to residential properties, and pedestrian and traffic safety. The latter is essential to mitigate the increased number of trains along the corridor.
- **Highway 280/87 Overpass Alignment:** Any future rail alignments should prioritize developing an alternative that avoids the Gardner/North Willow Glen community, such as going along the Highway 280/87 overpass. The only fair process is one that thoroughly vets and includes a full evaluation of options including at least one alternative that does not penetrate the Gardner/North Willow Glen neighborhoods.
- **"San José's Grand Central" Station:** Rail alignments should enable development of a significant transit center at Diridon Station that will facilitate the convergence of multiple lines, seamless passenger experience, and the multi-modal needs of the entire region.

It is no surprise that we are deeply concerned about CAHSR's recommendation for alternative #4, which is counterintuitive to all the concerns that our community has voiced through the public process. Alternative #4 leaves open potential risks to life safety with a lackluster proposition of quad gates and subjecting existing residential neighborhoods to impacts from an unprecedented volume of high speed trains.

COUNCIL AGENDA

August 20, 2019

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We understand the CAHSR must continue to press forward with their PPA considering the timelines established under federal funding provisions, but the door for dialogue and improvement of the project design must remain open – and transparent. We strongly expect that by participating in the DISC and the Rail Corridor Plan, CAHSR will ensure that the recommendations that emerge from those efforts can be feasibly integrated into the project's environmental process and final design.

Brown Act Disclaimer

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.