



TRANSBAY JOINT POWERS AUTHORITY

**TRANSBAY JOINT POWERS AUTHORITY  
CITIZENS ADVISORY COMMITTEE**

**MEETING MINUTES**

Tuesday, September 8, 2009  
Transbay Joint Powers Authority  
201 Mission Street, Suite 2100  
San Francisco, CA

Meeting #022

5:30 p.m.

**CITIZENS ADVISORY COMMITTEE**

Jim Lazarus, Chair  
Karen Knowles-Pearce, Vice Chair  
Andrew Brooks  
Michael Freeman  
Peter Hartman  
Adrienne Heim  
MaryClare M. James  
Marcus Krause  
David Milton  
Jane Morrison  
D'Arcy Myjer  
Jul Lynn Parsons  
Norm Rolfe  
Dave Snyder

Executive Director  
Maria Ayerdi-Kaplan

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### **1. Call to Order**

The meeting was called to order by Karen Knowles-Pearce, Vice-Chair, at 5:35 pm. A quorum was formed and the meeting was attended by 12 of the current 14 voting members as follows: Karen Knowles-Pearce, Andrew Brooks, Michael Freeman, Peter Hartman, Adrienne Heim, Marcus Krause, David Milton, Jane Morrison, D'Arcy Myjer, Jul Lynn Parsons, Norm Rolfe, and Dave Snyder. Non-voting member Bob Beck was also present.

### **2. Approval of August 11, 2009 Meeting Minutes**

Marcus Krause made a motion to approve the Draft Meeting Minutes for the August 11, 2009 meeting and the motion was seconded by Norm Rolfe. A vote was called by voice and the motion was unanimously moved and carried.

### **3. Staff Report – Bob Beck**

Bob Beck introduced TJPA Executive Director Maria Ayerdi-Kaplan to give an update regarding the TJPA's pursuit of American Recovery and Reinvestment Act (ARRA) funds.

Ms. Ayerdi-Kaplan introduced herself and thanked the TJPA CAC members for their participation on the CAC, time, commitment, good advice, and assistance. The TJPA is now at a very critical point in its application for \$400 million from the President's high speed rail stimulus funds to build the rail levels of the new Transit Center. Receiving these funds will benefit the program's total funding, allow us to make a significant commitment to bringing rail to the Transit Center, and allow us to immediately start construction. Having these funds would allow us to move out the sale time of some properties that we were would have to sell sooner under a top-down construction approach.

The application for stimulus funds was submitted through the State of California. The TJPA request is 13<sup>th</sup> on a list of 38 projects submitted by California in Track 1. A challenge facing our application is that California High Speed Rail Authority (CHSRA) is studying a number of locations for the San Francisco terminus. This could be a problem because the Federal Railroad Administration (FRA) is both evaluating the stimulus applications, but will also certify the CHSRA environmental document. We are working hard to get CHSRA to clarify that the Transit Center is the site for the San Francisco terminus and that they are adopting our environmental document. We are also working to get the Governor to send a communication to the Secretary of Transportation that this project is important. Your help would be greatly appreciated.

Emilio Cruz attended the most recent CHSRA meeting and gave an update. He explained the American Recovery and Reinvestment Act (ARRA) funding request process for Track 2 applications and that the CHSRA board would approve a series of projects and then will submit that list of projects to the State of California. Ultimately, the State of California submits the request to the Federal Government. The deadline for submitting the project list is October 2<sup>nd</sup>. At its Board meeting last week, the CHSRA scheduled a special meeting for September 23<sup>rd</sup> to finalize the list. It is critical that the CHSRA continue to show support for the Transbay Transit Center as a project eligible for ARRA funds and as the Northern terminus.

There are people advocating that the CHSRA study other alternatives to the Transit Center and to look at other sites that are not environmentally cleared and that are contrary to the planning efforts of the City and County of San Francisco and the Redevelopment Agency of San Francisco. It is critical that there be an impetus to urge

the CHSRA to accept the environmental documents that were done by the TJPA and received full FTA clearance. It would be a relatively easy step to get the FRA, another sister Agency, to accept the FTA's environmental approval of this project. To date, the CHSRA and some members of the Board, notably Commissioner Kopp, have indicated that they do not favor accepting at the Transit Center as the Northern terminus.

As we move forward, it is critical that the CHSRA accepts the Transbay Transit Center, includes it on the list of Track 2 eligible projects, and doesn't unnecessarily spend public funds studying alternatives not legally feasible.

At the CHSRA Board meeting it was proposed that the State should match as much local money against the federal request as possible so that our application is more competitive than others across the country. ARRA is one of the few recent Federal grants that does not require a local match. ARRA does not include this requirement as its intent is to stimulate the economy and so the Federal Government may provide 100% of the public cost, but it was stated at the CHSRA Board that, in order to be more competitive, California should match State and local funds as much as possible. Therefore the Authority decided that all monies that they ask for will be matched at least dollar-for-dollar with local funds. One of the beauties of the Transbay Project in particular and the whole San Francisco corridor as outlined by the MTC report is that we can provide a 45% local match without additional State or local money. This is almost a one for one match that they want to see as a policy without spending CHSRA money. If the CHSRA would put up an additional 5%, we would be at the \$1 for \$1 match and be able to send a very competitive request to the Federal government.

In the CHSRA Board meeting, it was decided to seek \$3.5 - \$4.5 billion of the \$8 billion Federal funds that are available in Track 2. The point was made that California is far ahead of everyone else in the country particularly in the arenas of environmental evaluation and local funding commitments. Because California has passed the \$9 billion CAHSR bond measure, we have a capacity beyond any other State in the country right now and that the two most competitive areas in the U.S. for ARRA funding will probably be California and Illinois.

Again, it is important that we, as a State, provide a uniform, competitive request, and that we move as aggressively as possible in pushing the CHSRA to vote on September 23<sup>rd</sup> to keep the Transbay Project in its list as a priority for the overall project.

David Milton asked if AB3034 doesn't specifically state that the Northern terminus of High Speed Rail (HSR) will be the Transbay Transit Center. Emilio replied that the language is fairly clear, and the TJPA has sent a letter to the Attorney General indicating that any other alternative to the Northern terminus of HSR would be illegal by virtue of existing legislation and by virtue of existing policy set by the City and County of San Francisco and that it would be impractical because we already have a location that has public consensus, environmental clearance, and a significant amount of funding for the project.

David Milton asked if the CHSRA has ever responded to your comment and Mr. Cruz responded that to his knowledge they have not.

Dave Snyder asked about the local match and the MTC study. Emilio replied that the MTC did a study that a number of agencies participated in and is available on the MTC web site. It is a very thoughtful and well presented study regarding the corridor between Silicon Valley and San Francisco. At least 5 agencies participated including the Santa Clara Valley Transportation Authority, San Francisco County Transportation Authority, City of San Jose, Transbay Joint Powers Authority, and Caltrain (the Peninsula Corridor Joint Powers Board). The study was also done in association with the High Speed Rail

Authority even though they were not a signatory agency to the report. In the report, the MTC identified approximately \$3.4 Billion in priority High Speed Rail expenditures between Silicon Valley to San Francisco and with approximately 45% of the necessary funding commitments already in place. So, the 55% that is remaining would be a request to ARRA. The 5% gap could be provided by High Speed Rail if they wanted to have a \$1 for \$1 match on all of the State's requests.

Dave Snyder commented that it seems there could be a 5% margin of error and if so, what is the logic in seeking 5% from CHSRA? Emilio replied that the study was done several months ago in advance of the CHSRA coming up with the policy of a \$1 for \$1 match. There was no attempt at massaging numbers or coming up with any specific match target. All the agencies came to the table at the MTC with their projects, estimated costs and benefits to develop a programmatic approach for the corridor. The costs and match of each project are outlined in the report.

Norm Rolfe asked if there was a way to get the Attorney General to tell High Speed Rail to stop pursuing alternatives and setting back the Transbay Program. Emilio replied that we have sent a letter to the Attorney General outlining our position and last week we had a conversation with the staff in the Attorney General's office. The challenge we have is timing: *Will the Attorney General issue a letter to High Speed Rail prior to October 1<sup>st</sup>?* The TJPA has made the case both from a legal perspective as well as a programmatic perspective.

D'Arcy Myjer asked to have a brief explanation of what the logic for an alternative would be. Emilio responded that one alternative being considered is at Main and Beale. It is the one that surfaced about a decade ago and went away through the whole MTC process. It was vetted, considered, found to be less feasible and ultimately discarded as an option. There are some people that have never let go of it and they have kind of ignored the process for awhile but now see the High Speed Rail Authority's document as a tool to try to resurface the alternative. We have done preliminary technical analysis of the alternative. It is arguably in violation of Prop 1A and other laws, poses several technical difficulties, and requires a significant amount of land acquisition. We have not heard anyone articulate why the Alternative should be reconsidered.

Karen Knowles-Pearce said that Maria had mentioned that we were 13<sup>th</sup> on the list and asked how many there are on the list. Maria responded 38. Karen asked if that meant that there are 13 ahead of us or that we are number 13. Maria responded that they are ranked in priority and that there are 12 others ahead of us. Karen commented that this means that we are all scrambling to get bumped up, and we won't know anything until October. Maria agreed and said the one thing about our project compared to others is that ours provides the most number of jobs. For example, the first 4 or 5 are for positive train control and would not employ as many people and certainly fewer construction people than the TTC.

Maria announced that she has asked TJPA attorney Andrew Schwartz to comment on communication with the Attorney General in terms of what High Speed Rail is doing; whether the alternatives are legally, technically, and financially not feasible; and the need to adopt our environmental document.

Andrew Schwartz introduced himself as outside counsel for the TJPA and advised that he had attended the CHSRA Board meeting on the prior Thursday. At this meeting and prior to this meeting, the CHSRA had described a strategy of studying alternative locations to the TTC for the San Francisco HSR Station. The threat to the TJPA's application is that if the CHSRA is studying alternative locations, then the FRA may believe that our project is not "shovel ready" and wouldn't receive the same priority for Federal stimulus funding as it would if it were clear that the TTC were the only location

for the station. We have been trying to persuade the Attorney General, who is the legal advisor to the CHSRA, that the San Francisco station for the CAHSR has been settled for many years. It was studied in the environmental review for the Transbay Project between 2002 and 2004 and other alternative locations were rejected on the grounds of technical or physical infeasibility. Since the environmental review for the Transbay Project was complete in 2004, alternative locations have also become legally infeasible due to statutes adopted by the State Legislature and Proposition 1A adopted by the voters of California, all of which mandate that the San Francisco terminus for HSR shall be the Transbay Terminal site. So, we are continuing to attempt to persuade the CHSRA that they should not be studying alternative locations in their environmental document, and we are looking to the Attorney General, as legal advisor, to advise them that it would be an abuse of their discretion to study legally infeasible alternatives to the TTC.

Norm Rolfe asked Andrew to provide some kind of skeleton form for letters that CAC might write and to whom they should write and asked whether the problems were with CHSRA staff or board members. Andrew replied that Commissioner Kopp has been the most outspoken and Executive Director Morshed has also reinforced statements that the CHSRA should study these alternatives, but we do not know if others are supporters on the Board. In answer to the first question, Andrew thought that letters to the Governor or the Governor's staff and the CHSRA Chair, Mayor Pringle (City of Anaheim) could be helpful. Those would be the points to make.

Karen Knowles-Pearce requested that when staff sends the talking points that they also send the addresses of people to whom we should forward the letters either by E-mail or fax or both.

Andrew Brooks commented that when looking at the list of the first 25 projects 95% of them are in southern California and asked whether this was a conscious emphasis by the Authority. He further asked if that were the case, whether we would have to revert to building the train box as part of Phase 2. Emilio responded that certainly our goal is to seek and obtain this funding so we can build the facility from the bottom up. Although it is feasible to build the facility from the top down, as previously planned, this is a rare opportunity to secure a substantial Federal commitment, and all of our effort and energy needs to be to obtain the funding. California and San Francisco have been visionary in leading the push for HSR and have committed resources and energy to advance this project far beyond anyone else in the country.

Adrienne Heim asked if we are the only location where the CHSRA is looking at alternatives. Emilio replied no, but the others are in the early planning phases and not ready to go to construction. They are not ready to create jobs other than planning and environmental jobs.

Jane Morrison commented that the voters said that in the both the Transbay Terminal measure and the High Speed Rail measure that the train should come to the Transbay Terminal and that it is important as the voters did not vote for another location.

Karen Knowles-Pearce stated that Secretary La Hood was in the Bay Area recently and asked if there was any communication with him about CAHSR during his visit. Maria Ayerdi-Kaplan replied that they had traveled to Washington and met with him to brief him on the project. This was before CHSRA announced that they were looking at a number of locations. Since that communication, his staff has indicated that California needs to speak with a single voice on its priorities, but the Secretary was very impressed with the project and said it encompasses everything the President is trying to do including sustainability, housing, transportation, and land use planning. They were very supportive. Karen asked who oversees the CHSRA and Emilio replied the Governor.

David Milton asked if individuals could sue to compel the CHSRA to drop consideration of alternatives not in the law. Andrew Schwartz replied that the CHSRA is in the process of the environmental review and still in the administration phase, and individuals cannot sue during the process. Bob Beck commented that the challenge is timing. We do not believe that the CHSRA will find another location to be feasible or preferable to the TTC, but the failure of the CHSRA to eliminate those alternatives at this time is potentially harmful to our application.

Vice Chair Knowles-Pearce asked if the CAC members had any further questions or comments. There were none.

Vice Chair Knowles-Pearce asked if members of the public had any further questions or comments.

Member of the public Jamie Whitaker from the Rincon Hill Neighborhood Association asked if Mayor Newsom is aware of the situation. Maria Ayerdi-Kaplan replied that the Mayor's office is being helpful and are doing everything they can which includes sending letters.

Mr. Whitaker also asked what the cross streets are to the Main and Beale alternative. The response was that it is actually along Main and Beale streets from the bridge abutment all the way up to the 201 Mission Street building. The alternative would require the acquisition and demolition of every building between Main and Beale from 201 Mission all the way to the Bay Bridge including the U.S. Post Office Annex.

Mr. Whitaker asked who our CHSRA representative is and the reply was that the local people who currently sit on the Authority are Commissioner Kopp in San Mateo and Commissioner Diridon in San Jose.

Maria Ayerdi-Kaplan clarified that ARRA is broken down into 3 tracks. Track 1 is for shovel-ready projects with Transbay's request for \$400 million showing up here. Track 2 is for projects that are not as advanced, and we have 2 projects in the Track 2 request – one for approximately \$205 million for the cost to extend the platforms as the CHSRA requested and the other is to continue the design the DTX. Track 3 was for projects in the planning or environmental phase, and the TJPA is too far advanced for Track 3.

A member of the public, Eric Chase, asked if there were there legal arguments that compel the CHSRA to look at the Beale/Main Alternative. He thought that CHSRA was saying that the project level of the EIR/EIS from San Jose would be legally inadequate if they did not look at the Beale Street Alternative even though it is similar to the one that was thrown out by the TJPA. He wondered if there would be a response to that position so we can get the Transbay project going. Andrew Schwartz replied that the issue is timing and that we only have 3 weeks until the FRA is going to allocate the Track 1 funds. If CAHSR raises questions in the FRA about whether there are alternatives locations for the San Francisco station, it will jeopardize the Track 1 funding request for the train box. Down the road if CHSRA certifies and EIS/EIR that prefers an alternative location it could be challenged under CEQA and NEPA as having relied on a legally infeasible alternative. Mr. Chase also asked if a legal argument could be made that CHSRA did not use the Transbay Transit Center that they could not use Prop 1A funds and would have to find other funds. Andrew advised it is the same argument that it is a legally infeasible choice.

A member of the public, Daniel Krause, stated that the Beale Street Alternative seems to claim that they are "reaching" the Transbay site at the east end of the Transbay Terminal. Andrew Schwartz acknowledged the argument, but stated that they are two

different sites and if a train box was not built by TTC, the two sites would not touch. You can build a connector, but that does not mean it is the same site. Mr. Krause also commented that most people getting off at the Alternative site would be far south of the Transbay Transit Center (TTC). Andrew commented that we have well developed explanations as to why the Beal/Main alternative is not physically, technically, or financially feasible.

Eric Chase mentioned that the documents advocating for the Main/Beale location states that the TTC does not have the infrastructure capacity to accommodate the number of trains the CHSRA wants to bring into the TTC. Andrew Schwartz said this information is not accurate.

Andrew Brooks advised that the President of the United States would be spending the day and night here on the 7<sup>th</sup> of October. He suggested that it would be an opportunity for the TJPA try to get some “face time” with him.

Peter Hartman asked if he heard correctly that the Beale/Main Alternative would take out all of the properties from the Bay Bridge to Mission and Bob Beck replied all except this building (201 Mission Street). Peter commented that several of these blocks were in the Redevelopment District and were to generate funds for the TTC. Andrew Schwartz replied that if we were to build an underground station on that site, the development envisioned in the Redevelopment Plan could not be implemented because of the technical restrictions in developing above the site.

Vice Chair Knowles-Pearce asked if there were any further questions or comments from CAC member or members of the public. There were none.

#### **4. ARRA Application Update – Mary Pryor (Nancy Whelan Assoc.)**

Ms. Pryor provided a brief update with a summary of applications as follows:

- Transit Investment in Greenhouse Gas and Energy Reduction (TIGGER) - the Federal Transit Administration (FTA) will announce the awards by September 30, 2009.
- Transportation Investment Generating Economic Recovery (TIGER) - an Application for \$62 million for utility relocation was submitted last week directly to the United States Department of Transportation (USDOT). They will announce the awards February 17, 2010.
- High Speed and Intercity Passenger Rail (HSIPR) is what we have been discussing and their announcement on Track 1 applications will be made either late this month or early next month. We are 13<sup>th</sup> on the State’s list and are working very hard to build support for the application.

Ms. Pryor also mentioned that they are working on the Track 2 funding request.

Vice Chair Knowles-Pearce asked if there were any further questions or comments from CAC member or members of the public. There were none.

#### **5. DTX Design Update – Derek Penrice**

Mr. Penrice provided a brief overview of the project status and design. He also mentioned some of the comments that were received from David Milton that raised a number of technical issues. Currently, we are just over 1 year into Term 2 of Preliminary Engineering at 30% and on schedule to complete Term 2 at the end of June 2010 and will be roughly 50% complete with the DTX design. The basis of the project design is the Refined Locally Alternative which was approved in the spring of 2007, and he described the configuration.

One question concerned the ability to make changes to the alignment. The program we are designing is a configuration in the FEIS/FEIR document completed in 2004. The Federal Record of Decision (ROD) provides environmental clearances contained in the FEIS/FEIR and the TJPA has very limited leeway to make changes. We are not proposing to move the train box. Significant changes to the DTX alignment and train box location could jeopardize the ROD, reopen the environmental process, and set us back years. Mr. Penrice discussed recent project developments including the change in the platform to accommodate CHSRA's request a 400 meter tangent platform; return of the tail track to the program; alignment issues that can be fine tuned when the rolling stock is identified; comparisons of this system to European systems already in use; the approach curvature; the overall travel time in the alignment; and the affect of the dwell time prescribed by CHSRA.

He also discussed the studies undertaken earlier this year to evaluate increasing the capacity of the TTC including the review of adding a second platform level. The additional level and the modifications to the DTX would increase the program cost by an estimated \$1.5 billion.

While constructing the Loop would reduce Caltrain's dwell time to 10 minutes and increase Caltrain capacity at the TTC, CHSRA advises that it would not affect their dwell time as it is the end of the line for them and they would restock and clean their trains. The Loop would cost roughly \$500 million and is not funded or environmentally cleared, but it has little benefits for HSR capacity as long as they maintain their current dwell requirements.

Mr. Penrice described the variation in the geology along the alignment and the development of San Francisco in this area over the last 150 years. He explained what the different tunneling methods (tunnel boring machines (TBMs), Stacked Drift Concept, and the Sequential Excavation Method) that were considered and the advantages and disadvantages of each. The study showed that the Sequential Excavation Method is the most appropriate for this area. It is almost 2 years quicker and \$80 million less expensive to construct than the Stacked Drift Method and with this method the ground movements and building risks are minimized. The Mined Tunnel Method using the TBM's was precluded because of cost and right-of-way issues.

David Milton thanked Mr. Penrice and said he appreciated the information and it will allow him to go back to his correspondents and give them a satisfactory answer.

A member of the public asked what the length of time it will take to build the tunnel. Mr. Penrice replied that right now we have a preliminary construction schedule developed and the tunnel will probably take about 4 years. One of the limitations on the site is the availability of staging areas. If the work could be broken down into smaller packages, it could go quicker.

Vice Chair Karen-Knowles Pearce thanked Mr. Penrice and asked if there were any further questions or comments. There were none.

## **6. Demolition Contract Presentation – Edmond Sum**

Mr. Sum showed a PowerPoint presentation and provided highlights of the demolition project. Bid documents were issued mid-August and bids are due September 24, 2009. The budget for the demolition was \$18 million, but the low bid was \$10.5 million.

Two Notices to Proceed (NTP) will be issued. The first NTP will be to obtain permits and information necessary to perform the work. The second NTP will be to perform the physical work and with the key elements to include demolition, salvageable material,

overhead contact system (OCS), concrete crushing, site work and public relations. Mr. Sum discussed the 4 phases for demolition work which will take approximately a year to complete. He described the mitigation measures planned to be taken during demolition including abatement for asbestos and lead and monitoring and control measures for noise, air quality, dust, and vibration. He identified some of the items the contractor will salvage, including brass stair rail, shoeshine stand and signs, red iron railings from bus loading areas, and benches throughout the terminal. He showed pictures of bottles and earthquake debris found during the archaeological investigation.

The key schedule dates were given as follows: 10/19/09 - anticipated date of first Notice to Proceed, 2/1/10 - bus operations cease in existing terminal and be transferred to the Temporary Terminal, 2/16/10 – complete demolition of Parcels O and O”, 4/21/10 – complete demolition east of Fremont, 8/19/10 – complete demolition of existing terminal, and 10/18/10 – complete demolition of existing elevated roadways.

The contract has a Disadvantaged Business Enterprise (DBE) advisory participation goal of 8% and Small Business Enterprise (SBE) participation requirement of 8%.

- 7. Public Comment** - Vice Chair Karen Knowles-Pearce asked if there were any questions or comments.

A member of the public, Jamie Whitaker from the Rincon Hill Neighborhood Association asked when they could celebrate the demolition of the overhead ramp at the Temporary Terminal and Mr. Sum replied mid to late February 2010.

Vice Chair Karen Knowles-Pearce asked if there were any further public questions or comments. There were none.

- 8. CAC Member Comments & Future Agenda Requests** – Vice Chair Karen Knowles-Pearce asked if there were any CAC member questions, comments, or future agenda requests.

Andrew Brooks advised that he has been contacted by San Francisco MUNI staff and that they will be contacting Bob Beck to set up a presentation to the CAC hopefully at the next meeting regarding the 2<sup>nd</sup> Street corridor. They have an outreach program and I believe it is important for us to interface with them and give our opinions.

Peter Hartman asked what activity was happening on the parcel just west of the Transbay Terminal between Minna and Natoma streets. Bob Beck replied that it is geotechnical testing. We are testing the equipment that we will construct the shoring wall with and those tests started a couple of weeks ago.

It was agreed that Andrew Schwartz would provide a fact sheet and sample letters and that Bob Beck would see that they were E-mailed to the CAC members.

Vice Chair Karen Knowles-Pearce asked if there were any further questions or comments. There were none.

**9. Adjourn**

Vice Chair Knowles-Pearce adjourned the meeting at 7:15 PM.

**10. Next Meeting**

The next meeting is scheduled on Tuesday, October 13, 2009.

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Admin. Code Sections 16.520 - 16.534] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, Suite 801, San Francisco, CA 94102, telephone (415) 554-9510, fax (415) 554-8757 and web site: [sfgov.org/ethics](http://sfgov.org/ethics).