

RESOLUTION NO. 2012- 18

**BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA**

* * *

AUTHORIZING APPROVAL OF THE HIGH-SPEED RAIL EARLY INVESTMENT STRATEGY FOR A BLENDED SYSTEM MEMORANDUM OF UNDERSTANDING

WHEREAS, the Peninsula Corridor Joint Powers Board owns the Caltrain right of way and is charged with oversight and management of that right of way in such a manner that it assures that the Peninsula commuter rail service survives and thrives and does so to the extent possible in harmony with the communities in which it operates; and

WHEREAS, the Peninsula Corridor Joint Powers Board has been provided with such an opportunity in the proposal that it enter into a Memorandum of Understanding (MOU) with various state, regional and local transportation agencies that, among other purposes, enunciates support for a state high-speed rail system that utilizes a blended system and facilitates an early investment funding plan for a Caltrain and high-speed rail blended system in the Peninsula corridor; and

WHEREAS, more particularly, the Metropolitan Transportation Commission (MTC) has prepared an MOU titled *High Speed Rail Early Investment Strategy for a Blended System in the San Francisco to San Jose Segment known as the Peninsula Corridor of the Statewide High-Speed Rail System* specifically concerning investments that upgrade existing rail service and prepare for a future high-speed train project, limited to infrastructure necessary to support a blended system, which will primarily be a two-track system shared by Caltrain, high-speed rail and other passenger and freight services; and

WHEREAS, the MOU reflects regional consensus on combining Proposition 1A funding with local, state and federal funding to implement two early investment projects - the Caltrain Electrification Infrastructure Project and the Advanced Signal System Project; and

WHEREAS, the MOU is to be signed by agencies, including the Peninsula Corridor Joint Powers Board (JPB), directly involved in the planning, funding, construction and/or operations related to the blended system; and

WHEREAS, the MOU has been approved by the CHSRA and MTC; and

WHEREAS, the other MOU parties consisting of the Peninsula Corridor Joint Powers Board (JPB), San Francisco County Transportation Authority (SFCTA), San Mateo County Transportation Authority (SMCTA), Santa Clara Valley Transportation Authority (VTA), City of San Jose, City and County of San Francisco, and Transbay Joint Powers Authority (TJPA) are committed to seeking approvals by their respective Boards.

WHEREAS, the Staff Coordinating Council has recommended approval of the MOU attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the JPB approves the *High Speed Rail Early Investment Strategy for a Blended System in the San Francisco to San Jose Segment known as the Peninsula Corridor of the Statewide High-Speed Rail System* MOU and authorizes the Executive Director, or his designee, to execute the MOU in a form approved by General Counsel, coupled with the authority to approve non-substantive minor changes that may be proposed by other parties, subject to the following understandings and conditions:

- The MOU is specific to project investments that upgrade existing rail service and prepare for a future high-speed train project that is limited to infrastructure necessary to support a blended system, which will primarily be a two-track system shared by both Caltrain and high-speed rail and will be designed to continue to support existing passenger and freight rail tenants.
- The JPB, as owner of the Peninsula rail corridor right-of-way and operator of the Caltrain system, will exercise its authority to preserve and protect the integrity of the rail corridor for the benefit of its constituents.
- The JPB, as the owner of the Peninsula rail corridor right-of-way and operator of the Caltrain system will be the lead agency to plan, environmentally study, and oversee the design and construction of the early investment project.
- The projects will be planned, designed and constructed in a manner that respects community partners and stakeholders and actively seeks participation by affected parties and interests.

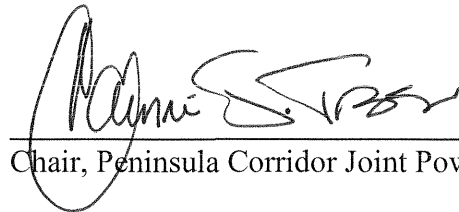
- In parallel with implementing the early investment projects, additional funding will be sought to advance all of the interrelated capital projects ultimately needed for introduction of a blended system.
- In order to address outstanding questions and issues that remain relative to the early investment projects the JPB will continue with its planning process and update/ recirculate the Caltrain Electrification EA/FEIR completed in 2009.

Regularly passed and adopted this 3rd day of May, 2012 by the following vote:

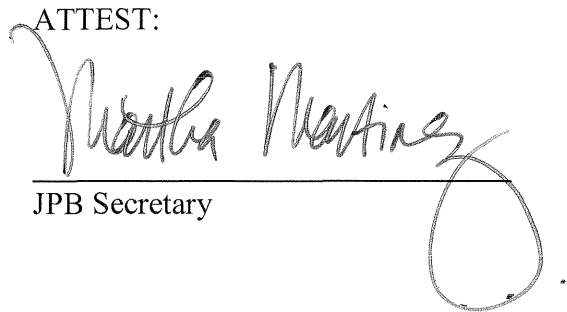
AYES: CISNEROS, DEAL, KALRA, KNISS, LLOYD, NOLAN,
YEAGER, TISSIER

NOES: NONE

ABSENT: COHEN



Chair, Peninsula Corridor Joint Powers Board

ATTEST:


JPB Secretary

MEMORANDUM OF UNDERSTANDING

HIGH SPEED RAIL EARLY INVESTMENT STRATEGY FOR A BLENDED SYSTEM IN
THE SAN FRANCISCO TO SAN JOSE SEGMENT KNOWN AS THE PENINSULA
CORRIDOR OF THE STATEWIDE HIGH-SPEED RAIL SYSTEM

BY AND AMONG THE FOLLOWING PARTIES (PARTIES)

CALIFORNIA HIGH SPEED RAIL AUTHORITY (AUTHORITY)
METROPOLITAN TRANSPORTATION COMMISSION (MTC)
PENINSULA CORRIDOR JOINT POWERS BOARD (JPB)
SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY (SFCTA)
SAN MATEO COUNTY TRANSPORTATION AUTHORITY (SMCTA)
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)
CITY OF SAN JOSE
CITY AND COUNTY OF SAN FRANCISCO
TRANSBAY JOINT POWERS AUTHORITY (TJPA)

Recitals

Whereas, the California High-Speed Rail AUTHORITY (AUTHORITY) is responsible for planning, building and maintaining an 800-mile statewide high-speed rail system and improved mobility through the development of safe, clean, reliable rail technology; and

Whereas, the AUTHORITY, in partnership with the Federal Railroad Administration is advancing a California High-Speed Train (HST) network that links the major metropolitan areas of the State of California utilizing corridors into and through Southern, Central and Northern California; and

Whereas, the AUTHORITY has responsibility for planning, construction and operation of high-speed passenger train service in California and is exclusively charged with accepting grants, fees and allocations from the state, from political subdivisions of the state and from the federal government, foreign governments, and private sources; and

Whereas, the AUTHORITY's 2012 Business Plan proposes to incrementally develop the HST system utilizing a blended system approach that will coordinate the development and operations of HST with existing passenger rail systems, improving, enhancing and expanding the integration of high-speed and regional/local passenger rail systems; and

Whereas, this blended approach requires a series of incremental investments in the Peninsula corridor to prepare for integrated service and operations and the AUTHORITY recognizes the need for a collaborative effort with regional and local agencies to identify early investment projects along existing rail corridors that improve service, safety and efficiency, and create linkages between HST and local passenger rail service; and

Whereas, a blended system will remain substantially within the existing Caltrain right-of-way and will accommodate future high-speed rail and modernized Caltrain service along the Peninsula corridor by primarily utilizing the existing track configuration on the Peninsula; and

Whereas, this MOU is specific to project investments that upgrade existing rail service and prepare for a future high-speed train project that is limited to infrastructure necessary to support a blended system, which will primarily be a two-track system shared by both Caltrain and high-speed rail and will be designed to continue to support existing passenger and freight rail tenants; and

Whereas, local transportation improvement projects are required to be included in a Regional Transportation Plan (Plan), and the Metropolitan Transportation Commission, working closely with local agencies is charged with developing the Plan every four years to provide guidance for transportation investments within the San Francisco Bay Area and with development of regional transportation strategies to address the needs of the Bay Area; and

Whereas, on December 19, 2001, MTC adopted the Regional Transit Expansion Program of Projects (Resolution 3434) which includes the Transbay Transit Center Phase 2 Downtown Extension and Caltrain Electrification projects as regional priorities for transit expansion; and

Whereas, the Sustainable Communities and Climate Protection Act of 2008 (SB 375, Steinberg, Statutes of 2008) requires the Plan to include a Sustainable Communities Strategy (SCS), showing evidence of integrated planning, goals that establish and strengthen the crucial linkages between the economy, land use development and the regional transportation system to improve access to jobs, education, healthcare, and other amenities in ways that improve the overall quality of life in the Bay Area, and the blended system on the Peninsula corridor in the California High-Speed Rail program is consistent with achieving SB 375 goals to reduce greenhouse gas emissions; and

Whereas, all PARTIES are involved in the planning, funding, construction and/or operation of heavy and light rail transit, buses, and/or commuter train services in the Peninsula corridor and are considering intermodal service integration, including linkages to the proposed HST service; and

Whereas, it is the intent and purpose of this MOU to strengthen the working relationship between the PARTIES to facilitate the development and implementation of projects that will improve local passenger rail service and operations while preparing designated HST corridors for eventual HST operation to achieve region-wide systems integration of rail service in Northern California; and

Whereas, local transportation improvement projects are required to be environmentally evaluated according to CEQA and NEPA regulations and where necessary, existing environmental approval covering incremental improvements to the Peninsula corridor will be updated to reflect evolving local and regional conditions and concerns; and

Whereas, incremental improvements and the blended system project will be planned, designed and constructed in a way that supports local land use and Transit Oriented Development policies along the Peninsula corridor; and

Now, THEREFORE, it is mutually understood and agreed to by the PARTIES as follows:

To jointly support and pursue the implementation of a statewide high-speed rail system that utilizes a blended system and operational model on the Peninsula corridor and that has its northern terminus at the Transbay Transit Center in San Francisco as specified in law, and its southern limit at Mile Post 51.4 at the Tamien Station in San Jose. The blended system will support and benefit operation of both Caltrain and future high-speed train service.

To jointly recognize a defined set of Inter-related Program of Projects that is consistent with the AUTHORITY's phased implementation plan and with a blended system operation of the corridor and achieves objectives that include but are not limited to system capacity and connectivity for Caltrain, HST and freight; public safety; operational efficiency; effectiveness and connectivity.

To generally describe, identify and work to fully fund an Inter-related Program of Projects known as the Corridor Electrification Infrastructure Project, Advanced Signal System (also known as Positive Train Control), the Downtown Extension to the Transbay Transit Center, which is the Proposition 1A designated northern terminus of high-speed rail, new high-speed stations at San Jose Diridon Station and a Millbrae BART/Caltrain Station with a connection to San Francisco International Airport, and a Core Capacity project of needed upgrades to stations, tunnels, bridges, potential passing tracks and other track modifications and rail crossing improvements including improvements and selected grade separations required to accommodate the mixed traffic capacity requirements of high-speed rail service and commuter services.

To recognize that of the set of Inter-related Program of Projects, the most substantial and tangible early-investment benefits will be realized when two essential projects are identified for an Initial Investment Strategy to secure, at the earliest possible date, the benefits of the blended system for the traveling public and an Initial Investment Strategy is needed to provide the groundwork upon which future construction can more readily progress.

To recognize that the two Inter-related projects for Initial Investment Strategy are the Corridor Electrification Infrastructure Project that includes the needed rolling stock to operate revenue service; and the Advanced Signal System project and to adopt as part of this MOU, the funding plans needed to move as expeditiously as possible toward construction of these two essential projects.

To work toward the implementation of the Initial Investment Strategy to the maximum extent feasible and that the PARTIES shall endeavor to incorporate the Electrification Infrastructure and Advanced Signal System projects into their respective plans and that the AUTHORITY shall reflect this MOU in its Business Plan by December 31, 2012.

That the aforementioned projects will need to be environmentally analyzed and cleared according to CEQA and NEPA guidelines as appropriate, including updating and recirculation of the Caltrain Electrification EA/FEIR completed in 2009.

That the AUTHORITY will endeavor in good faith to secure approval and release of \$600 million of Proposition 1A funds and \$106 million of Proposition 1A "connectivity" funds

consistent with the funding plans contained in this MOU as required to complete at the earliest possible date, the Corridor Electrification Infrastructure and Advanced Signal System projects.

That the AUTHORITY will endeavor in good faith to secure approval of Proposition 1A "connectivity" funds for Bay Area project sponsors consistent with and in accordance with the schedule and project expenditure plan approved and as amended by the California Transportation Commission.

That the AUTHORITY will work with funding partners to assist in seeking and releasing the funds necessary to implement the Electrification Infrastructure Project and Advanced Signal System project. Local agencies may provide local funds, real property, or in-kind resources as matching funds where matching funds are required to qualify for grant funds. PARTIES agree to work together to identify the appropriate amounts and types of local resources that may be used to support the completion of the Electrification Infrastructure Project and the Advanced Signal System Project.

That the AUTHORITY and appropriate PARTIES will coordinate to obtain funding using a mutually agreed-upon strategy. In the event that funding for the program is constrained by statute, recession of existing law, change in funding requirements or eligibility, reduction in funding level or availability, the AUTHORITY and the PARTIES shall take steps to notify each other as needed in a timely manner.

FUNDING PLAN

**Program Costs and Proposed Funding
for
Peninsula Corridor Projects:
Electrification and Advance Signal System**

Program Costs <i>(in \$ millions, year of expenditure)</i>	
Advance Signal System / Positive Train Control (PTC)	\$231
Electrification and Electric Multiple Units (EMUs)	\$1,225
Total	\$1,456

Program Funding <i>(in \$ millions)</i>	
Source	Amount
JPB Contributions	\$180
JPB Local - Currently Available	\$11
Caltrain PTC	\$4
Subtotal Local	\$195
Prop 1A Connectivity	\$106
Prop 1A High Speed Rail Authority	\$600
Prop 1B Caltrain	\$24
Subtotal State	\$730
Federal RR Admin. for PTC	\$17
Federal Transit Admin prior/current obligations	\$43
Federal Transit Admin future obligations	\$440
Subtotal Federal	\$500
MTC Bridge Tolls	\$11
BAAQMD Carl Moyer	\$20
Subtotal Regional	\$31
Total	\$1,456

See Next Page for Notes.

Funding Plan Notes:

1. Caltrain Joint Powers Board (JPB) Local Contribution is \$60 million from San Mateo sales tax, \$60 million from VTA sales tax, and \$60 million from San Francisco (\$23 million from sales tax, \$37 million from Regional Transportation Improvement Program (RTIP)/local/other). Each agency's contribution, including Proposition 1A Connectivity funds as outlined in Note 2, is contingent upon the \$60 million each from the other two JPB partners.
2. Prop 1A Connectivity is \$42 million from Caltrain, \$26 million from VTA, and \$38 million from BART (2nd priority for BART after receipt of \$150 million for railcars).
3. Prop 1B Caltrain is \$20 million Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA), \$4 million State-Local Partnership Program (SLPP).
4. FTA Prior/Current Obligations is \$16 million for electrification in prior years, \$27 million for EMUs in FY12.
5. FTA Future Obligations is \$315 million for electric multiple units (EMUs), \$125 million from fixed guideway caps. Funds will be programmed in accordance with MTC Transit Capital Priorities process between approximately FY2012-2013 and FY2022-2023.
6. Bridge Tolls is from Regional Measure 1 (RM1) West Bay Rail Reserve.
7. Bay Area Air Quality Management District (BAAQMD) funds to be confirmed.
8. Assumes that all local sources, Prop 1B PTMISEA, all federal sources, and bridge tolls can be used as match to Prop 1A funds, totaling \$726 million in matching funds for \$706 million in Prop 1A funds.
9. Other potential future funding sources could be substituted if secured, including federal Transportation Investment Generating Economic Recovery (TIGER) funds (such as current Caltrain application for \$44 million), State Interregional Transportation Improvement Program (ITIP) funds, and private financing.