



# Town of Atherton

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March 9, 2016

Stacy Cocke  
Principle Planner, Caltrain Modernization Program  
2121 S. El Camino Real, Suite 300  
San Mateo, CA 94403

Subject: Comprehensive Agreement – Peninsula Corridor Electrification Project

Dear Stacy,

The Town of Atherton has completed review of the Comprehensive Agreement between the Peninsula Corridor Joint Powers Board and Town of Atherton relating to the Peninsula Corridor Electrification Project. At this time, we are unable to recommend execution of the proposed agreement in its current form. The current agreement contains statements within the recitals section that we cannot support by inference and the agreement requires that the Town commit to timelines and cost ceilings without knowing and understanding the full project impacts.

More specifically, we have the following general issues and concerns:

## RECITALS

- The Town cannot agree to cooperate in the design and construction of the Project due to active CEQA litigation the Town has against the Peninsula Corridor JPB regarding the adequacy and findings of the Certified Final Environmental Impact Report. The concerns expressed within the Town's CEQA litigation are incorporated herein by reference.

## SECTION 5: GENERAL COMMITMENTS

- The Town needs to know and understand when the comprehensive and specific list of Town improvements and services potentially affected by project construction will be provided. This should be stated in the agreement.
- The Town needs to know specifically how the project will address the replacement of any Town improvements affected by the project. This must be addressed with specificity versus the use of generalized statements such as "similar kind and capacity."
- The Town cannot agree to project construction work that violates Town construction time and noise ordinances.

- The Agreement does not adequately address impacts to Town roads designated to be used for construction haul routes. Current Town road conditions are one of the highest in San Mateo County due to the investment of Town funds toward annual street maintenance. Also, due to the residential nature of the Town, all roads are designed, built, and maintained to residential and collector street standards. Accordingly, the Town would require that any roads used as haul routes must be restored by digging out any isolated pavement failures and slurry sealing the street after completion of construction within the Town.
- Response to project related complaints is not acceptable. An initial response of 72-hours is not acceptable. Requirements for complaint follow-up must be more clearly and specifically stated than “within a reasonable time.” The Town also expects reimbursement for staff costs associated with our involvement with complaints which are not being adequately addressed by project staff.
- The Project will be expected to adhere to the same noticing process and requirements utilized for Town projects.

#### SECTION 6: MITIGATION MEASURES

- The Town is unsure of the intent of Paragraph D. Rather than identifying projects to be implemented as identified in the FEIR, it would be more meaningful to identify funding commitments towards the construction of the identified mitigation improvements. This is also preferred since although new traffic signals may have been identified as improvements necessary to mitigate traffic impacts of the Electrification Project, a public discussion regarding public and/or Town support for these improvements has not occurred.

#### SECTION 7: TOWN IMPROVEMENTS

- The lack of adopted construction standards by the Town shall not equate to agreement by the Town to default to standards to be determined by Caltrain. Town design requirements will be provided once a final project design has been provided for Town review.
- The Town review time cannot be determined until plans and specifications are submitted for review
- The Town cannot agree to a not to exceed cost for permit fees since it has not been determined how many permits will be required, the size and extent of engineering plans and specifications to be reviewed, the number of design resubmittals necessary to accurately and completely address Town comments/issues/concerns, and the amount of time required to properly inspect constructed improvements.
- The Town cannot commit to a turnaround time of 14 days until the size and complexity of plan review is determined.

**SECTION 8: INVOICING REQUIREMENTS**

- The Town must be reimbursed for all staff time associated with plan review, permit issuance, construction inspection, and handling of residents questions/complaints.

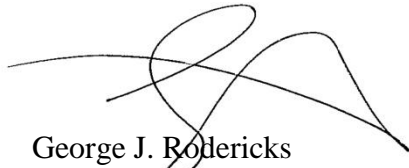
**SECTION 9: TRAFFIC MAINTENANCE AND DETOURS**

- Until specific design plans are submitted for Town review, the Town is unable to agree to any type of road closure, traffic control/detour proposals, and public noticing requirements.

Fundamentally, the Town of Atherton does not see a reason or purpose for the Town to enter into a Comprehensive Agreement between the Peninsula Corridor Joint Powers Board and the Town of Atherton relating to the Peninsula Corridor Electrification Project. There are many issues within the Town's CEQA litigation that remain unsettled and the proposed agreement does not address within any specific granularity the threshold issues noted above. The Town is unable to agree by inference to any of the recitals and requirements imposed by the proposed agreement until the Town's CEQA challenge to the Electrification Project FEIR is resolved and settled.

Regards,

**TOWN OF ATHERTON**



George J. Rodericks  
City Manager