
Comment Letter O013 (Andy Chow, BayRail Alliance, April 26, 2010)

O013

Kris Livingston

From: Andy Chow [andychow@pobox.com]
Sent: Monday, April 26, 2010 4:42 PM
To: HSR Comments
Cc: BayRail Board group
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

BayRail Alliance would like to submit the following comments:

- The proposal for placing HSR tracks on the state-owned Monterey Highway right of way could impact bicycle riders. Currently most of the Monterey Highway features two relatively wide bike lanes. } O013-1
- The proposal for placing HSR tracks on the state-owned Monterey Highway right of way could impact VTA's current and future bus service along the corridor. This document should explain the additional travel time that would be added for bus riders and additional operating costs added for VTA. This document should explain possible mitigation strategies that will be taken to minimize impacts on transit riders. } O013-2

Andy Chow
President
BayRail Alliance

Response to Letter O013 (Andy Chow, BayRail Alliance, April 26, 2010)

O013-1

Comment noted. Potential impacts to different modes of travel, including bicycle and pedestrian, due to the proposed changes to the Monterey Highway will be analyzed at the project-level EIR/EIS. The effect of project on existing or planned bicycle facilities will be evaluated and if these facilities are determined to be impacted by the project, mitigation measures will be recommended.

O013-2

Comment noted. The project-level traffic impact analysis study will evaluate future transit conditions in the study corridor with the proposed project. The effect of Monterey Highway modification on existing and planned transit operations will be evaluated.

Comment Letter O014 (Rosanna Marks, The Compassionate Friends, April 5, 2010)

O014

Kris Livingston

From: Rosanna63@aol.com
Sent: Monday, April 05, 2010 2:16 PM
To: HSR Comments
Subject: Bay Area to Central Valley EIR comments revised drafts

April 5, 2010

Dear Sirs;

I live in the Mid Peninsula area of the Bay area. There are two cal train stations not a block from my home and my child's high school. I am writing to let you know that I support high speed rail. | O014-1

I am aware that my tax dollars have already been appropriated to this project and I don't think I'll be getting my money back if it does not go through. | O014-2

A high speed rail would necessitate the construction of an elevated track through my neighborhood and I believe this will save lives and eliminate the automotive traffic in our area. | O014-3

If it were up to me, I would insist that the structures built at the stations be complimentary to the architecture around our neighborhood. | O014-4

If it were up to me, I would insist that this EIR would diminish the noise levels of any train passing through our town since it would be elevated. | O014-5

Thank you for your time.

Rosanna Marks
The Compassionate Friends
Mid Peninsula Chapter
1007 Morrell Avenue
Burlingame, California 94010
650-302-6832
Rosanna63@aol.com
www.compassionatefriends.org



Response to Letter O014 (Rosanna Marks, The Compassionate Friends, April 5, 2010)

O014-1

The comment expresses support for the HST. Comment acknowledged.

O014-2

Comment acknowledged.

O014-3

Comment noted. The precise alignment and profile options for the network alternative selected for the HST system will be further evaluated and refined as part of the preliminary engineering and project-level environmental review and will include aerial, trench and/or tunnel concepts. Available right-of-way, impacts on adjacent communities, safety, and costs will be among the key factors considered as part of this review.

O014-4

The design of the HST stations and infrastructure will be determined as part of the project-level EIR/EIS, underway now. Local input as part of the project-level EIR/EIS will be used to inform the design process to ensure that the final project has the least possible feasible impact and greatest community support.

O014-5

Comment acknowledged. See Standard Response 3. More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs.

Comment Letter O015 (Terri Balandra, District 6 Neighborhood Planning and Land Use, April 22, 2010)

O015

O020

Kris Livingston

From: Terri Balandra [tbalandra@apr.com]
Sent: Thursday, April 22, 2010 5:21 PM
To: HSR Comments
Subject: Bay Area-Centrl Valley Revised Draft EIR Comments

H.S.R. Committee;

I believe your EIR is inadequate, as it did not address the OEI height issues (One Engine Inoperative) here, in Santa Clara County. Why didn't you consider the Santa Clara County A.L.U.C. (Airport Land Use Committee) Land Use Plan, regarding the OEI height issues? How does the height of the elevated tracks near downtown San Jose and over the Hwy 880 freeway conform to the OEI hheights? Why hasn't there been any mention of airport height limits, in any discussions?

Violating the OEI airspace will damage our Airport's economic health, as long-distance Airlines will no longer be able to take off & land here, due to the HSR height obstruction. The Ridership and Revenue Forecast states, that violating the OEI - and the subsequent elimination of long-haul flights, would impair the relocation of new companies to choose San Jose as their business location... which will affect our City & Airport economic models.

I understand that the HP Pavillion is the maximum OEI height in the Diridon area, and I am wondering if the Program Alignment plans for the areas over the West San Carlos St. viaduct, the Alameda, and the new Diridon Station - will violate that OEI height?

Also, has the alignment heights over the West San Carlos and E. Hedding viaducts been cleared by a "No Hazard Determination" by the FAA yet? If not, when is the FAA determination expected? This determination should also include the height of any electrical structures, vents, antennae, etc - correct? ... and you'll be determining that height, using the taller of the two methodologies (OEI & FAA Hazard) - correct?

Thanks for your consideration of this very important economic concern.

Terri Balandra
District 6 Neighborhood Planning and Land Use
408.309.3711 cell

Kris Livingston

From: Bill Rankin [bill@networks.com]
Sent: Monday, April 26, 2010 11:51 AM
To: HSR Comments
Subject: Fw: Bay Area to Central Valley Revised Draft Program EIR Material Comments

--- On Mon, 4/26/10, Bill Rankin wrote:

From: Bill Rankin
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
To: comment@hst.ca.gov, "Dan Leavitt"
Date: Monday, April 26, 2010, 11:46 AM

Dear Mr. Leavitt

This letter is on behalf of the board of the North Willow Glen Neighborhood Association in support of the formal comments on the EIR sent to you by Harvey Darnell, Chair of the Greater Gardner Coalition. Our board provided detailed input into that document and we hope the information provided results in good decision making for how HSR will be implemented in our community.

We believe the Program alignment as currently proposed would adversely affect our community. If HSR were to come to San Jose by an underground option or a route following the 280/87 corridor it would alleviate many of our concerns. We are supportive of HSR coming to San Jose if it can be built in a way that respects San Jose's history and protects neighborhoods.

Thank you

Bill Rankin
Chair North Willow Glen Neighborhood association

O015-1

O020-1



Response to Letter O015 (Terri Balandra, District 6 Neighborhood Planning and Land Use, April 22, 2010)

O015-1

Please note that alignments have considered and avoided protected airport airspace in accordance with FAA requirements.

Comment Letter O016 (Ron Herman, Bedford Square Owners Association, March 24, 2010)

O016

Kris Livingston

From: Ron Herman [rherman@paxio.net]
Sent: Wednesday, March 24, 2010 4:48 PM
To: HSR Comments
Subject: Bay Area to Central Valley HST Revised Draft Prgram EIR Material Comments

Sirs:

We strongly encourage you to build a tunnel between the Palo Alto, Alma Street station and the San Jose station for the new high-speed rail system.

I live in the recently constructed Bedford Square townhouse development which is located at the intersection of the CalTrain tracks and Hwy 237 in Mountain View. This neighborhood is already seriously and negatively impacted by loud noise from CalTrain, from the light rail system, and from Hwy 237. High-speed rail running below-grade in an open trench or on elevated tracks will add an additional and intolerable noise burden on the residents of both Bedford Square and the Whisman Station neighborhood on the east side of the CalTrain tracks, and on the Mondrian townhouse community, currently under construction on the west side of the tracks at Hwy 237.

O016-1

Neighborhood residents cannot keep the windows open because the noise is so loud that we are unable to sleep. We previously submitted an application for construction of sound walls along Hwy 237 in this area to mitigate the freeway noise, but the application was turned down. The high-speed rail line will only add to this noise problem, and efforts must be made to reduce its impact by using a tunnel, and by including construction of sound walls along Hwy 237 as an integral part of your plans for this area.

At 41 feet to the roof line, the Bedford Square townhouses are quite tall and they sway whenever a CalTrain or freight train passes through this area. High-speed rail will contribute to this effect and may cause further cracking, settling, and damage to the structure of our homes. Efforts must also be made to prevent train vibrations from adversely impacting the surrounding residential communities.

O016-2

Thank you.

Ron Herman
President
Bedford Square Owners Association
467 Kasra Drive
Mountain View, CA 94043
650-625-0805
rherman@paxio.net



Response to Letter O016 (Ron Herman, Bedford Square Owners Association, March 24, 2010)

O016-1

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs, including cumulative noise impacts from existing and proposed sources. See Standard Response 5. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See Standard Response 3.

O016-2

More detailed information and analysis of vibration impacts and mitigation will be included in project-level EIR/EISs. See Standard Response 3.

Comment Letter O017 (Russ Peterson, Felton Gables Homeowners Association, April 23, 2010)

O017

Kris Livingston

From: R [rrrp67@yahoo.com]
Sent: Friday, April 23, 2010 4:47 PM
To: HSR Comments
Subject: Draft EIR Comments

Felton Gables Homeowners Association
 Menlo Park, Ca 94025

April 23, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR

COMMENTS

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to the California High Speed Rail Authority's (CHSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident homeowner and President of the Homeowner's Association for the Felton Gables neighborhood. We are a community adjacent to the Caltrain Right-of-Way (ROW) midway between San Francisco and San Jose.

The following concerns suggest more detail is required to assess and thus analyze and address the impacts of the HST Program:

Environmental Justice:

Criteria for consideration of Environmental Justice, EIR p. 2-5, suggests the HSRA is justified in overlooking the North Fair Oaks community in San Mateo due to their size relative to the overall size of the County. The Caltrain ROW runs through the community which is presently being engaged in a County initiated planning and redevelopment efforts. Both English and Spanish speaking residents, however, report having, "never heard of this!" when I attended a meeting, April 14, 2010, where HSRA Plans were introduced. It is the responsibility of the HSRA to offer this group and similar under-served communities, such as in the City of San Mateo, an appropriate avenue and opportunity, or timeframe, to respond. There was apparently no outreach to this community despite Hispanic outreach in San Jose - Central Valley segment for the initial, decertified EIR as well as no outreach for the Draft EIR.

Noise and vibrations:

The revised EIR incorporates information about HST noise and vibration impacts but does not address a proactive mitigation policy should noise/vibration levels exceed expectations. High-Speed trains traveling 125 mph (> 90 dBA) every few minutes, per estimated schedules, will be nearly as loud as existing commuter train horns. It is suggested such trains will be "quiet" yet the levels may exceed healthy tolerances. Japan's experience with HST systems should be incorporated and a sound level predetermined (Japan's legal limit is 70 dBA in urban settings) should insufficient mitigation funding or inadequate noise mitigation result in actual harmful levels of noise for residents, school children, and businesses along the route. Studies indicate

speed/noise interdependence would be useful in setting appropriate mitigation policy rather than relying on sound barriers.

The measurement of train noise: a case study in northern Italy
 Transportation Research Part D: Transport and Environment
 Volume 8, Issue 2, March 2003, Pages 113-128

"For electrified lines, when speed is below 80 km/h, a change of 20-30 km/h does not cause significant variations in Lmax..." suggests that low speed electric rail vehicles do not emit significantly greater noise with variation at of speed (<50 mph) but the converse should be true, HST increased speed add significantly to noise generated.

In addition, construction noise/vibration impacts are not adequately addressed or do not seem to be accounted for outside the proposed 50' limit on each side of the ROW. Impacts of construction techniques such as shoofly tracks, which in some scenarios would be built less than 10' from the front door of homes along Stone Pine Lane in Menlo Park, could cause physical building damage as well as drive people from their homes for years with no apparent plan of removing and replacing residents. (See also Construction Impacts/Remediation below).

Further, noise and vibration impacts due to maintenance operations are not adequately addressed for a HST system and thus the EIR is not informative to the public. To meet appropriate levels more details should be provided - system wide - discussing the need for rail grinding and ongoing maintenance - which will be conducted during non-operating hours, at night.

US DOT, FRA, Oct 2005; High-Speed Ground Transportation Noise and Vibration Impact Assessment

"The importance of adequate wheel and rail maintenance in controlling levels of ground-borne vibration cannot be overemphasized. Problems with rough wheels or rails can increase vibration levels by as much as 20 dB, negating the effects of even the most effective vibration control measures."

A base of 90+ dBA with this level of increase, over a logarithmic scale, indicates nearby residents, students and pedestrians would sustain hearing damage even with some forms of hearing protection.

Visual Impacts:

Significant natural resources, mature trees, will be permanently removed and replaced by concrete structures, high-voltage wires and perhaps sound-walls. All these structures will tower over mostly single story homes and some two story structures adjacent the ROW which are limited in height by local codes. This impact to our urban forest includes the value and cultural heritage of the El Palo Alto tree but also include removal of more than 20 heritage trees visible from my back door. There is no mitigation for removing these trees nor the nearly 1700 trees on the San Jose to San Francisco segment.

Construction Impacts/Remediation:

Understanding this document is a "Program Level" analysis it should account for direct construction costs of a HST system but also clarify what remediation will be required post construction phase.

Neighborhood homes will be harmed by extra tracks, shoofly, needed to keep Caltrain running during construction of the HST system. This will cause damage to neighboring homes and businesses that will not be taken for ROW expansion or permanent HST construction. Funding for such 'restoration' is not called out specifically and 'mitigation' funding seems inadequate to address these types of issues in the San Jose to San Francisco segment.

Routing:

O017-2
cont.

O017-3

O017-4

O017-1

O017-5

O017-6

O017-2

O017-7

Comment Letter O017 - Continued

The EIR was updated to address Union Pacific ROW issues but fails to address the broader analysis of routing questions. This is significant given CHSRA's actions and efforts to promote development of the "Altamont Corridor Rail Project" and recent revelations that the consultant (Cambridge Systematics), tasked with ridership analysis, changed at least one of the 'ridership model' coefficients, significantly, after the model was approved by a review panel. An independent analysis of the model and data by the Institute of Transportation Studies, Berkeley, is being undertaken but results are due after Cambridge completes a new study and well after comments for this EIR are due. Either one or both pending sets of data should be used in analyzing route choices rather than continue with the past assumption that the Pacheco alignment analysis is still valid. Further, the Chairman of the CHSRA indicated in Senate testimony in January that the "model" was not predicting ridership but only a tool for analyzing revenue impacts for different ridership levels. This indicates little solid basis for understanding the capacity needs of a HST system and thus provides no basis for an EIR evaluation.

A question also arises as to why a Program Level EIR for a HST train system would include contemplation of only one route when the Authority is actively engaged in planning for two? Altamont has 5x the commuter traffic of Pacheco and serves a community of over 1 million while providing shorter access, both miles and time, to a terminus in San Francisco. If the project goal is to achieve Prop 1A requirements, reach a high level of ridership and minimize environmental and community impacts it makes sense for the Draft EIR to consider or include the Altamont route per the CHSRA actions. It does not make sense to exclude the latest analysis and HSRA planning for Altamont based on the earlier EIR.

CHSRA's outreach, plans and support for Altamont Corridor Rail Project can be found here:

<http://www.cahighspeedrail.ca.gov/library.asp?p=8392>

Financing/Economic Impacts:

As noted in our comment letter of April, 2009, there is insufficient information in Proposition 1A to adequately plan financing and funding of this project which would severely impact completion of a "system". Chairman Pringle and CHSRA Board Member Diridon have both testified (Jan. 2010, Apr. 2010, respectively) that funding, especially private funding, is dependent on an, "Investment Grade Ridership Study." Private funding is planned to exceed 25% of the Program's cost but the larger issue remains - how big a system is required? It should be a key element of this EIR to identify an appropriate system size. All factors relating to impacts, construction and operations, need to be addressed accordingly and thus it is reasonable to expect a proper and complete ridership study be the basis of this EIR review not vice versa.

Economic impacts are not typically addressed vis a vis planned implementation of the HST system. However, CHSRA Board members have testified to the State Senate and Assembly, as well as at Board meetings, and argue "independent utility" of the numerous sections as a guard against the risk of insufficient funding. Given the existing success in obtaining Federal funding (<15% of the planned \$17 Billion) and given the Board's insistence on utility of each section means further details should present the environmental value of such an economic option apart from a complete system. In the proposed EIR the assumption of a full system is anticipated with full ridership. This is a highly improbable scenario where all sections will be at or under budget due to Prop 1A funding restrictions. The EIR should be expanded to address impacts based on current implementation assumptions since the environmental impacts on Peninsula communities in the proposed route will be severe, or in EIR language "high", yet bring minimal project value.

Revisions to the proposed HST system will now avoid certain Union Pacific ROW conflicts by simply stating they will build around impacts to current freight rail operations. Not adequately addressed is the long-term impact of limiting freight expansion. Limited analysis does note increased congestion will be "significant". Besides this obvious impact a net impact of the HST system is to provide a 'green', alternative form of transportation but the environmental cost will be, (per the UP letter to CHSRA dtd July, 7, 2008):

"High-Speed Rail would cut-off, forever, our ability to expand capacity in Central Valley, leaving California with only highway alternatives."

Limiting freight rail access and growth in favor of more truck freight carries 3x greater social costs, accidents, air pollution, GHG emissions, as noted in the Pardee Rand Graduate School Policy Insight, Volume 2, Issue 5, Dec, 2008:

www.rand.org/pubs/corporate_pubs/2008/RAND_CP521-2008-12.pdf

"A recent study of these external costs borne by society, summarized in Figure 3, found that the total social cost of hauling a ton-mile of freight by truck is more than three times as much as by intermodal train (Forkenbrock, 2001)."

California moves less than 45% of goods destined for out of state markets by rail. Future freight rail growth should be examined, and expected, given State policies such as AB 32 (Green House Gas reduction targets). Associated GHG reductions of a HST system, either full or partial, should be discussed and balanced out in the current analysis of impacts. This environmental analysis is critical since studies suggest increased emissions from a HST system unless extremely high ridership (>92% average) is attained and thus freight expansion will more clearly meet environmental goals and State Laws.

<http://www.its.berkeley.edu/publications/UCB/2008/VWP/UCB-ITS-VWP-2008-2.pdf>

Chester, M. and A. Horvath, Environmental Life-cycle Assessment of Passenger Transportation: A Detailed Methodology for Energy, Greenhouse Gas and Criteria Pollutant Inventories of Automobiles, Buses, Light Rail, Heavy Rail and Air (v. 2) VWP-2008-2

The concerns indicated here reflect an overall emphasis to better inform the public, local governments, transit organizations, businesses, etc. of the full impacts of a HST system. The revised Draft EIR focuses on the Caltrain corridor and methods of construction that will have a devastating impact on my community in the hopes of developing vibrant communities elsewhere in the state. But simply stating an impact will be "Low, Med., High" does not account for the necessary discussion of trade-offs in selecting routes, methods and mitigations. I look forward to hearing more detailed response to these overall Program questions before we engage in further Project level discussions.

Very truly yours,

Russ Peterson
President, Felton Gables Homeowners Association
466 Felton Drive
Menlo Park, CA. 94025

cc: Senator Joe Simitian 11th District,
160 Town & Country Village
Palo Alto, CA 94301

O017-8

O017-9

O017-10

O017-10
cont.

O017-11



Response to Letter O017 (Russ Peterson, Felton Gables Homeowners Association, April 23, 2010)

O017-1

Comment acknowledged. The Authority has endeavored to provide the broadest possible notice of the 2010 Revised Draft Program EIR Material. Notification was provided in 8 newspapers including the San Jose Mercury News. A Notice of Availability and Notice of a Public Meeting postcard was further distributed to over 50,000 individuals identified as part of on-going project-level engineering and environmental studies. The Revised Draft Program EIR Material and a Notice of Availability and of a Public Meetings was also made available to 16 libraries for public viewing. If the Authority proceeds with a network alternative that involves Felton Gables neighborhood at the project level, the Authority will continue its efforts at public outreach in the area.

O017-2

See Standard Response 5 regarding noise impacts and methodology.

O017-3

More detailed information and analysis of construction noise impacts and mitigation will be included in project-level EIR/EISs. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for aesthetics/visual, noise/vibration, biological resources and wetlands, cultural resources, parks and recreation. **See Standard Response 3.**

O017-4

More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs,

including evaluation of track maintenance activities. See Standard Response 3.

O017-5

The 2008 Final Program EIR assumed that Caltrain and HST would remain within the existing right-of-way at most locations, meaning that trees outside the right-of-way would not be removed, although some trimming would be required for vegetation intruding on the right-of-way. The Authority will consider this issue again when it considers whether to certify the Revised Final Program EIR, whether to adopt findings including mitigation commitments, and whether to make a new decision to select a network alternative for further review in project level analyses. Review of mitigation strategies will include consideration of whether there may be a need to acquire adjacent properties, including at locations where the current Caltrain right-of-way is not wide enough to accommodate the addition of HST if the Caltrain Corridor is part of the selected network alternative, and, if so, the provision of replacement landscaping to be established outside the area required for rail operations. Such landscaping, which would be considered in more detail during project-level analyses, would be intended to replace appropriate landscaping that is required to be removed in order to accommodate the project. During project-level analyses mitigation considerations may also include landscaping along potential retaining or sound walls, such as the introducing of vines to the surfaces of columns and walls and landscaping to obscure or screen views of columns and walls.

O017-6

El Palo Alto, the old Palo Alto tree, has lived next to the railway since 1863, with the current double-track configuration in place since 1904. The HST tracks depicted in the 2008 Final Program EIR run to the west of the existing tracks, further from El Palo Alto than the existing tracks. As the tree is a historic site, analysis will be undertaken in the project-level EIR/EIS to determine the project

design and mitigations to make sure the tree is not damaged by the HST.

It is expected that removal of mature trees and other vegetation along the network alternative the Authority ultimately selects, including the Caltrain corridor if it is selected, would be avoided to the extent possible. Operational and construction impacts including those related to the removal of trees would be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level as more detailed information becomes available for the HST engineering, design, and placement of structures, and the detailed study necessary to identify the presence of the impact, the level of significance, and location specific mitigation can only be done at the project level.

0017-7

See Response to Comment L003-18

0017-8

The EIR was updated to address the topics noted in the Superior Court's judgment in the Town of Atherton case as needing additional work under CEQA, including issues related to UPRR rights-of-way. Comment noted on ridership model issues. See Response to Comment O012-6. Note that the Authority's 2009 Business plan noted appropriately the difference between ridership estimates for

investment studies and those for the purpose of analyzing environmental impacts.

0017-9

Comment acknowledged. The Authority is complying with Proposition 1A regarding the financing of the HST system. A study of the financing of the entire HST system is beyond the scope of this Program EIR, and was not identified by the Superior Court judgment in the Town of Atherton case as a topic area requiring additional work under CEQA.

0017-10

See Response to Comment O012-23.

0017-11

Comment acknowledged. The Authority believes that the level of detail in the Program EIR is adequate for the general level of decision making being proposed to select a network alternative to connect the Bay Area to the Central Valley. See Standard Responses 2 and 3.

Comment Letter O018 (Sylvia Hamilton, San Martin Neighborhood Alliance, April 23, 2010)

O018

Kris Livingston

From: rjohnsanders@aol.com
Sent: Friday, April 23, 2010 4:24 PM
To: HSR Comments
Cc: sylvialrs@hotmail.com; yvonne.ss@sbcglobal.net
Subject: Bay Area to Central Valley Revised Draft Program EIR Material
Attachments: Letter to DLeavitt 4-23-10.doc



San Martin Neighborhood Alliance

"Together We Make A Difference"

April 23, 2010

Mr. Dan Leavitt
California High Speed Rail Authority
Attention: San Jose to Merced Section
925 L Street, Suite 1425
Sacramento, California 95814

RE: Bay Area to Central Valley High-Speed Train Revised Draft Program Environmental Impact Report Material, March 2010, Comments

Dear Mr. Leavitt:

We have read the Revised Draft Program Environmental Impact Report (EIR) Material and have the following comments:

1. Nowhere in the almost 250-page document is the Town of San Martin mentioned, or the environmental impacts discussed, even though the proposed High Speed Rail (HSR), as proposed, will go through the heart of San Martin and will have significant impacts on the Community. Smaller communities, e.g., Coyote and San Felipe are discussed but not San Martin with its 7,000 residents. There was also no reference to San Martin in the over 1,240-page 2008 Environmental Impact Report/Environmental Impact Statement (EIR/EIS) that was decertified. O018-1
2. The document needs to be revised to address the California Environmental Quality Act (CEQA) impact categories as they relate to residences, businesses, agriculture and other uses in San Martin surrounding the proposed HSR. O018-2
3. Page 2-1 – Introduction – The document does not discuss the land use, traffic, aesthetics and visual resources and cultural resources impacts of the HSR going through San Martin. O018-2
4. Page 2-2 – Land Use Compatibility – Land use impacts which include land use compatibility, noise, communities and neighborhoods, property and environmental justice (e.g., homes, schools, central residential area, minority and low-income populations) are not addressed for San Martin. O018-3

Comment Letter O018 - Continued

Mr. Dan Leavitt
Page No. 2
April 23, 2010

- | | | |
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| <p>What will the noise impacts be at different distances from the HSR tracks through San Martin? What will the noise impacts be on sensitive land uses such as the school, senior living facilities and residences in San Martin?</p> | | O018-4 |
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| <p>There is no mention of the impacts to residential, commercial/industrial and agricultural land uses in San Martin, including prime farmland and Williamson Act parcels.</p> | | O018-5 |
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| <p>5. Page 2-3 – Communities and Neighborhoods – The HSR would create a physical barrier, isolating or separating one part of the established San Martin community from the other and result in a physical disruption to community cohesion. The HSR will have significant transportation and traffic impacts on San Martin. There would be new community barriers if grade separations or road crossings are not provided for some roads. Which roads in San Martin would be cut off by the HSR?</p> | | O018-6 |
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| <p>6. Page 2-3 – Property – Do the property costs include property acquisition, displacement and relocation of existing uses (including residential and businesses) and demolition of properties in San Martin?</p> | | O018-7 |
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| <p>7. Page 2-4 – Property – Why have you only looked at property impacts 50 feet on either side of the HSR alignment? There will probably be a need for acquisition of much larger parcels, rather than small portions of a parcel, and the impacts will extend considerably more than 50 feet.</p> | | O018-8 |
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| <p>8. Page 2-5 – Environmental Justice – The document does not analyze the impacts on minority and low-income populations in San Martin with the proposed alignment going through the heart of San Martin.</p> | | O018-9 |
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| <p>9. Page 2-6 – Communities and Neighborhoods – The document lists smaller communities, e.g., Coyote and San Felipe (which are not cities) but there is no mention of the larger San Martin.</p> | | O018-10 |
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| <p>10. Page 2-7 – Environmental Justice – What about environmental justice impacts on minority and low-income population and on children in San Martin? The proposed alignment is adjacent to the only school in San Martin.</p> | | O018-11 |
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| <p>11. Page 2-12 – Revised Aesthetics and Visual Resources Analysis – There is no discussion of the significant aesthetics and visual landscape impacts on San Martin of the proposed HSR whether the tracks are at grade, elevated, trenched or tunneled. The HSR will affect residents’ views looking across the valley to the mountains to the east and west.</p> | | O018-12 |
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- | | | |
|--|--|---------|
| <p>12. Page 2-13 and elsewhere – Morgan Hill and Gilroy are cities, not towns.</p> | | O018-13 |
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Mr. Dan Leavitt
Page No. 3
April 23, 2010

- | | | |
|---|--|---------|
| <p>13. Page 5-1 – Revised Capital Costs – Do the capital costs include land acquisition and residential and business relocation costs in San Martin. Will eminent domain be used to acquire residential and commercial/industrial property in San Martin?</p> | | O018-14 |
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| <p>14. Page 5-2 – Why is only a 50-foot right-of-way costs, which seems inadequate, included in the acquisition costs?</p> | | O018-15 |
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| <p>15. Page 6-2 – Table 6-1, Travel Conditions, states the Gilroy station would be the closest station for Santa Cruz County. (This is also stated in other places in the document.) Much of the population in Santa Cruz County would be closer to the San Jose station rather than the Gilroy station. This raises questions about the validity of the ridership forecasts for a Gilroy station and related facilities, e.g., vehicular parking.</p> | | O018-16 |
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| <p>In summary, the document needs to be revised to acknowledge the existence of San Martin and to address the CEQA impact categories that would be affected by routing the HSR through the heart of San Martin.</p> | | O018-17 |
|---|--|---------|
- Yours sincerely,
- SAN MARTIN NEIGHBORHOOD ALLIANCE
- Sylvia Hamilton*
- Sylvia Hamilton
President
- cc: Supervisor Don Gage
Steve Tate, Mayor of Morgan Hill
Al Pinheiro, Mayor of Gilroy
Yvonne Sheets-Saucedo
R. John Sanders

Response to Letter O018 (Sylvia Hamilton, San Martin Neighborhood Alliance, April 23, 2010)

O018-1

The Authority appreciates the comment and is aware that San Martin and other smaller communities/unincorporated areas along the different alignment alternatives have not been specifically identified in the Program EIR process. The purpose of the program EIR is to identify the broad differences between the alternatives and has mainly identified cities along the proposed alignments, rather than unincorporated areas. As explained in the response to other comments in letter O0018, the Program EIR has addressed the environmental impacts along the San Jose to Central Valley Corridor generally and appropriately disclosed impacts in the areas identified by the commenter.

O018-2

See Response to Comment O018-1. The environmental impacts discussed in the 2008 Final Program EIR and the 2010 Revised Draft Program EIR included those between San Jose and Gilroy including unincorporated areas of Santa Clara County. See also Standard Response 3.

O018-3

See Standard Response 3. Because this is a program-level document, the land use compatibility analysis was performed on a broad scale. Potential project-level effects on land use compatibility will be addressed in the project-level EIR/EIS.

O018-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. The noise and vibration analysis in 208 Final Program EIR was not one of those topics. Please see Chapter 3.4 of the 2008 Final Program EIR. More detailed information and analysis of noise and vibration impacts on sensitive receptors, such as residences and schools, and mitigation measures will be part of a project-level EIR/EIS because the

determination of impact is a product of the HST system design and can only be done at the project level. See also Standard Response 3.

O018-5

Section 3.7.3 of the 2008 Final Program EIR and Section 2.2 of the 2010 Revised Program EIR Materials describe land use impacts along the San Jose to Central Valley corridor at the program level. Project-specific land use impacts will be addressed at the project level.

O018-6

The Authority has sought to utilize existing transportation corridors to the greatest extent feasible to minimize impacts to communities and the environment. The HST system would operate over a fully grade-separated, dedicated track alignment; but by following existing transportation corridors the HST system would not be creating a new physical barrier and, where it would provide grade separation that does not currently exist, the HST would result in improvements in safety, circulation and access between neighborhood areas.

O018-7

See Standard Response 7.

O018-8

Section 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Section 3.7 of the May 2008 Final Program EIR discussed the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around

station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above or better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

O018-9

The Program EIR developed minority and low-income population percentage thresholds to identify locations within the study area where there were higher than average concentrations of environmental justice communities as compared to the surrounding study area, city and/or county as a whole. In addition, the Program EIR evaluated size and type of right-of-way needed for the alignment alternatives and proximity to environmental justice populations. These factors provide a reasonable indication of where potential benefits or disproportionate impacts to minority and low-income populations would be most likely to occur. Because this is a program-level document, the analysis considered the potential for environmental justice impacts on a broad scale. Additional analysis and public outreach will take place during project-level investigations to identify minority and low-income individuals including any dispersed locations of these populations and to consider potential localized disproportionately high and adverse effects. See also Standard Response 3.

O018-10

Comment noted. San Martin, an unincorporated town within Santa Clara County, has been added to the description in Section 2.2 of the Revised Final Program EIR. See also Responses to Comments O018-1 and O018-2.

O018-11

See Response to Comment O018-9.

O018-12

The HST alignment through the San Martin area is described as at-grade and adjacent to the UPRR right-of-way. The Program EIR did not specifically note San Martin as a community between Morgan Hill and Gilroy. Section 2.4 of the 2010 Revised Draft Program EIR **states**: "Just north of Almaden Expressway, the line returns to an at-grade alignment alongside the UPRR... The proposed configuration would continue all the way through Morgan Hill and Gilroy. New roadway grade separations would carry roadways either over or under the UPRR and HST tracks."

O018-13

This comment disagrees with the characterization of Morgan Hill and Gilroy as towns. Comment acknowledged.

O018-14

The capital costs provided in this program EIR process are representative of all aspects of implementation of the proposed HST system, including construction, right-of-way, environmental mitigation, and design and management services. The right-of-way costs include the estimated costs to acquire properties needed for construction of the HST infrastructure. See also Standard Response 7 regarding eminent domain.

O018-15

The 2008 Final Program EIR/EIS included many assumptions that will be revisited during future analyses and Project EIR/EIS for each section. 50 feet was identified in the 2008 Final Program EIR as the minimum section required to accommodate a two-track dedicated HST system.

O018-16

The commenter is correct that high-speed train riders in Santa Cruz County would be close to both San Jose and Gilroy stations. The proposed Gilroy station would be closer to Monterey and the Central Coast region. The text of Table 6-1 is revised with reference to the Gilroy station as follows: "The proposed Gilroy station would be the

closest HST station for Monterey, San Benito, and a portion of Santa Cruz counties."

0018-17

The Authority disagrees that the document needs to be revised. The environmental impacts discussed in the 2008 Final Program EIR and the 2010 Revised Draft Program EIR included those between San Jose and Gilroy including unincorporated areas of Santa Clara County. San Martin has been added in the Revised Final Program EIR. See also Response to Comment 0018-1.

Comment Letter O019 (John Urban, Newhall Neighborhood Association, April 25, 2010)

O019

Kris Livingston

From: John Urban [urbanjohnnewhall@yahoo.com]
Sent: Sunday, April 25, 2010 11:59 PM
To: HSR Comments
Cc: alias for NNA
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Mr Leavitt:

Approximately two years ago, the High Speed Rail Authority publicly presented (Roosevelt Community Center – SJ,CA) preliminary drawings of Section 9 in the San Jose to San Francisco alignment. Section 9 was shown with one alternative, underground (not cut and cover), for the entire length. There was a call for comments related to the alternatives. I asked at the public meeting why section 9 and none of the other sections of the SJ-SF alignment had one underground alternative only. Two different engineers informed me there were technical and logistical complications of section 9 which dealt primarily with the existing confluence of train activity from San Francisco and the East Bay at the Newhall Wye. Residents did not submit non tunnel alignment comments to the High Speed Rail Authority because there were none to comment on. Newhall residents do not have any recourse for non – tunnel alternatives. This does not seem to be a fair and equitable process.

O019-1

Since residents in our neighborhood were not properly informed about the eventual alternatives through our neighborhood, I would like to point out some of the issues associated with our proximity to the railroad right of way.

EXISTING CONDITIONS

Vibration

The Newhall Neighborhood currently experiences vibration from the rail car traffic in the corridor due to its proximity to the Newhall Rail Yard. Both freight and passenger rail cars passing at all times of the day create vibrations that make living near the rail lines a real challenge. The housing units near/adjacent to the tracks have their bedrooms on the third floor which makes sleeping through the night difficult. The swaying of the building or experiencing the vibration is the most extreme on the top floor, where people attempt to sleep.

O019-2

Union Pacific Railroad centers much of its south Bay coupling and uncoupling activity at the Newhall Yard especially between 10PM and 5AM. Negotiations with the railroad have not improved the situation.

Noise

Noise impacts are experienced approximately 1/3 mile from the railroad right of way. AMTRAK (Capital Corridor) ACE, Caltrain and day/night-time Freight flow through the right of way to create noise impacts day and night. Efforts to reduce the 90+db noise during negotiations with Union Pacific Railroad have failed

O019-3

FUTURE DEVELOPMENT IMPACTS

BART

The approved Final BART EIR details the creation of a maintenance facility at the Newhall Yard. BART has plans to operate a 24/7 maintenance yard 300 feet from the Newhall neighborhood. During night hours the fleet will be off the operational tracks and under full heavy maintenance mode. Noise impacts to the neighborhood have been identified in the EIR.

O019-4

Concert Stadium

The City of San Jose has approved a stadium which will host 18,000 seat concerts just 900 feet from our neighborhood. The noise and light impacts from live rock concerts only exacerbate an already untenable situation.

O019-5

High Speed Rail: Noise and Visual Impacts

The current proposed alignment of the High Speed Rail train through the northern section of section 9 is feet from the boundary of our neighborhood. Any elevated alternative will hover over our medium and high density residents at about 60-70 feet high. The noise from trains passing every 3-4 minutes during peak period will project very deep into the neighborhood. The visually intimidating structure 60-70 feet above our neighborhood will severely degrade the quality of our lives.

O019-6

O019-7

The Newhall Neighborhood Association strongly endorses a cut and cover alternative for High Speed Rail through Section 9 of the San Jose to San Francisco alignment.

O019-8

John Urban
 President
 Newhall Neighborhood Association

Response to Letter O019 (John Urban, Newhall Neighborhood Association, April 25, 2010)

O019-1

Comment acknowledged. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives is being carried forward into the project level alternatives screening. If an alternative moves forward, the commenter will have the ability to participate in future project-level review of environmental documents.

O019-2

More detailed information and analysis of vibration impacts and mitigation will be included in project-level EIR/EISs, including the cumulative impacts of existing and proposed vibration sources. See Standard Response 3.

O019-3

More detailed information and analysis of vibration impacts and mitigation will be included in project-level EIR/EISs, including the cumulative impacts of existing and proposed vibration sources. See Standard Response 3.

O019-4

See the Response to Comment O019-3. Planned projects will be included in the cumulative noise analysis.

O019-5

See the Response to Comment O019-4.

O019-6

See the Response to Comment O019-3.

O019-7

In the 2008 Final Program EIR, Appendix 2D, Sheet CC 6 of 6, the HST alignment is shown in a tunnel from approximately Lafayette Street in Santa Clara to Lenzen Avenue in San Jose. If the finally selected alignment is in a tunnel, there would be few, if any, noise impacts to your neighborhood from the HST. The assessment of noise impacts from alternative vertical alignments would be analyzed in the project-level EIR/EIS analyses for the selected network alternative..

O019-8

Comment noted. The precise alignment and profile options for the HST system network alternative that is ultimately selected, including the Caltrain Corridor if it is selected, will be further evaluated and refined as part of the more detailed engineering and design work, to be done with the project-level environmental review and would include aerial, trench and/or tunnel concepts. Available right-of-way, impacts on adjacent communities, safety, and costs would be among the factors considered as part of this review.

Comment Letter O020 (Bill Rankin, North Willow Glen Neighborhood Association, April 26, 2010)

O020

Kris Livingston

From: Bill Rankin [bill@networks.com]
Sent: Monday, April 26, 2010 11:51 AM
To: HSR Comments
Subject: Fw: Bay Area to Central Valley Revised Draft Program EIR Material Comments

--- On **Mon, 4/26/10, Bill Rankin** wrote:

From: Bill Rankin
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
To: comment@hsr.ca.gov, "Dan Leavitt"
Date: Monday, April 26, 2010, 11:46 AM

Dear Mr. Leavitt

This letter is on behalf of the board of the North Willow Glen Neighborhood Association in support of the formal comments on the EIR sent to you by Harvey Darnell, Chair of the Greater Gardner Coalition. Our board provided detailed input into that document and we hope the information provided results in good decision making for how HSR will be implemented in our community.

O020-1

We believe the Program alignment as currently proposed would adversely affect our community. If HSR were to come to San Jose by an underground option or a route following the 280/87 corridor it would alleviate many of our concerns. We are supportive of HSR coming to San Jose if it can be built in a way that respects San Jose's history and protects neighborhoods.

Thank you

Bill Rankin
Chair North Willow Glen Neighborhood association

Response to Letter O020 (Bill Rankin, North Willow Glen Neighborhood Association, April 26, 2010)

O020-1

If the recommended preferred network alternative is selected that approaches San Jose from the south, an 87-280 alternative alignment will be included in an alternatives analysis process as part of a project-level EIR/EIS.

Comment Letter O021 (Penny Ellson, Greenmeadow Community Association, April 26, 2010)

O021

Kris Livingston

From: Elizabeth Goldstein Alexis [ealexis@gmail.com]
Sent: Monday, April 26, 2010 3:53 PM
To: HSR Comments
Cc: Penny Ellson
Subject: Comments will be sent before midnight.

Greenmeadow Community Association and the Palo Alto PTA Traffic Safety Committee will be submitting comments for the Bay Area - Merced Program EIR prior to midnight and we request that you accept them.

Regards,
Elizabeth Alexis

Kris Livingston

From: Penny Ellson [pellson@pacbell.net]
Sent: Monday, April 26, 2010 11:59 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Attachments: HSR_Scoping_Letter_Greenmeadow_April_26, 2010.doc

Correction... See attached comments on Bay Area to Central Valley Revised Draft Program EIR Material Comments.

From: Penny Ellson [mailto:pellson@pacbell.net]
Sent: Monday, April 26, 2010 11:53 PM
To: 'comments@hsr.ca.gov'
Subject:

Comments attached. --Penny Ellson

Comment Letter O021 - Continued

April 26, 2010

Dan Leavitt, Deputy Director
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

RE: Greenmeadow Community Association's Comments for the California High Speed Rail Authority's Bay Area to Central Valley High Speed Train Environmental Impact Report/Environmental Impact Statement

Dear Mr. Leavitt,

Thank you for the opportunity to comment on the California High Speed Rail Authority's (CAHSRA) San Francisco to San Jose High Speed Train (HST) Environmental Impact Report/Environmental Impact Statement (EIR/EIS) process.

The proposed HST would be located along the Caltrain right-of-way in Palo Alto, directly across from the Greenmeadow neighborhood.

Greenmeadow

Greenmeadow is located on the east side of Alma, between San Antonio Road and Charleston Road. Greenmeadow, an Eichler neighborhood considered an excellent example of Modernist architecture, was placed on the National Register of Historic Places in 2005. A single story overlay is in effect for the neighborhood.

Impacts

Whereas the Greenmeadow community is designed as a single story neighborhood of single-family and multi-family homes with glass walls designed to connect exterior and interior environments, the EIR/EIS should study what the potential visual, noise, and vibration effects of all possible HST rail elevation options might be and how each option may change the exterior natural environment that the Eichler architectural design deliberately intended to connect to the homes' interiors.

The homes were designed with walls of plate-glass windows. The EIR/EIS should study what potential impacts on these there would be on the homes in closest proximity to the rail tracks and examine potential mitigation strategies.

The heart of the neighborhood is a Thomas Church-designed park, at the end of Greenmeadow Way. We would request that potential visual, noise, and vibration effects are studied. There is a preschool present in the community center located in the park.

O021-1

O021-2

Our neighborhood is in strong support of neighborhood retail centers. The EIR/EIS should study the impact on the viability of the planned Alma Plaza shopping center for all configurations.

A large housing project has been approved on the border of Palo Alto and Mountain View to replace a Hewlett-Packard office building. As part of that project, there were certain ingress and egress provisions made for Greenmeadow residents. The EIR/EIS should study the impact this project may have on traffic circulation. Additionally, we would ask to be notified of any temporary or permanent changes proposed in the case that the San Antonio Road overpass will be impacted by this project.

In addition, a pedestrian undercrossing of Alma was a condition of project approval. Any impact of this project on that undercrossing should be studied.

The location of Gunn High School requires neighborhood children to cross the railroad tracks to get to school. Palo Alto Unified School District does not provide school buses and many students use bicycles or take public transportation. The potential impact on Safe Routes to Schools should be studied for all alternatives, both during construction and after.

The closing of Charleston and/or East Meadow, even on a temporary basis, would require mitigation measures to ensure safe transport to school.

Greenmeadow is a stakeholder in the Charleston/Arasterdero project, an effort to calm traffic and improve pedestrian and bicycle safety.

The project assumes no significant increase in auto commuter volumes so closing either Charleston Road or East Meadow Road permanently would be extremely detrimental to the goals of the project and should not be considered.

Any configuration of HSR that would not completely grade separate the Caltrain corridor from vehicular traffic and would significantly impact the ability to later separate the Caltrain corridor should be avoided.

San Antonio is the closest Caltrain station to Greenmeadow. Please study an impact that the project would have on service levels to the station.

Additionally, we would request that the noise, air quality and vibration impacts be measured not simply on the basis of the change at a single point in time, but the cumulative change over different periods of the day, inclusive of all forecast rail travel in 2030(freight, Caltrain, HSR).

We would also request that the "no project" scenario incorporate the use of "Quiet Zones" as these are a relatively inexpensive way to reduce noise and are currently in use through the United States and under study on the Peninsula.

General comments

O021-3

O021-4

O021-5

O021-6

O021-7

O021-8

O021-9

O021-10

O021-11

O021-12

Comment Letter O021 - Continued

- | | |
|--|---------|
| 1. At this time, GMCA is opposed to any elevated alignment along the Caltrain right-of-way. Elevated tracks, berms or aerial structures, would be inconsistent with the very small scale of our single story historic neighborhood and incompatible with homes with walls of glass. | O021-13 |
| 2. Greenmeadow does not agree with the statement that a four track system of frequent trains would be compatible with area. A permanent structure and such an increase in train frequency fundamentally alters the nature of the corridor and our neighborhood. It is a principle of modern urban design that barriers are both physical and psychological in nature and that the tracks as currently proposed would constitute a barrier. | O021-14 |

Greenmeadow appreciates the opportunity to provide these comments for the EIR/EIS for the Bay Area to Central Valley HST Project.

Sincerely,

Penny Ellson
Greenmeadow Community Association Civics Affair Committee

Response to Letter O021 (Penny Ellson, Greenmeadow Community Association, April 26, 2010)

O021-1

Comment acknowledged. The revised project description between San Jose and Gilroy would not result in changes to the discussion of cultural resources beyond what was identified in the 2010 Revised Draft Program EIR Material related to Keesling's shade trees. The analysis for cultural resources was included in the May 2008 Final Program EIR, Chapter 3.12, Cultural Resources and Paleontological Resources. Impacts of HST construction, operation, and maintenance on specific communities and resources along the selected network alternative, including if appropriate the Greenmeadow neighborhood and the Eichler homes, which are listed on the National Register of Historic Places (NRHP), would be further analyzed as part of the project-level EIR/EIS. Resource-specific cultural resources mitigation measures such as those resulting from noise, vibration, and visual intrusion will be developed as part of the project-level EIR/EIS and through the Section 106 consultation process.

Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the NRHP and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level.

O021-2

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public parks and recreation was not one of those topics. Parks and recreational issues are discussed Chapter 3.16 Section 4(f) and 6(f) Resources (Public Parks and Recreation) of the 2008 Final Program EIR. More detailed

analyses related to impacts on recreational resources during construction and operation will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See also Standard Response 3.

O021-3

See Standard Response 6.

O021-4

Project-specific analyses of circulation, traffic, and parking will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed HST station. This will be documented in a Traffic, Transit, Circulation and Parking Report.

O021-5

Project-specific analyses of circulation, traffic, and parking will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed HST station. The project-level traffic impact analysis study will also evaluate the effect of the project and project construction on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Potential impacts to pedestrian and bike facilities and feasible mitigation measures will be documented in a Traffic, Transit, Circulation and Parking Report.

O021-6

The HST will be designed to have fully grade-separated tracks with state-of-the-art safety, signaling, and automated train control systems. Project-specific analyses of circulation, traffic, and parking will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed HST station. This will be documented in a Traffic, Transit, Circulation and Parking Report. The effects of at-grade crossing

closures or street closures on highway/roadway traffic Level of Service, vehicular trip patterns and changes in vehicular accessibility will be evaluated at the project-level. Detailed information and analysis of any potential traffic impacts, both permanent and temporary (construction-related), and feasible mitigation measures will be included in project-level EIR/EISs. The project-level traffic impact analysis study will also evaluate the effect of the project and project construction on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Potential impacts to pedestrian and bike facilities and feasible mitigation measures will be documented in a Traffic, Transit, Circulation and Parking Report.

O021-7

See Response to Comment O021-6.

O021-8

Comment noted. Detailed information and analysis of potential traffic impacts, both permanent and temporary (construction-related), and feasible mitigation measures will be included in project-level EIR/EISs.

O021-9

Between San Francisco and San Jose the Authority's analysis indicates that a fully grade-separated, four-track system would have sufficient capacity to serve peak demands of both Caltrain and the HST system in 2035. After completion of the program EIR process and after a new decision to select a network alternative for further study is made, then project-level engineering and design studies and environmental analyses will consider how the four-track, fully grade-separated system would be built or "phased," along with construction impacts and more specific mitigation measures.

O021-10

Project-specific analyses of circulation, traffic, and parking will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed

HST stations included in the network alternative that is ultimately selected by the Authority for further study. This will be documented in a Traffic, Transit, Circulation and Parking Report, along with impacts to roads leading to the affected stations due to the proposed project, the impacts will be evaluated and mitigation measures will be proposed in the project -level EIR/EIS.

O021-11

Impacts and mitigation strategies related to noise, air quality, and vibration are discussed in the 2008 Final Program EIR at a program-level. More detailed analysis and mitigation measures will be included in a subsequent project-level EIR/EIS. The impact analysis will consider the worse-case conditions and identify mitigation measures for significant environmental impacts. See Standard Responses 3 and 5.

O021-12

The 2008 Final Program EIR No Project Alternative (Page 2-2, Section 2.1.1) represented the state's transportation system as it was at the time of writing and after implementation of programs or projects in regional transportation plans with funding identified for implementation by 2030.

Project-level EIR/EIS analyses, including the San Francisco to San Jose Project EIR/EIS now underway, will consider a No Project alternative representing changes to regional transportation plans made since the Program EIR/EIS for the network alternative selected for further study. To the extent that regional transportation plans considered in project-level analyses include the development or adoption of Quiet Zones, they will be included in the relevant No Project description.

O021-13

Comment acknowledged.

O021-14

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an

existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. In addition, construction of grade separations where none previously exist would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives is being carried forward into the project level analyses.

Comment Letter O022 (Harvey S. Darnell, GGNAC, April 22, 2010)

O022

Kris Livingston

From: Harvey Darnell [harveydarnell@yahoo.com]
Sent: Friday, April 23, 2010 8:09 AM
To: HSR Comments
Cc: Harvey Darnell
Subject: Attn: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Attachments: GGC Bay Area to Central Valley Revised Draft Program EIR Material Comments Sig doc

Dear Mr. Leavitt,

Attached are the Electronic version of comments from the San Jose Strong Neighborhoods Initiative Greater Gardner Neighborhood Action Coalition (GGCNAC) regarding the Draft Program Environmental Impact Report and the Revised Draft Program Environmental Report Material. A committee of 20 Neighborhood Leaders representing Gardner Advisory Council, North Willow Glen Neighborhood Association, Gregory Plaza Neighborhood Association and Greater Gardner NAC collectively spent hundreds of hours reviewing the EIR to produce this document.

You should receive a hard copy of this document later today by Express Mail.

We hope that our comments provide useful input as you move forward with implementing High Speed Rail in the Pacheco Pass Corridor through San Jose. We look forward to partnering with you in bringing High Speed Rail through San Jose on the best possible route which preserves the neighborhood.

Harvey Darnell

April 22, 2010

Mr. Dan Leavitt, Deputy Director
California High Speed Rail Authority
Attn: Bay Area to Central Valley Revised Draft Program EIR Material Comments
925 L Street, Suite 1425
Sacramento CA 95814

Dear Mr. Leavitt,

The following are the comments from the San Jose Strong Neighborhoods Initiative Greater Gardner Neighborhood Action Coalition (GGCNAC) regarding the Draft Program Environmental Impact Report and the Revised Draft Program Environmental Report Material. A committee of 20 Neighborhood Leaders representing Gardner Advisory Council, North Willow Glen Neighborhood Association, Gregory Plaza Neighborhood Association and Greater Gardner NAC collectively spent hundreds of hours reviewing the EIR to produce this document.

The EIR was not revised in the manner typical for EIR recirculation (with insertions and strike-outs to existing EIR Chapters), and the Report Material contains Chapters that do not correlate to those of the EIR. Therefore our comments will use "M" as a prefix when we refer to sections of the Report Material and no prefix to comments in the EIR.

Section 3.1 Traffic, Transit, Circulation and Parking

The program alignment through the Greater Gardner neighborhood (Gardner alignment) could potentially isolate the Gregory Plaza neighborhood by closing Virginia Street. This would create significant vehicular and pedestrian access issues with a neighborhood of approximately 135 residences having only a single point of ingress and egress.

Gregory Plaza has a number of dead end streets that were created when Southern Pacific Rail was extended and when Route 280 was constructed. These streets do not have bulb-outs as is normally the case with cul-de-sac streets. Therefore the existing streets do not have sufficient width to allow for large vehicles to turn around.

If Virginia Street is closed, and no alternate vehicular access can be provided, then most large vehicles such as garbage trucks, delivery trucks, fire engines etc. would have to back out of the neighborhood. This is a highly significant negative impact. If a secondary access were to be created as a mitigation measure, where would it be located? How many existing homes would have to be acquired to create a new road in and out of the neighborhood?

Virginia Street is a designated City of San Jose safe-route-to-schools. How would students walk to school safely? How would reduced access to the Gregory neighborhood impact emergency response services such as Police, Fire and ambulances to that community? What effect would this have on emergency response time? Would the residents of Gregory Plaza have to wait longer in the case of fires or health emergencies?

O022-1



Comment Letter O022 - Continued

Section 3.4 Noise and Vibration

NOISE

There is a community center and four parks (three public and one private) in close proximity to the program alignment. The remaining community is primarily single-family historic homes. Due to the age of the homes (pre 1930's) many of them lack insulation and have single-pane windows.

Table 3.4.4 of the EIR understates the impacts of the projected noise. We do not believe that it is appropriate to artificially reduce the noise impact level from high to medium based on a modest reduction in at-grade crossing noise. We also question as to what is the cumulative effect of HSR on a neighborhood that has pre-existing transportation noise due to Routes 280 and 87 as well as aircraft noise from San Jose International Airport. The noise analysis does not appear to consider this. There are numerous noise studies that have been conducted by the Airport and this data should be considered in your analysis.

Additionally, we have concern about noise levels due to the four sensitive noise receptors. All four parks serve young children; they are more sensitive than adults to noise impacts and are at greater risk for hearing loss due to excessive noise exposure. Any increased noise due to HSR operations could pose unacceptable impacts and possible health concerns. Your analysis does not appear to take this into account.

VIBRATION

The EIR does not appear to contain sufficient information to evaluate whether the vibration would be a significant impact under CEQA. From the limited information available, it is not possible to actually determine whether there will be "Potential exposure of persons to or generation of excessive ground-borne vibration..." (Section 3.4.1.C)

As mentioned in Section 3.4.6.B, there is a "...need for study of site-specific ground-borne vibration characteristics. Considerable variation of soil conditions may occur along the corridor, resulting in some locations with significant levels of vibration from the HST and other locations at the same distance from the track with almost imperceptible vibration levels."

The Greater Gardner Area is located in an area of expansive soils. It is also located atop a former wetland, and there are pervasive unstable soils that affect the stability of structures and pavement throughout the area. Residents are concerned that the localized geotechnical characteristics of soil in this neighborhood have not been considered as part of the vibration analysis. The combination of sensitive historic structures with unstable soil conditions could prove problematic during both construction and HSR operations.

We would like to see site-specific data and geotechnical analysis to determine whether the vibration impacts would be significant during both the construction and post

construction phases. Would the vibration damage structures and public infrastructure? How would you determine that the noise levels would fall into a nuisance level of impact rather than a significant impact? The EIR and Program Report do not provide sufficient information to assess whether the impacts are significant or not.

O022-3
cont.

Section 3.7 Land Use and Planning, Communities and Neighborhoods, Property and Environmental Justice

LAND USE AND PLANNING

Why is the City of San Jose General Plan 2020 the only planning document cited for San Jose? Many more up to date and alignment specific city planning documents are available, including:

- City of San Jose Strong Neighborhoods Initiative, Greater Gardner, Nov 2007 Greater Gardner Neighborhood Improvement Plan Amendment
- City of San Jose Strong Neighborhoods Initiative Greater Gardner Jan 2002 (original plan)
- City of San Jose Midtown Specific Plan
- City of San Jose Tamien Specific Plan
- City of San Jose Strong Neighborhoods Initiative, Delmas Park Neighborhood Improvement Plan
- City of San Jose Redevelopment Agency, Diridon Station Plan

O022-4

Table 2-1 and 2-2 on Pages M2-3 and M2-4 are not consistent. Table 2-1 Compatibility of Land Use Types is indicated as low compatibility for Single-family residential neighborhoods. Table 2-2 states that the Property Impacts can be considered low (presumably this means not incompatible), if no additional right-of-way is required. This is a simplistic analysis and understates the impacts of HSR if it is contained within an existing corridor. What are the construction impacts to homes on Fuller and Jerome where it will be necessary to acquire construction easements of up to thirty feet from residential lots?

Table 2-2 also asserts that the property impacts of widening are higher for multi-family residential than for single family. How was that determination made? What criteria were used? Also, the Program alignment does not yet clearly indicate to what extent the project may require widening of the existing right-of-way.

PROPERTY

The EIR Section 5.4.6 contains statements that HSR will increase property values. On what basis was that determination made and what data was used? Our research indicates that there is a mixed result associated with proximity to **rail stations**, i.e. there are some cases where property values increase but there are also situations where property values decrease. However, proximity to a heavy **rail alignment**, as opposed to a station, does have a negative impact on property values. The adjacent properties experience the negative impacts associated with rail operations without necessarily receiving any direct

O022-5



Comment Letter O022 - Continued

benefit. In addition we have concerns with the proposed above ground station at Diridon regarding it's positioning next to the Historic Station and existing new neighborhoods. We wish to see an analysis of the aesthetics, and impacts on the historic nature of the station area of an above ground station at Diridon.

O022-5
cont.

ENVIRONMENTAL JUSTICE

Table 2-3, Page M2-8 asserts that there are no Environmental Justice issues in the Pacheco segment since the alignment is within existing Caltrain ROW and therefore HSR would not have environmental impacts in this disadvantaged community. This is an incorrect conclusion; there are a number of environmental impacts associated with the addition of HSR to the existing Caltrain line as it passes through the Gardner neighborhood. Since these impacts exist, they must be evaluated in terms of Environmental Justice. The issues include:

- Vibration impacts both during construction and operations
- Aesthetic and visual impacts associated with retained fill and elevated structures
- Increased perception of splitting the neighborhood due to increased train service and grade separation
- Noise impacts associated with greatly increased train frequency

These aforementioned impacts are in addition to the disproportionate burden that the neighborhood has historically had to bear for past regional transportation projects. This vintage neighborhood was constructed in the late 1880's to early 1930's. Since that time, the neighborhood has been negatively impacted by the construction of the original Southern Pacific line, construction of Routes 280 and 87, widening of Bird Avenue and expansion of air traffic over the neighborhood.

O022-6

The environmental impacts of yet another major transportation project will further degrade the quality of life for this already over burdened community.

Environmental Justice thresholds are exceeded in the Gardner and Gregory Plaza community. The City of San Jose has recently recognized the Gardner area as a Neighborhood in Very High Need as shown in "Potential Neighborhoods In Crisis" version 24MAE10 SNI *Neighborhoods in Crisis*, a document distributed at the Strong Neighborhoods Initiative Business Plan Update Workshop on March 29, 2010. The Neighborhood in Crisis designation is based on data such as foreclosure rates, vacant homes, and police statistics.

While these communities may not meet the federal definition of low income, they fall within the City of San Jose low-income guidelines and the percentage of persons living in poverty exceeds city averages by 10%.

For all of the above listed reasons, the Environmental Justice Impacts for the program alignment through Greater Gardner should be considered as High.

Section 3.9 Aesthetics and Visual Resources

The CEQA environmental checklist, requires that a project proponent identify whether a project would have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including trees, rock outcroppings, and historical buildings within a state scenic highway; **substantially degrade the existing visual character or quality of the site and its surroundings; or create a new source of substantial light or glare that would adversely affect day or nighttime views in the area** (State CEQA Guidelines Appendix G Environmental Checklist Form 2001).

O022-7

We believe that the EIR and the Report Material do not adequately address the potential degradation of our historic neighborhood.

HISTORICAL AND EXISTING VISUAL CHARACTER

The Greater Gardner area is a historic community with the vast majority of the homes being built between the late 1880's and the early 1930's. Jerome and Fuller Avenues, would face significant visual impacts if the program alignment were to be used, these streets are home to many architectural gems. The streets contain examples of various cottage styles including hip-roofed, Queen Anne, neoclassical, Tudor "storybook" style, Craftsman (some with Prairie influences) and even a rare Shingle style cottage.

The history of this neighborhood is included in "Touring Historic Willow Glen" published in 2007 by the History Committee of the Willow Glen Neighborhood Association in partnership with the Preservation Action Council of San Jose. This book includes much of the history of early San Jose and Willow Glen; the Greater Gardner neighborhood played an important part of that early history and it has been remarkably well preserved from its original condition.

O022-8

Additionally, the neighborhood has been working with the City of San Jose to formally identify this area as a Historic Preservation Area. Budget constraints have delayed this process, but the City of San Jose Planning Department has now secured grant funding to prepare the necessary historic research and studies that are a prerequisite to designating the neighborhood as a Historic Preservation Area (HPA). This neighborhood is the City's first priority city-wide for consideration and review as an HPA.

Table 3.12 Cultural Resources from the Program EIR appears to understate the historical significance of this neighborhood. What specific materials did you review to come to your conclusions? On what basis did you rate the neighborhood as a medium rather than a high cultural resource?

We strongly disagree with the assertion in Table 2-3, Page M2-8 that the program alignment for the Pacheco segment is highly compatible with the existing land uses where it passes through the Gardner neighborhood. A mega project like HSR is in no way compatible with a historic single-family residential neighborhood. The out-size scale and the necessarily modern industrial look of a retained fill and elevated structures would pose significant visual impacts to the surrounding community.

O022-9

Comment Letter O022 - Continued

It is puzzling as to why this alignment was selected and why the very significant impacts to a historic neighborhood were so grossly understated. We are also curious that there is no attempt to discuss how any new or replacement structures would be designed in a manner that would be aesthetically compatible with the surrounding historic neighborhoods. As an example, the City of San Jose and Caltrans, designed the Route 87/Taylor Street Interchange in a manner that was sensitive to the historic neighborhoods in the project vicinity. Santa Clara Valley Transportation Authority (VTA) draws upon urban design best practices for the design of Light Rail lines through existing communities. What would HSR do to ensure that the project would be visually compatible with surrounding neighborhoods?

O022-9
cont.

The EIR has not addressed whether the project will introduce a new source of light and glare. The levels of illumination need to be defined and quantified; since that information is not included in the environmental documents it is not possible to assess whether the impacts will be significant.

O022-10

The existing freeway corridors are buffered, to a certain extent, from the neighborhood. It seems that a Route 87/280 option or an underground option would have been more appropriately selected for the program alignment. We would like to know what alignments were considered for the alignment through the Gardner neighborhood and on what basis the current program alignment was selected.

O022-11

We consider the program alignment through Greater Gardner to be highly incompatible with the neighborhood area due to the impacts on historic residences and to the visual character of the existing neighborhood. Utilizing an underground option or the Route 87/280 freeway corridors would pose much less impacts to the neighborhood.

O022-12

Section 3.16 Section 4(f) and 6(f) Resources (Public Parks and Recreation)

IMPACTS TO PARKS

There are three neighborhood parks and one private park in the vicinity of the proposed alignment.

- Fuller Park is a recently constructed City of San Jose Park at a cost to the taxpayers of \$850,000 in capital improvements.
- Biebrach Park is the largest and most heavily used neighborhood Park and contains numerous recent improvements costing upwards of \$8 MIL.
- The Gregory Tot Lot is located between Gregory Street and the I-280 sound wall.
- The New Brighton housing development, located on the corner of Fuller and Bird contains a private Tot Lot.

O022-13

The Program EIR Table 4-12 **State, Regional, County, and Local Parks, Recreational Areas, Playgrounds, Fairgrounds, and Wildlife Areas Within 900 Feet of the Preferred Alternative Alignment** improperly omits Fuller Park, Biebrach Park, the Gregory Tot Lot and the New Brighton Tot Lot.

Fuller Park lies between Fuller Avenue and the existing Caltrain Tracks. Immediately adjacent to the Caltrain ROW are mature evergreens (believed to have been planted in 1935) that provide aesthetics, avian habitat (including Raptors), and shade; they also provide a sense of tranquility to the surrounding neighborhood. Construction of an elevated structure would require the removal of existing trees, and make Fuller Park significantly less usable as a park. How would the loss of mature trees and riparian habitat be mitigated? The retained fill and elevated structure would create a canvas for graffiti vandals and would exacerbate an existing problem of gang tagging. What is now a peaceful and tranquil neighborhood space, a public place where neighbors can come together, would become an area of blight and decay.

Biebrach Park contains a new community center, rebuilt pool, children's play area, and sports fields. The park is within one block of the current Caltrain track. Biebrach is a heavily used park and serves a wide variety of community needs. From babies to seniors and everyone in between, the park and community center provide recreational opportunities to a diverse population. The existing Caltrain track already creates a disconnect between the park and the residents to the south. Adding HSR would create larger structural massing and an aspect ratio that would physically overwhelm the park and community center. Also, it would further isolate the park and community center from the larger community.

O022-13
cont.

The Gregory Tot Lot and the New Brighton Tot Lot are neighborhood attractions that are heavily used despite being severely impacted by freeway noise. Existing noise levels are already a concern since young children are at greater risk for hearing loss due to excessive noise exposure. Any increased noise due to HSR operations could pose unacceptable impacts and possible health concerns.

We consider the impacts to the aforementioned parks to be significant. We believe that construction of HSR along the existing Caltrain Track through the Gardner neighborhood would pose significant negative impacts to the usability of these parks. Such impacts would be difficult if not impossible to fully mitigate.

There are other alternative alignments to the Gardner alignment that could avoid impacting these neighborhood parks; it is not defensible to select an alignment that essentially impacts all the recreational areas within our neighborhood. Other options such as utilizing Route 87/Route 280 or undergrounding HSR would eliminate the park impacts.

Process Comment

We would also like to comment on the manner in which the Authority chose to recirculate the Program EIR. The Authority provided supplemental information (Report Material) rather than following the normal method of recirculating an EIR using additions and strike-outs to the original document. The method used made it significantly more difficult for the public to comment and review.

O022-14

Comment Letter O022 - Continued

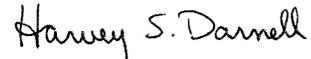
Conclusion

Our community has concerns about the use of a Program Level EIR to make major decisions in advance of having all the necessary information to truly identify the impacts associated with particular alignments. We believe that additional study would result in the conclusion that the HSR alignment through our neighborhood poses significant impacts that should preclude its further consideration.

O022-15

We hope that our comments provide useful input as you move forward with implementing High Speed Rail in the Pacheco Pass Corridor through San Jose.

Sincerely,



Harvey S Darnell
Chairman Greater Gardner SNI NAC
897 Delmas Av
San Jose, Ca 95125
harveydamell@yahoo.com

Response to Letter O022 (Harvey S. Darnell, GGNAC, April 22, 2010)

O22-1

The Authority appreciates the comment. Site specific impacts during construction and operation of the HST to the neighborhoods south of the San Jose station will be evaluated at the project level if a network alternative is selected that approaches San Jose from the south. The Authority will consider the comments as part of the project-level EIR/EIS processes. Alignments that would reduce or avoid impacts to the neighborhood, e.g., an SR 87/I-280 alignment alternative, are currently undergoing analysis as part of a preliminary alternatives analysis at the project level.

O022-2

The medium noise impact rating is based on: (1) grade separations which would eliminate the need for bells at crossings and for the Caltrain trains to sound warning horns as they approach each grade crossing; and (2) lower operating speeds resulting in noise levels similar to the existing Caltrain operations. More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs. This analysis will include impacts at sensitive receivers, such as residences, historic buildings, schools, and parks. This analysis will also include cumulative impacts from existing noise and vibration sources (such as existing rail, roadways, and airports) and proposed noise and vibration sources. See Standard Responses 3 and 5.

O022-3

See Response to Comment O022-2.

O022-4

Both the 2008 Final Program EIR/EIS and the Revised Draft Program EIR referred to general plans and other regional and local transportation planning documents to identify existing and future development on a broad scale. These documents were examined to assess an alignment alternative's and station location option's potential consistency with the goals and objectives defined therein.

Project-specific effects on land use, planning and development will be evaluated at the project-level. General Plan references as cited in the 2008 Final Program EIR/EIS were current for the period that studies were conducted for the Program EIR/EIS. The project-specific land use analysis will reference current land use and planning documents, including the Downtown Specific Area Plan.

O022-5

See Standard Response 6. Visual impacts on the historic San Jose Diridon Station are described at the program level in Section 2.4 of the 2010 Revised Draft Program EIR Material. Project-specific visual effects on the Diridon Station would be addressed at the project level as they relate to the network alternative selected for further study.

O022-6

The Program EIR developed minority and low-income population percentage thresholds to identify locations within the study area where there were higher than average concentrations of environmental justice communities as compared to the surrounding study area, city and/or county as a whole. In addition, the Program EIR evaluated size and type of right-of-way needed for the alignment alternatives and proximity to environmental justice populations. These factors provide a reasonable indication of where potential benefits or disproportionate impacts to minority and low-income populations would be most likely to occur. Because this is a program-level document, the analysis considered the potential for environmental justice impacts on a broad scale. Additional analysis and public outreach will take place during project-level investigations to identify minority and low-income individuals including any dispersed locations of these populations and to consider potential localized disproportionately high and adverse effects. See also Standard Response 3.

O022-7

The visual impact analysis considered the proposed design of the HST project and potential mitigations when assessing impacts.

The Program EIR depicts HST running on a retained fill through the Gardner neighborhood. This is shown in Appendix 2D, Sheet PP 1 of 8. The height of the fill for the HST would bring it to the level of the existing Caltrain/Union Pacific tracks. Future project-level studies for the network alternative selected for further study would address noise mitigation needs, including the design of soundwalls, and other mitigation. The height of a soundwall above the tracks would vary, depending on the as yet to be conducted analysis of the necessary noise mitigation. If relatively low speeds are envisioned in a particular area, for example, due to tight curves, it is likely that sound walls could be low.

In addition, as part of project-level review of the selected network alternative, if mature trees along an existing railroad right of way were to be removed, mitigation measures could provide for appropriate replacement trees once the new HST infrastructure was in place. See response to comment O0017-5. Mitigation measures adopted at the project-level could include landscaping to cover surfaces to reduce potential for graffiti. Procedures for maintaining the HST's infrastructure would be detailed in the project-level EIR/EIS. Potential deterrents to graffiti could include the addition of vines to the surfaces of columns and walls, dense landscaping to obscure or screen columns and walls from view, and maintenance agreements to address the need for the timely removal of any graffiti.

In addition, project-level engineering and design would address the need for any expanded bridges related to the network alternative selected for further study, which may include bridges over Delmas and Prevost Streets along with a re-creation or relocation of the historic bridge details and decorative shields.

O022-8

Comment acknowledged. The revised project description between San Jose and Gilroy would not result in changes to the discussion of

cultural resources beyond what was identified in the 2010 Revised Draft Program EIR Material related to Keesling's shade trees. The analysis for cultural resources is included in the May 2008 Final Program EIR, Chapter 3.12, Cultural Resources and Paleontological Resources, and Appendix 3.12-A.

Cultural resources studies for the program included records searches obtained from the appropriate California Historical Resources Information System (CHRIS) Information Centers. The records searches identified the general locations of previously recorded archaeological sites in the APE. Prior studies were also reviewed to identify site locations and to identify areas with high archaeological sensitivity. The method used to predict potential effects and impacts of the HST program on historic properties and historical resources was based upon estimating the amount of historic development that occurred along each proposed alignment alternative and the records search. These estimates were based upon review of existing documentation, including historical maps, aerial photographs, and local inventories, and the preparers' knowledge of the history of the region. No field surveys to identify archaeological resources or historic-period properties/resources were conducted, nor would this be appropriate for a program-level analysis. Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level. See Response to Comment L003-79.

A Medium rating was based on the number of resources identified, as stated above, within the segment from the San Jose Diridon Station to Morgan Hill rather than on a specific neighborhood. As noted above, additional records reviews and field surveys will be conducted to identify specific resources at the project-level.

O022-9

Table 2-3 on Page 2-8 of the 2010 Revised Draft Program EIR Materials is considering impacts at a Program level. Its ranking of "Medium" covers the HST corridor from Diridon Station in San Jose to approximately Interstate 5 in Santa Nella in Merced County. It is a ranking for the entire length of that corridor. A more detailed examination of the impacts to the Gardner neighborhood has been made at the project level and is reflected in materials presented at recent (May and July 2010) community meetings in San Jose.

O022-10

New sources of light and glare associated with the HST project would be primarily limited to stations, maintenance facilities and sources from trains and maintenance equipment, and impacts associated with potential light and glare will be considered in project-level analyses when more detailed engineering and design information is available. To the extent that the network alternative ultimately selected by the Authority for further study may result in impacts to the Gardner neighborhood, it is likely that passing trains and maintenance equipment would be the only potential sources of light or glare from the HST system. Soundwalls and landscaping would likely obscure most of that light. Light sources from passing trains will be analyzed during project-level studies when additional detail concerning train design and engineering is available, and mitigation to reduce significant adverse effects, including such measures as soundwalls and landscaping, will be considered in detail. Potential light sources would be headlights and light from within the train that radiates out the windows. The amount of light from train windows will depend on the glass and glazing/tinting applied to the windows. Light and glare will be evaluated as part of the project-level EIR/EIS analyses.

O022-11

No other alignments were considered in the 2008 Final Program EIR through the Gardner neighborhood. The existing Caltrain/UPRR alignment met the statewide goal to locate the HST within existing transportation corridors. As Caltrain's ownership of the right of way extends through the Gardner neighborhood to Lick, south of Tamien

station, it also provided a potential joint use of an existing publicly-owned facility.

O022-12

If a network alternative is selected that approaches San Jose from the south, an 87-280 alternative alignment will be included in an alternatives analysis process as part of a project-level EIR/EIS.

O022-13

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public parks and recreation was not one of those topics. Parks and recreational issues are discussed Chapter 3.16 Section 4(f) and 6(f) Resources (Public Parks and Recreation) of the 2008 Final Program EIR. More detailed analyses related to impacts on recreational resources during construction and operation, including the parks listed in the comment, will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See Chapter 3.4, Noise and Vibration, and Chapter 3.9, Aesthetics and Visual Resources, regarding impacts and mitigation strategies. See also Standard Response 3.

If a network alternative is selected to San Jose, an 87-280 alternative alignment will be included as part of an alternatives analysis process.

O022-14

Comment acknowledged. The Revised Draft Program EIR recirculated only those portions of the prior EIR that changed based on the requirements of the Town of Atherton court judgment. In keeping with CEQA Guidelines section 15088.5(g), the Revised Program EIR summarizes the changes made to the prior EIR.

O022-15

If a network alternative is selected that approaches San Jose from the south, an 87-280 alternative alignment will be included in an alternatives analysis process as part of a project-level EIR/EIS.

Comment Letter O023 (Charleston Meadows Association, April 23, 2010)

O023

Charleston Meadows Association
4118 Park Blvd.
Palo Alto, California 94306
cmaboard@googlegroups.com

April 23, 2010

Mr. Dan Leavitt, Deputy Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Attn: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

The Charleston Meadows Association represents roughly 350 single-family residences located in an area of Palo Alto bounded by West Meadow Drive on the north, Adobe Creek, on the south, and El Camino Real on the west. The Caltrain easement, and proposed HSR corridor forms the eastern boundary of our neighborhood. Originally developed in the 1950s, the neighborhood is comprised of a diverse group of long time residents and new neighbors. We work together to protect and increase the quality of life in our community.

O023-1

Our association has reviewed the 2008 Final Program Level EIR/EIS, and the recently issued Bay Area to Central Valley Revised Draft Program EIR. We believe that this project has numerous inherent flaws involving the alignment, the design, and the unrealistic business plan. We have herein enumerated these concerns.

AIR QUALITY:

The EIR/EIS concludes that there will be less than significant air quality impacts resulting from the HSR because of the overall reduced emissions from present conditions. However, we feel it does not suitably address how air quality might vary with different vertical track alignments. Nor does it consider how the potential removal of trees and natural vegetation might reduce the current absorption of pollution.

O023-2

We therefore request that the project level EIR/EIS identify and mitigate specific air pollution concerns once the final grade design has been finalized. Additionally, the report should analyze the impacts of electrical wires on nearby homes and businesses including the potential effects on the health of residents along with the potential interference with other electrical apparatuses including such items as appliances and computers.

O023-3

Mr. Dan Leavitt
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Page 2

The EIR/EIS does indicate that temporary, short-term increases in emissions associated with construction activities will occur, but that the application of mitigation strategies will reduce these. We agree with the report's recommendation that a "hot spot screening analysis" be performed on localized areas when a more detailed design study is conducted, and we request that Palo Alto be included in such an analysis due to its high residential population adjacent to the corridor.

O023-4

NOISE AND VIBRATION:

The EIR/EIS considers the Palo Alto corridor to have a "medium" noise impact and a "high" vibration impact. Noise barriers have been proposed as the most efficient method of mitigating the noise impact. It is estimated a 12-foot barrier through our neighborhood will reduce the impact from "medium" to "low". The study states that "Vibration mitigation is less predictable at a program level of analysis because of the site-specific nature of vibration transmission through soil along the alignment." Although several mitigation measures were suggested, detailed analyses will be performed during the project level EIR/EIS.

O023-5

We request that the project level EIR/EIS include not only noise and vibration mitigation measures, but also consideration of visual and aesthetic impacts brought on by such measures. Additionally, a noise impact analysis must include Union Pacific freight noise and vibration along with a commensurate increase/decrease associated with a change in the vertical alignment. It should be noted that most cities on the Peninsula, in cooperation with the current Caltrain grade crossing safety project, will create quiet zones under the new Federal Railroad Administration (FRA) regulations to eliminate the sounding of train horns at all crossings. The designs for the supplemental safety measures needed for a quiet zone in several Peninsula cities are currently at the 65 percent level and expected to be constructed next summer. Therefore, when HST begins project level environmental review, train horns will have already been eliminated. This adjustment for existing train horn noise should be removed from the screening criteria on the Peninsula corridor, and should be reconsidered statewide as more and more cities are implementing quiet zones.

O023-6

Quiet zones and electrification should be included in the No Project alternative, and impacts evaluated based on comparison of the No Project alternative to the project alternatives. This will show that the noise impacts of HST, especially on elevated tracks, should be rated as having a high level of potential noise impacts, not a medium level, and those impacts will be significant unless avoided or mitigated.

O023-7

The HSRA must evaluate the vibratory impacts of both the construction and operational phases of the project on the historical Eichler homes along the

O023-8

Comment Letter O023 - Continued

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Page 3

corridor. These homes, with radiant heat flooring and large floor to ceiling windows, will have unique vulnerabilities.

The HSRA must consider how to mitigate stakeholders auditory startle responses to both consistent and inconsistent rapid onset noise pollution associated with the HSR construction and future use. Specifically, the HSRA must mitigate the associated involuntary tremors and involuntary auditory startle responses of the citizens of California who live within ¼-mile of the construction sites as well as entrance/exit points of a tunnel relative to increased noise projections. With regard to the specific entrance/exit points associated with a tunnel, the HSRA must mitigate inconsistent randomized noise level which may result in increased medical distress. The HSR project must obtain lower decibel levels at entrance/exit points of a tunnel when the tunnel is located within a populated area like Palo Alto.

The HSRA must predict, evaluate, monitor, and mitigate post-injury quality of life related cognitive problems. These include attention deficits, learning difficulties for children, sleep patterns, and anxiety, associated with community members who already have an established mental health issue such as post traumatic stress disorders (PTSDs) and/or children with chronic medical conditions who live within ¼ mile of the construction zone.

The HSRA must evaluate the potential negative impacts that noise pollution has on cardiovascular reactivity. The HSRA must evaluate, monitor, and mitigate the sound levels associated with heart rate response, heart response amplitude, heart response latency, finger pulse response, finger pulse amplitude, and finger pulse latency, for all possible vertical alignments.

LAND USE AND PLANNING:

The EIR/EIS indicates that the presence of single-family homes along the rail corridor creates a "low" compatibility with the proposed HSR alignment. Additionally, they identify a potential impact on communities where an "alignment alternative would create a new physical barrier, isolating one part of an established community from another and potentially resulting in a physical disruption to community cohesion". Later in the section, the report states that "Land uses along the alignment alternative in Palo Alto are primarily single-family residential on the east and commercial/services on the west where the station is located". Palo Alto High School is adjacent to the rail line just south of the Palo Alto Station, beyond which is Stanford University. The report has not taken into account the southern portion of the city where single-family residences occupy the west side of the alignment. For this reason, the document considers the alignment between Dumbarton and San Jose highly compatible. Furthermore, it indicates that the project will not have a "community cohesion impact".

O023-8
cont.

O023-9

O023-10

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Page 4

CEQA requires that any land use evaluation consider the potential impact of a physical divide or any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. Since proposed grade separations may require some crossings to be altered or closed altogether, we request that the project level EIR/EIS provide a more detailed analysis of the potential division of the community. Additionally, we request that the City of Palo Alto continue to play an active role in the land use analysis to avoid potential conflicts with its own Comprehensive Plan.

Don Secundino "Robles" Park is a 4.7 acre neighborhood park with a large open space grass area. It is located on Park Boulevard, roughly 200 feet from the rail corridor. Robles Park includes picnic facilities with barbecues, a baseball diamond, basketball court, playground with sand, climbing structure with slide, and toddler swings that are wheel chair accessible. We request that the project level EIR/EIS specifically evaluate the impact of this project on Robles Park use, including noise and pollution impacts during construction and after project implementation.

AESTHETICS AND VISUAL RESOURCES:

Most of Palo Alto is classified as "Urban Suburban" landscape typology, consisting of low-density development areas of modern single-family homes; yards set back, trees, and ornamental landscaping. The EIR/EIS indicates that the Dumbarton to San Jose corridor exhibits low visual impact regardless of an increased grade elevation.

We request that the project level EIR/EIS fully study the potential impacts of a proposed sound wall located along the alignment. It may be that mitigation for one impact (noise and vibration) may cause a higher probability for aesthetic and visual negative impacts.

The HSRA must examine the environmental impact of the visual clutter of an elevated system in neighborhoods of one-story dwellings, some of these having historical status. The evaluation of such impacts must include realistic mock-ups of the elevated alternative including catenaries and trains with pantographs.

Evidence has shown that viewing and walking in natural park-like settings have positive health benefits. Our neighborhood is comprised of predominately single-story homes with lawns, bushes, and trees. Any elevated alternative will replace natural views with man-made structures. Any widening of the right-of-way will likely necessitate the destruction of the existing trees that currently screen the view of the tracks. A crucial mitigation for the visual clutter imposed upon the communities by an elevated or at grade alternative should be a significant investment in replacing the natural screening landscaping.

O023-10
cont.

O023-11

O023-12

O023-13

O023-14

Comment Letter O023 - Continued

Mr. Dan Leavitt
 April 23, 2010
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Palo Alto is distinguished by the State of California and National Arbor Day Foundation as a Tree City-USA. The City has developed a set of comprehensive Tree Protection standards to maintain our Urban Forest. Indeed the city is named for the 1069 year old El Palo Alto (the tall tree), a coast redwood still standing in one of the accessible parks of the city. The City of Palo Alto is endowed with a large population of trees composed of magnificent native and non-native trees on public and private properties, and trees are one of the City's greatest natural resources. Trees are a source of shade, air conditioning, and other environmental benefits providing quality of life and economic benefits to the community, residents, and businesses.

The City of Palo Alto has developed a set of comprehensive Tree Protection standards to maintain our Urban Forest. We request that the project level EIR/EIS abide with the Tree Technical Manual, Section 3.25 Tree Value Replacement Standard, and Section 6.45 Appraisal Methods, when considering removal and replacement of existing trees along the alignment.

Currently there are numerous power and telecommunication lines parallel to and crossing the Caltrain corridor. The HSRA must address the methodology, inconvenience to residents, and associated costs of disconnecting, relocating, and reconnecting this infrastructure.

The HSRA must prepare a long-term plan for maintaining the right-of-way, including deodorizing and removing litter from underpasses, pruning of screening trees and bushes, and removing graffiti from exposed concrete surfaces. The communities along the right-of-way should be involved in determining maintenance standards. HSRA must identify the source of funds for on-going maintenance, and realistically estimate increases in costs over the life of the project.

TRAFFIC CIRCULATION:

The program level EIR/EIS evaluates traffic conditions on Highway 101 and in and around the potential Palo Alto station, but fails to consider specific conditions relative to Palo Alto.

We request that the project level EIR/EIS add information and maps on the city's Safe School Corridors and our pedestrian/bike routes, and identify the School boundaries that require children to cross the HSR alignment. The report should also analyze how the different vertical alignments might increase traffic speeds along safe school corridor feeder streets. Because of the proximity of Palo Alto High School to the HSR alignment, the report should identify the potential bus access route once the Churchill Street realignment is completed. When considering the viability of a potential Palo Alto station, the report should consider

O023-15

O023-16

O023-17

O023-18

Mr. Dan Leavitt
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 Page 6

the traffic impact with the planned Stanford expansion of hospital and shopping, as well as any other known future projects.

PRIVATE PROPERTY IMPACTS:

The program level EIR/EIS generally assumes that the HSR alignment will coincide with the Caltrain corridor through Palo Alto. There are only general statements regarding the possibility of acquiring land by eminent domain.

We request that the HSRA adopt the following appraisal strategy originally recommended by Mr. John Spiller to the Silicon Valley Association of Realtors (SIVLAR).

"To mitigate the impact of properties values caused by the San Francisco to Los Angeles High Speed Rail, HSR, the HSR governing authority will immediately, and no later than June 1st, 2009, appraise all properties and parts thereof between San Francisco and San Jose that are within 500 yards of the current Cal-Train rail easement. The appraisal will be performed by a professional appraiser and will establish a minimum property value that an owner will receive if the whole property is acquired by eminent domain or sold on the open market. This value will also be the basis for any property that is partially acquired through eminent domain on a pro-rata basis. If a property within the 500 yard boundary transfers ownership at a value lower than the appraised value, the HSR governing body will pay the difference between the sales price and the minimum value established by the appraisal and ensure these funds are paid into escrow before the close of escrow date established in the sales contract between buyer and seller. This provision of this clause will exist for an indefinite period."

HSRA must specify the amount of money to be set aside for reimbursement of property owners whose property is claimed by eminent domain. HSRA must specify the amount of money to be set aside for reimbursement of property owners whose property suffers damage over time from the environmental impact of the railway. HSRA must specify the amount of money to be set aside for reimbursement of property owners who are temporarily dislocated due to the disruptive effects of the construction.

The HSRA has cited the relative costs associated with the various alignments of the railway. However, there are no details provided as to the cost of property acquired by eminent domain. When evaluating the various alignment options, HSRA must include property acquisition costs in order to adequately evaluate the total costs.

O023-18
 cont.

O023-19



Comment Letter O023 - Continued

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Page 7

SAFETY AND SECURITY:

We request that the project level EIR/EIS evaluate the safety considerations and potential impacts to nearby homes/schools/parks/businesses associated with the different vertical alignments. Specific attention should be paid to potential train derailment and terrorism considerations. Additionally, impacts from seismic shaking in the event of a major earthquake, particularly if the HSR selects an elevated alignment, should be addressed.

O023-20

The scope of the preliminary engineering and EIR/EIS should include the evaluation of what safety factors will be put in place to accommodate heavy freight cars passing beside light weight trains going as fast as 125 mph, and how residences and businesses will be protected from possible derailment of cars or from loose parts flying through the air. The cost of aerial or elevated structures in densely populated urban and suburban areas need to include crash-walls to protect the general public in the event of a derailment.

O023-21

Residents in their backyards and City workers at the City offices need this aspect to be studied and provisions for safety to be included in the project design. The cost of these safety provisions must also be detailed.

One of the goals of the HSR is to attract passengers away from cars and planes by providing safe and speedy transit. However, the HSRA does not address issues of security on the trains and along the railway. HSRA must describe anticipated security procedures such as passenger screening, track monitoring, and on-board security monitoring. HSRA must provide costs as to site security, both during construction and as part of on-going operations. Additionally, travel time estimates must account for increased boarding security.

O023-22

BUSINESS PLAN:

The profitability of the project is directly dependent on the projected ridership and associated ticket costs. In 2009 the HSRA revised its ticket cost figures to roughly 83 percent of the current air fares, or \$105 each way. The HSRA states that this fare compares favorably to an air fare of \$125 and a cost to drive of \$118. A cursory glance of flight prices from San Francisco to Los Angeles indicates a traveler can purchase a round-trip ticket for Monday through Friday travel for roughly \$120. Additionally, comparing the HSR travel to car travel is not relevant since multiple passengers can make the trip for essentially the same cost.

O023-23

The HSRA must revise its business plan to reflect the reality of competition. It is unrealistic to assume that the airlines and car companies will not become more efficient in the face of this new competition. Furthermore, the HSRA must

Mr. Dan Leavitt
April 23, 2010
Page 8

calculate the effect on its "bottom line" in the event that it is forced to decrease fares significantly to compete. California cannot afford to subsidize the HSR.

O023-23

The Charleston Meadows Association feels that the program level EIR/EIS does not adequately address all of the potential environmental impacts that affect Palo Alto in general and our neighborhood specifically. We would request that the HSRA outline procedures to allow our association and the City of Palo Alto to continue to work closely together during the design process so that our concerns will be alleviated prior to the issuance of the draft project level EIR/EIS.

O023-24

Sincerely,

CHARLESTON MEADOWS ASSOCIATION

 John Hofel	 Nancy Fox	 Keith Reckdahl
 Ellen Hartog	 Roger Kohler	 Jean Olmsted

- Cc: The Honorable Barbara Boxer, U.S. Senator
The Honorable Diane Feinstein, U.S. Senator
The Honorable Anna Eshoo, U.S. Congressmember, 14th District
The Honorable Joseph Simitian, California Senator, 11th District
The Honorable Ira Ruskin, California Assemblymember, 21st District
The Honorable Liz Kniss, Santa Clara Supervisor, 5th District
The Honorable Pat Burt, Mayor, City of Palo Alto

Response to Letter O023 (, Charleston Meadows Association, April 23, 2010)

O023-1

Comment acknowledged.

O023-2

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3 of the 2008 Final Program EIR where air quality and global climate change impacts are discussed. More detailed analysis of potential operational, maintenance, and construction air quality impacts on sensitive receptors will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement, including at-grade, trench, tunnel, and elevated tracks.

The air quality impacts in the 2008 Final Program EIR were based on the train's predicted power requirements, which were estimated based on track alignments. Trees and natural vegetation are not considered a measurable factor in criteria pollutant absorption. There are programs that quantify CO2 absorption for trees but this program, which utilizes the Urban Forest Reporting Protocol, is generally applied to proposed tree planting programs designed to increase carbon storage. Because the HST project is expected to reduce overall GHG emissions, there is no specific tree planting plan designed to reduce GHG emissions proposed.

O023-3

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Electromagnetic fields (EMF) was not one of those topics. Please see Section 3.6 of the May 2008 Final Program EIR. Also, see Standard Response 3. The analysis identified that the HST project (and its electrical supply and facilities) would have minimal electromagnetic interference (EMI)/EMF

exposures at levels for which there are no documented health risks are anticipated and that EMI/EMF concerns are less than significant at the programmatic level under CEQA and not significant under NEPA. Furthermore, the Authority in the CEQA findings and the FRA in the ROD for the 2005 Statewide Program EIR/EIS adopted design practices and mitigation strategies to address potential EMI/EMF issues for the HST system to be applied and refined at the project-level in the future. It is anticipated that the use of the design practices and mitigation strategies will reduce exposure to EMFs and reduce the potential for EMI with biomedical devices to the lowest practical level.

Standard design practices for overhead catenary power supply system substations, transmission lines, and vehicles of the approved HST system include the use of appropriate materials, spacing, and, if necessary, shielding to avoid potential EMF/EMI impacts and to reduce the EMFs and EMI to a practical minimum. More detailed information and analysis on potential EMI/EMF impacts will be included in project-level environmental documents.

O023-4

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3.6 of the 2008 Final Program EIR. Also, see Standard Response 3. It is noted that construction impacts and potential mitigation measures would be addressed in subsequent project-level EIR/EIS analyses. More detailed analysis of potential operational and construction air quality impacts on sensitive receptors, including schools, will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement as well as construction. Once alignments are established, a full construction analysis would be conducted. This analysis will quantify emissions from construction vehicles, excavation, worker

trips, and other related construction activities of constructing the HST system (rail, station, maintenance facilities, substations, transmission lines, etc.), including traffic detours. Specific mitigation measures, if required, would be identified and a construction monitoring program, if required, would be established.

As part of the project-level EIR/EIS analysis, local traffic counts would be conducted at access roads serving major station locations. These counts would provide more accurate information for determining potential local air quality hotspot locations. Once potential hotspot locations (if any) are determined in Palo Alto, a detailed analysis following the guidelines at the time of analysis would be conducted.

O023-5

Comment noted, please see following response.

O023-6

See Response to Comment O023-7. The project-level noise and vibration analyses will consider the cumulative impacts of existing and proposed noise and vibration sources for the network alternative ultimately selected by the Authority for further study, and if the Caltrain corridor is a part of the selected network alternative, then project-level studies will include consideration of grade separation for the HST system on this corridor, and the potential for grade separation to eliminate both the train horn noise and the bell noise from the grade-crossing protection devices. See Standard Responses 3 and 5.

O023-7

The 2008 Final Program EIR No Project Alternative (Page 2-2, Section 2.1.1) represented the state's transportation system as it was at the time of writing and after implementation of programs or projects in regional transportation plans with funding identified for implementation by 2030.

The San Francisco to San Jose Project EIR/EIS will consider a No Project alternative representing changes to regional transportation

plans made since the Program EIR/EIS. If those plans include the development of Quiet Zones and implementation of Caltrain's electrification project, they will be included in the No Project.

O023-8

See Response to Comment O021-1.

O023-9

See Standard Responses 5 and 6. Increased annoyance likely to occur for train noise events with rapid onset rates known as "startle" effects will also be assessed at the project-level when more detailed design and location information will be available for the project alignment.

O023-10

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. In addition, construction of grade separations where none previously exist would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives is being carried forward into the project level analyses. Because this is a program-level document, the analysis considered the potential for community cohesion impacts on a broad scale. Additional analysis will take place during project-level investigations to identify potential community impacts and to avoid potential conflicts with the adopted plans of cities along the network alternative ultimately selected by the Authority for further evaluation, including, if appropriate, the City of Palo Alto Comprehensive Plan.

O023-11

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public parks and recreation was not one of those topics. Parks and recreational issues are discussed Chapter 3.16 Section 4(f) and 6(f) Resources (Public Parks and Recreation) of the 2008 Final Program EIR. More detailed analyses related to impacts on recreational resources during construction and operation, including Robles Park, will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See also Standard Response 3.

O023-12

The 2008 Final Program EIR assumed that Caltrain and HST would remain within the existing right-of-way at most locations, meaning that trees outside the right-of-way would not be removed, although some trimming could be required for vegetation intruding on the right-of-way. See response to comment O0017-5.

The visual impacts of all components of HST implementation, including mitigations such as soundwalls, will be analyzed as part of the project-level EIR/EIS studies.

O023-13

The infrastructure for overhead electrification would likely be visible, but its visibility would be low. Consider that San Francisco's Union Square is bounded on two sides by overhead wires to power the City's electric buses. These wires and their poles, over busy city streets, are not highly visible at all and do not comprise part of one's visual memory of Union Square.

O023-14

See Response to Comment O023-12.

O023-15

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor would be undertaken as part of project level

engineering and environmental analyses, if the Caltrain corridor is part of the network alternative ultimately selected by the Authority for further study. Removal of mature trees and other vegetation along selected corridors would be avoided to the extent possible. Operational and construction impacts including those related to the removal of trees would be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts would be further examined in detail at the project level as more detailed HST system design and engineering information become available and the detailed study necessary to identify the presence of the impact, the level of significance, and location-specific mitigation measures can only be done at the project level.

The project-level EIR/EIS will review and consider all relevant jurisdictions' policies and plans in proposing HST design and engineering approaches and mitigation measures in communities along the network alternative selected for further study.

O023-16

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public services and utilities was not one of those topics. Please see Section 3.10 of the May 2008 Final Program EIR. Project-level analysis would address all utilities and local issues once the network alternative for the Bay Area to Central Valley corridor is selected for further study. Project-level environmental documentation and subsequent planning documents will identify precise utility locations and will analyze in more detail conflicts between the HST system and utilities. All potential conflicts will be reviewed during the more detailed project-level environmental analysis and during final design. The Authority will consult with the various utility providers during the detailed project-level analysis to minimize potential conflicts including avoidance. If avoidance is not feasible and adjustment of alignments has not removed the potential conflict, relocation/reconstruction/restoration of the utility would be considered, in close consultation and coordination with the utility owner. See also Standard Response 3.

O023-17

The utilization of the area under elevated structures should be analyzed as part of the project-level EIR/EIS studies and local jurisdictions should be consulted concerning appropriate, desirable, and compatible uses and to consider appropriate management approaches for such areas. Procedures for maintaining the HST's infrastructure could be detailed in the project-level EIR/EIS, along with appropriate agreements and cooperative approaches for managing these issues. See also response to comment _O022-7.

O023-18

The HST system will be designed to have fully grade-separated tracks with state-of-the-art safety, signaling, and automated train control systems. Therefore, the students will never have to 'cross' the HST alignment at-grade. Project-specific analyses of circulation, traffic, and parking will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed HST station. The project-level traffic impact analysis study will also evaluate the effect of the project and project construction on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Detailed information and analysis of potential traffic impacts including impacts to pedestrian and bike facilities and feasible mitigation measures will be included in project-level EIR/EISs and documented in a Traffic, Transit, Circulation and Parking Report.

O023-19

See Standard Response 7 regarding Eminent Domain.

O023-20

We acknowledge the comment regarding project-level review of safety issues related to potential derailment, seismic shaking, and terrorism. Safety is of utmost concern to the Authority and the high-speed train system is being designed to comply with all applicable safety standards. As explained in the 2008 Final Program EIR, international experience with high-speed train systems demonstrates

that they are one of the safest travel modes world wide. An evaluation of the safety concerns identified in the comment will be undertaken at the project level for the selected network alternative.

O023-21

Comment acknowledged. See Response O023-20. The safety considerations of a shared corridor with high-speed trains, commuter trains, and freight will be examined in detail at the project EIR/EIS level if the Caltrain Corridor is part of the selected network alternative.

O023-22

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Safety and security was not one of those topics. See Chapter 2, Alternatives, in the 2008 Final Program EIR. Chapter 2 notes that the HST system would be a fully grade-separated and fully access-controlled guideway with intrusion monitoring systems. This means that the HST infrastructure (e.g., mainline tracks and maintenance and storage facilities) would be designed to prevent access by unauthorized vehicles, persons, animals, and objects. The capital cost estimates include allowances for appropriate barriers (fences and walls), state-of-the-art communication, access-control, and monitoring and detection systems. See also Chapter 4, Costs and Operations, in the 2008 Final Program EIR. HST support cost is included in the operations and maintenance costs. As the project progresses, costs will be updated based on more detailed information as it is developed.

O023-23

The comment addresses the Authority's 2009 Business Plan and assumptions in that document about the cost for a high-speed train ticket, rather than the Program EIR. Please see Standard Response 8.

O023-24

Because this is a program-level document, the analysis considered the potential for community and environmental impacts on a broad-scale. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. See also Standard Response 3.

Comment Letter O024 (Terry Holzemer, Palo Alto Central East Residential Association, April 20, 2010)

O024

Kris Livingston

From: Terry Holzemer [holz@inreach.com]
Sent: Wednesday, April 21, 2010 12:30 AM
To: HSR Comments
Cc: Plandiv.info@cityofpaloalto.org
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

April 20, 2010

Dear HSRA Board,

Below are my detailed comments regarding the revised "Bay Area to Central Valley" Draft EIR. I hope all these specific comments will be examined and responded to in the final EIR.

HSR Construction

It is clear that the impacts of the massive materials, equipment, and construction methods have not been studied properly, specifically in the narrow CalTrain track corridor running through the City of Palo Alto. There are many areas, especially between Charleston and the northern city limits (at San Francisquito Creek), where there is little or no room for construction roads, storage areas, and equipment to be stored.

O024-1

In the California Avenue area of Palo Alto, where I live, it will be impossible for such a large and massive project to be built in the CalTrain right-a-way without destroying both sides of the current track with construction equipment and materials for several years. There are no roads that parallel the tracks (besides the always busy and heavily used Alma Street). This construction will cause more than inconvenience for residents. Environmentally the construction will reduce or eliminate the total use of several city parks (Peers, Bowden, etc.) and several athletic fields located across from Stanford Mall throughout the construction.

O024-2

Another key area of concern is the actual construction methods and processes. I live in a complex immediately next to the CalTrain tracks in the California Avenue area and our underground residential garages are located next to the train station boundaries. We are concerned about the structural integrity of our underground garages while HSR construction proceeds within 50 yards. What specific steps will be taken to eliminate potential damage to our buildings, walkways, driveways, post-tension slabs, and plumbing/electrical lines on our property?

O024-3

Noise and vibration issues throughout the long construction process must be studied and minimized as much as possible. Two years ago, CalTrain rebuilt the entire California Avenue Train Station and this caused many of our residents sleepless nights and high intensity light intrusions into each of our units due to the need for train night work. This can't happen again because many of residents need their proper sleep due to their own work commitments. Dust and dirt was put in the air everywhere during the CalTrain station construction -- this will only intensify with HSR construction.

O024-4

HSRA also needs to be aware that our area, near the California Avenue train station, is where the soil and groundwater were greatly impacted by a chemical solvents plume that emanated from the old Hewlett-Packard and Varian properties near here. This HP site and the plume emanated from the property is a Federal Superfund site. If the HSR construction digs up this ground or soil along this track area, they need explain how they will deal with the issue and take all federal and state environmental measures to ensure public safety.

O024-5

During construction, there will be major traffic and parking concerns in the California Avenue as well. Currently, we have little extra parking on our neighborhood streets (Sheridan, Sherman, Grant, and California) for construction workers and traffic backs up regularly on Park Blvd. and California Avenue, the main thoroughfares. How are construction workers going to get the site with no parking available and still not increase the traffic issues in our neighborhood?

O024-6

Living with HSR/Quality of Life

After construction, HSR is guaranteed to change every reason why we, as residents, choose Palo Alto to live. We did not move here to have our city divided by a major new concrete "rail highway" cutting from north to south. We did not move here to see our suburban, environmentally-conscious lives turned upside down by a massive, urban-designed project that will alter our how we live and enjoy our scenic area forever. The question is: how will HSRA ensure that the quality of life that we currently enjoy in Palo Alto will not be changed or severely impacted by the HSR project?

O024-7

With trains running on 3- to 5-minute intervals, we are worried about the daily noise and vibration from the trains. Our buildings and structures at Palo Alto Central were not designed with this kind of environmental change in mind. Right now, our complex experiences the daily vibrations of freight trains running through Palo Alto each night -- what will be the impact of HSR running their trains, at 125 mph, at 3-min. intervals? Studies of noise and vibration need to be done in our area with the clear understand of how HSRA will mitigate these problems.

O024-8

We are very concerned about the long-term effects of the HSR next to our complex. How will the vibrations and sound waves change our maintenance schedules of replacing roofs, painting, equipment (hot water heaters, pool, etc.) would shorten and homeowners would have to pay more for these items. The effect of increased sound and vibrations is unknown on our underground garages and our post-tension concrete slabs.

O024-9



Comment Letter O024 - Continued

Home values would also be affected by the HSR project. Currently, many residents are attracted to our complex mainly because we are in a suburban environment that is geared toward families. A normally quiet environment would be replaced the daily sound of HSR trains speeding through our area. This would impact the value of our homes. How would HSRA compensate our homeowners for this rapid decrease in home values?

O024-10

be informed about how those numbers are created and the processes that go into judging whether they are accurate or not. This project shouldn't go forward one inch until it is very clear that the projected ridership levels will be sufficient to sustain the entire operational costs of this massive project. The state and the public should never put a dime into this system beyond its current financial commitments. I believe that this project should never be built because of the lack of an accurate and well-designed business plan.

O024-15 cont.

Another key area of concern would be impacts on current traffic patterns and parking along Park Blvd. and California Avenue. Back-ups and delays of cars (adding air pollution to the area) would be inevitable on the local streets that there would be fewer points of crossing over or under the HSR tracks. More city costs for traffic lights, street improvements would be a certainty. The impacts on Alma Street would also be significant and need to be studied.

O024-11

General Comments

If this project must be built, I would prefer three different alternatives to the now planned HSR segment between San Francisco and San Jose.

Another problem area is the impact HSR may have on our County's Courthouse Building, which is only a short distance from the planned HSR location. There are daily court trials going on there and these courtrooms need to be quiet each and every day. How are the HSR trains running every few minutes going to impact the ability of the public to properly serve and conduct court proceedings? We need to understand this impact and the impacts on the Mental Health facility next door to the Courthouse (where patients need quiet environments to deal with their own mental illnesses).

O024-12

Alternative #1: Move the HSR track so it goes through Altamont Pass and not Pacheco Pass (so as not to go through Palo Alto at all).

Alternative #2: Stop HSR in San Jose, move passengers to the CalTrain tracks, and then move them up the Peninsula to San Francisco, via CalTrain. HSRA should seriously consider ending HSR in San Jose and then using the existing CalTrain tracks on the final leg of the journey.

O024-16

I'm very concerned about the mental and physical long-term effects of having HSR next to our complex. I know several people who live here and suffer from bipolar and other mental disorders and they are greatly impacted by sudden, excessive noise and vibrations. How does the HSRA plan to protect these sensitive people from the daily tensions of noise, sound waves, vibrations that will affect them and make their condition worse?

O024-13

Alternative #3: Go underground from San Jose to San Francisco -- only way for HSR to go all the way up to San Francisco from San Jose.

Historical Impacts of HSR

Located next to the HSR proposed location, is one of Palo Alto's most famous landmarks, El Palo Alto, a 200-year old redwood tree that the City is named after. This is a state historical landmark and has special protections against anyone trying to remove it. I don't believe any "railroad" is worth the destruction of this famous and significant landmark. This was the same spot that used as a landmark by the early Spanish explorers when they first came to the Bay Area. No harm should come to this famous tree and landmark.

O024-14

In my view, all the other choices or alternatives are not really alternatives -- just extremely bad choices because they have major quality of life impacts on everyone who lives on the San Francisco Peninsula. That is not acceptable to the thousands of people who live here.

Sincerely,

Terry Holzemer

President

Palo Alto Central East Residential Association

(650) 853-0603

HSR Business Plan

The previously announced HSR business plan is not accurate or based on real numbers. I don't understand how the HSRA came up the potential ridership numbers that it did or what they are based upon. The public needs to

O024-15



Comment Letter O024 - Continued

holz@inreach.com

Response to Letter O024 (Terry Holzemer, Palo Alto Central East Residential Association, April 20, 2010)

O024-1

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR. More detailed impact analyses related to HST system construction including trackway, stations, maintenance facilities, transmission lines, staging areas, and other project elements will be performed during the project-level EIR/EIS analysis, when more detailed design, location, and phasing/duration information will be available for the selected HST alignment. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

O024-2

See Response to Comment O024-1.

O024-3

See Response to Comment O024-1. Potential impacts from vibration on surrounding properties due to construction and operation of the HST will be performed during the project-level EIR/EIS analysis, when more detailed design, location, and phasing/duration information will be available for the selected HST alignment.

O024-4

See Response to Comment O024-1.

O024-5

Comment noted. The sites located on the old Hewlett-Packard and Varian properties will be provided to the appropriate project-level environmental team for their consideration. See Response to Comment L003-92.

O024-6

See Response to Comment O024-1.

O024-7

See Standard Response 6 regarding the requirements of CEQA and quality of life impacts.

O024-8

More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs. See Standard Response 3.

O024-9

See the Response to Comment O024-8.

O024-10

See Standard Response 6.

O024-11

Project-specific analyses of circulation, traffic, and parking will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed HST station. This will be documented in a Traffic, Transit, Circulation and Parking Report.

O024-12

See Response to Comment O024-8. The project-level noise and vibration analyses will consider sensitive receivers, such as residences, schools, parks, hospitals, and similar facilities.

O024-13

See Standard Responses 5 and 6. Increased annoyance likely to occur for train noise events with rapid onset rates known as "startle" effect will also be assessed at the project-level when more detailed

design and location information will be available for the selected HST alignment. Locations where the onset rate for HST operations may cause surprise will be identified. Any noise-sensitive land use within that distance would be identified as a candidate for increased annoyance. Mitigation measures will also be considered at these locations as part of the project-level EIR/EIS.

O024-14

A more detailed review of the impacts on local vegetation, including loss of mature and heritage trees along the network alternative ultimately selected for further study, including El Palo Alto if the Caltrain corridor is selected for further study, and associated effects will be performed during the preliminary engineering and project-level environmental review. Possible avoidance or minimization of impacts on the mature and heritage trees will be reviewed in detail, and mitigation for the loss of trees will be developed.

O024-15

See Standard Response 4.

O024-16

The Authority acknowledges the commenter's support for Altamont network alternatives. Please note that the 2008 Final Program EIR examined a "no project" alternative and 21 representative network alternatives for connecting the Bay Area to the Central Valley. Included in this range of alternatives were 11 Altamont Pass network

alternatives, 6 Pacheco Pass network alternatives, and 4 Pacheco Pass with Altamont Pass (local service) network alternatives. The 2010 Revised Draft Program EIR Material clarified those portions of the 2008 Final Program EIR requiring revision or expansion as a result of the Superior Court in the Town of Atherton case. Please note that 2 of the Altamont Pass network alternatives would still pass through Palo Alto: San Francisco and San Jose—via San Francisco Peninsula and San Francisco, San Jose, and Oakland – with No San Francisco Bay Crossing.

See Standard Response 10, Response to Comment O004-27 regarding stopping the HST alignment in San Jose, and Response to Comment O014-3 regarding profile options to be considered in project-level analyses of the network alternative ultimately selected by the Authority for further study.

Comment Letter O025 (Julie Hutcheson, Thrive Morgan Hill, April 26, 2010)

O025

Kris Livingston

From: Thrive! Morgan Hill [thrivemh@verizon.net]
Sent: Monday, April 26, 2010 4:52 PM
To: HSR Comments
Cc: Jim Rowe, Greg Sellers, steve.tate@morganhill.ca.gov; marby.lee@morganhill.ca.gov; larry.carr@morganhill.ca.gov; marilyn.librers@morganhill.ca.gov; edtwes@morganhill.ca.gov
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Attachments: Bay Area to Central Valley Revised Draft Program EIR Material Comments.pdf

To: California High Speed Rail Authority
 Attn: Dan Leavitt, Deputy Director
 925 L Street, Suite 1425
 Sacramento, CA 95814

Dear Mr. Leavitt:

Attached (and below) please find Thrive! Morgan Hill's Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments.

Thank you,
 Julie Hutcheson
 Thrive! Morgan Hill
 P.O. Box 1785
 Morgan Hill, CA 95037

Morgan Hill, April 26, 2010

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the California High Speed Rail Authority's March 2010 Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material. The California HST project will have a long-lasting and far-reaching impact on the City of Morgan Hill. We have reviewed the Revised Draft Program EIR and have the following comments:

A. General Comments

A.1 Public Meetings

Comment A.1-1 - No scoping sessions, public meetings, or outreach were held for the Revised Draft Program EIR or before the Second Draft Program EIR/EIS process in South County (Morgan Hill-Gilroy area). The failure of the California High-Speed Rail Authority (CHSRA) to solicit comments from communities along the South County corridor during the scoping process, the EIR/EIS public review process, or the Revised Draft Program EIR process violates the public review requirements of the California Environmental Quality Act (CEQA), and renders the current Revised Draft EIR inadequate.

Comment A.1-2 - Regarding Section 1.2 of the RP-EIR, the level of (re)circulation in the Morgan Hill area is inadequate, in particular concerning revised Project Description and Revised Impact Analyses for San Jose to Gilroy. An informal survey among neighbors and stakeholders/residents in Morgan Hill (e.g. Caltrain commuters) shows that residents of Morgan Hill do not know about the April 26, 2010 deadline. This is not surprising, considering that the Library of the City of Morgan Hill was not included as a viewing location. Local newspapers were not used to provide notice of the April 26, 2010 deadline. No CHSRA public meetings have been organized in this city. Even the residents living in homes adjacent to the tracks have not been informed.

1. Why was the city of Morgan Hill not included in the outreach?
 2. While San Francisco/San Jose are getting the full benefits of a Context Sensitive Solution (CSS) program, this level of community involvement has not been extended to the communities south of San Jose (eg. Morgan Hill, Gilroy). Why has the CHSRA not provided all communities with information on the CSS program, including information on the possible funding of it?

A.2 Significant New Information

Comment A.2-1 - Significant new information exists, under many environmental parameters that makes the earlier Program EIR/EIS invalid and requires a recirculation of the Program EIR/EIS, as well as recirculation of the Revised Program EIR.

Comment A.2-2, Section: 2.1 Revised Project Description: San Jose to Gilroy. The Revised Program EIR (RP-EIR) provides no alternative alignments. This is inadequate for a Programmatic EIR. The revised design concept for the HST project through the southern part of San Jose (from Capital Expressway to Gilroy) is based on the assumption of having the HST tracks sharing the UPRR corridor. The CHSRA is presenting only one option: a track alignment through downtown Morgan Hill east of the Union-Pacific tracks. The proposed route along the existing tracks would create a new barrier dividing the community with an elevated track, aesthetic impacts and load noise, according to a staff report presented to the City Council of Morgan Hill. The RP-EIR does not include the preferred alternative of the HST tracks between San Jose and Gilroy, which would follow a route East of the Highway 101 (preferred as per proposal in the joint resolution of the cities of Morgan Hill and Gilroy, supporting a U.S. 101 alignment through Morgan Hill).

The omission of this alternative alignment along the freeway makes the Revised EIR document inadequate, even for a programmatic EIR. Due to this omission, we cannot have an adequate discussion of the impact of HST in this area.

3. Is the alternative alignment along the U.S. Hwy 101 an option that CHSRA will consider? If not, please clarify.
4. If this alternative alignment along U.S. Hwy 101 is an option, why is it not included in the Revised EIR?
5. When and how will we be able to provide comments regarding this alternative alignment?

Comment A.2-3 - New information on project impacts and alternatives is being discovered during the project-level environmental review for the San Francisco to San Jose and San Jose to Merced segments. This new information may indicate new or increased impacts, and new feasible alternatives or mitigation measures. The new information needs to be presented and analyzed in a revised and re-circulated environmental document.

A.5 Commuter Rail Travel and Commuter Traffic

Comment A.2-4 The repeated statements contained in the EIR regarding commuter travel benefiting from the HST project are not specific, not clear, and could even be interpreted as misleading. The RP-EIR claims many benefits, but is contradictory in what these are. Core issues regarding commuter travel are not addressed. It is very possible that the HST could even result in the end of Caltrain service in the area south of San Jose. The CHSRA needs to provide detailed specifics, and very clear direction and examples on how commuter rail travel and commuter traffic would be improved by and benefit from the HST in the effected cities.

Suggested benefits within the RP-EIR document: Page 6-2: "The HST Network Alternative would provide a safer, more reliable, energy-efficient intercity mode along the San Francisco Peninsula while improving the safety, reliability, and performance of the regional commuter service. The HST Network Alternative would greatly increase the capacity for intercity and commuter travel and reduce existing automobile traffic. To the extent that grade separation of the HST system would also separate the UPRR line, local traffic conditions would improve in these areas and air emissions would be reduced." However, the document fails to provide further detailed explanations as to how these benefits will be realized.

6. Would the HST tracks be shared with the existing Caltrain commuter line between San Jose and San Francisco?
7. The current tracks in the San Francisco - San Jose stretch provide passing tracks (more than two parallel tracks) to allow current level of service. Will these passing tracks be preserved or extended?
8. If tracks cannot be shared, could the HST potentially require a reduction of existing tracks/bypasses (resulting in a net reduction of capacity for the Caltrain commuter line)?
9. If the HST and Caltrain tracks cannot be shared, how will Caltrain benefit from the HSR operation?
10. If not via track sharing, then how would the capacity for commuter travel be increased?
11. Would the HST and Caltrain tracks also be shared between San Jose and Gilroy?
- (Note: The RP-EIR states that tracks cannot be shared between the HST and UPRR freight. It then seems obvious that the HST tracks cannot be shared with the existing Caltrain commuter line either - especially between San Jose and Gilroy, because in this area the HSR is operating at full speed of 220 mph).
12. Is one of the implied improvements that the HST tracks would bring electrification to the Caltrain commuter line between San Jose and San Francisco?
13. If not bringing electrification, then how will the HST specifically improve the safety, reliability, and performance of the regional commuter service?

Comment A.3-2 The planned electrification of the Caltrain tracks on the San Francisco - San Jose segment would have to be extended all the way to Gilroy. But all figures show the original Caltrain track, without electrification, for example: Figure PP-S2 shows a Morgan Hill Station, but Caltrain is not electrified. If the HST tracks cannot be shared between San Jose and Gilroy, it is very unlikely that the Caltrain commuter service will be able to provide electrification in this area (due to funding and/or other issues). So electrifying the Caltrain commuter service system would be partial only, and the HST project would effectively put an end to the Caltrain commuter service south of San Jose to Gilroy.

This would make the following statement on Page 2-6 in the document erroneous: "The Morgan Hill station location option would be highly compatible with the existing Caltrain station and nearby commercial/service oriented and other urban uses. The station location option would be consistent with the City of Morgan Hill General Plan policies that support the expansion of alternative transportation systems, as well as the development of a multi-modal transit transfer center."

14. How will the HST contribute to the policies of "the expansion of alternative transportation systems" and "development of a multi-modal transit transfer center" in Morgan Hill without adversely affecting the current Caltrain commuter service?
15. How will the current Caltrain commuter service to Morgan Hill be impacted by the HST?

B. Environmental Impacts and Mitigation Measures

B.1 Community Cohesion

Comment B.1-1 - On Page 6-3 the document claims that: "This network alternative [discussing the San Jose to Gilroy portion of the Pacheco Pass alignment alternative Community] would not affect community cohesion, given that the majority of the alignment is within or immediately adjacent to an existing major rail or highway rights-of-way."

Community cohesion would be greatly affected for Morgan Hill. The proposed route along the existing tracks would create a new barrier dividing the community with an elevated track, aesthetic impacts and load noise, according to a staff report presented to the City Council of Morgan Hill.

16. Is data available on high speed train where high speed trains run at 220 mph through a downtown and/or residential area?
17. Do examples exist elsewhere in the world of where this is done?
18. If not, how can the document include the statement that the HST "would not affect community cohesion"? Clarification is required

Comment B.1-2 The Program EIR is mostly concerned with determining the alignment (versus the Project EIR, which deals with the implementation once an alignment has been agreed upon). With respect to the corridor through Morgan Hill, due to the combination of high speed and an old downtown, the Program EIR should provide either a commitment for extensive mitigation such as deep trenching or tunneling, or a discussion of alternative alignments. Unless tunneling is an option, mitigation measures could be very extensive, including changes of alignment. If tunneling is not an option, alternative alignments should be presented in this Program EIR.



Comment Letter O025 - Continued

19. Why are the options of tunneling and deep trenching through the downtown of Morgan Hill not included in the document?
 20. Why are they not included in the budget? | O025-14
 cont.

B.2 Aesthetics and Visual Impacts
Comment B.2-1 - The Revised Program EIR fails to address a number of issues related to aesthetics and visual impacts. Many of the proposed project elements (such as an elevated railway, overhead wires, sound walls, and transmission lines) would likely have a significant visual impact, and these impacts are neither fully addressed nor sufficiently mitigated. | O025-15

Comment B.2-2 - The document fails to address the visual impacts of elevated structures and the associated 45 miles of sound walls proposed as mitigation for noise effects. These structures would represent a significant change to the visual character of the corridor. The document also fails to address the shade and shadow impacts of these proposed elevated structures and sound walls. The sound walls as proposed are inadequate to mitigate the project's noise impacts, and will likely need to be made even taller, which would have a corresponding increase in impacts on aesthetics. | O025-16

Comment B.2-3 - The document fails to address how any new vehicle or pedestrian overpasses would affect the visual environment. Such structures would be significant new elements in the visual landscape, and their visual impacts need to be addressed in the EIR. | O025-17

B.3 Agriculture
Comment B.3-1 - Direct impacts to agricultural resources would occur if the HST alignment and associated infrastructure (substations, utility lines, etc.) needed to pass through lands that are currently in agricultural use. The document fails to adequately address the loss of prime agricultural land, particularly if the proposed ROW must be relocated away from the UPRR ROW within the San Jose to Gilroy corridor. This relocation could be necessitated by UPRR's refusal to share a ROW with the HST system. | O025-18

Respectfully submitted,

Julie Hutcheson
 Thrive! Morgan Hill
 PO Box 1785
 Morgan Hill, CA 95037

Response to Letter O025 (Julie Hutcheson, Thrive Morgan Hill, April 26, 2010)

O025-1

Comment acknowledged.

O025-2

Comment noted. Please see Chapter 10, Public and Agency Involvement, in the 2008 Final Program EIR. The scoping activities for the Bay Area to Central Valley HST Draft Program EIR/EIS were conducted between November 15 and December 16, 2005 and included meetings in San Jose and five other cities. The Authority held a total of eight public hearings, including in Gilroy, to present the Draft Program EIR/EIS and to receive public comments between August 23, 2007 and September 26, 2007.

The Authority has endeavored to provide the broadest possible notice of the 2010 Revised Draft Program EIR Material. Notification was provided in 8 newspapers including the San Jose Mercury News. A Notice of Availability and Notice of a Public Meeting postcard was further distributed to over 50,000 individuals identified as part of on-going project-level engineering and environmental studies. The 2010 Revised Draft Program EIR Material and a Notice of Availability and of a Public Meetings was also made available to 16 libraries for public viewing. If the Authority proceeds with a network alternative that involves Morgan Hill at the project level, the Authority will continue its efforts at public outreach in the Morgan Hill area.

O025-3

See Response to Comment O025-2.

O025-4

See Response to Comment O025-2.

O025-5

This comment does not relate to the 2010 Revised Draft Program EIR Material. If an alternative were to extend through Gilroy and Morgan Hill, the Authority would conduct a community engagement

process as part of project-level studies. To date, the Authority has conducted a number of workshops and meetings with neighborhood groups between San Jose and Gilroy.

O025-6

The Authority disagrees that recirculation of the entire prior Program EIR/EIS is required based on this general comment that significant new information exists "under many environmental parameters" that makes the earlier Program EIR invalid and requires recirculation of that document.

O025-7

The 2008 Final Program EIR and 2010 Revised Draft Program EIR assessed impacts with an alignment along the existing Union Pacific Railroad with an elevated alignment in Morgan Hill. The Project EIR can analyze impacts to the alternatives developed during the scoping process in 2009, including those along US 101 in Morgan Hill, San Martin and Gilroy.

O025-8

The detailed information being developed as part of project-level environmental studies does not require recirculation of the entire prior Program EIR. The purpose of tiering is to allow the Authority to select a preferred network alternative and general mitigation strategies at the program level to be followed by more detailed, project-specific analysis and development of more detailed and refined alternatives and mitigation measures **for the selected network alternative**. The detailed information from the project level does not constitute significant new information at the program level that would require another round of revision and recirculation.

O025-9

See Response to Comment O004-15.

O025-10

See Response to Comment O004-15.

O025-11

The ultimate decision regarding electrification and service levels of Caltrain service between San Jose and Gilroy resides with the Valley Transportation Authority, the **PCJPB**, and the UPRR. Caltrain currently has trackage rights with the UPRR to operate the service between Lick and Gilroy, given that UPRR owns this right-of-way and these tracks. Between Lick and Gilroy, the **proposed HST alternative** would not share trackage with the UPRR. The **proposed HST alignment** as shown in the 2010 Revised Draft Program EIR Material is adjacent to the UPRR operating UPRR right-of-way.

O025-12

It is assumed in the Caltrain 2025 plan that Caltrain will continue to operate non-electrified trains between Tamien and Gilroy using its trackage rights over the Union Pacific's tracks. The 2010 Revised Draft Program EIR states the proposed HST system would be built outside the Union Pacific's operating right of way, and thus would not affect train operations on the UPRR's tracks in Morgan Hill, including Caltrain's three daily roundtrips. If the network alternative ultimately selected for additional study includes the alignment from Gilroy to San Jose and includes consideration of a proposed HST station in Morgan Hill at or near the location of the current Caltrain station, such a station would have the potential to enhance transportation options available at the existing Caltrain/VTA multi-modal transit center at the Morgan Hill Caltrain station by offering trips on HST to locations throughout the state.

O025-13

Because this is a program-level document, the analysis considered the potential for community cohesion impacts on a broad scale. Potential project-level impacts on community cohesion will be addressed at the project-level. See also Standard Response 3.

O025-14

The 2008 Final Program EIR and 2010 Revised Draft Program EIR assessed impacts with an alignment along the existing Union Pacific Railroad with an elevated alignment in Morgan Hill. Future project level EIR studies for the network alternative ultimately selected by the Authority would analyze impacts to alternatives, including as appropriate alternatives suggested during scoping for the project EIR.

O025-15

The 2010 Revised Draft Program EIR's assessment of visual impacts only addressed changes due to the clarification of HST physical location relative to the UPRR's right-of-way. This document adequately addressed visual impacts at the program level. Specific mitigations will be determined as part of the analysis of the proposed design at the project level.

O025-16

It is unclear to which 45 miles of the alternatives the comment refers.

No specific noise mitigation has been determined in the Program EIR. The mitigations for noise impacts, including soundwalls, cannot be determined at the program level. Sound mitigation must be designed around the characteristics of the proposed trainsets and then conducted against established regulatory guidelines. These issues would be analyzed as part of the project-level EIR/EIS and can be used to determine the extent of soundwalls as a noise mitigation tool. This could result in designs for the materials of the soundwalls, locations along the railway where they would be constructed, and an appropriate height. Assuming soundwall locations or heights is pre-mature in a program level review.

The 2008 Final Program EIR noted shadow impacts for subsections with long distances of elevated alignments, such as in the East Bay. In most locations, the shadow and shading effects are low.



0025-17

Grade separations would have varying visual impact, depending on design. Grade separations are accomplished by either fully raising the railway over the street, the street over the railroad, a partial elevation of the railway and partial depression of the street, or visa-versa. The visual impacts cannot be determined until the project level, where specific designs will be created for each crossing.

0025-18

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Agriculture was not one of those topics. Please see Section 3.8 of the May 2008 Final Program EIR regarding impacts to prime farmland.