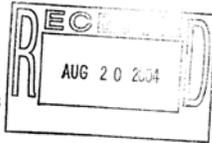


Comment Letter I101

I101



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August 18, 2004

COMMENTS ON DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) for the proposed California High-Speed Train System ("Report")

Executive Summary

The "program" Report attempts to address daunting challenges, namely, transportation in California. It is several inches thick, and lays out charts, tables and data in a systematic presentation. At the same time, the "program" Report anticipates much additional environmental and related studies in the form of future "project" EIR/EIS. Nevertheless, the Report is deficient in numerous categories even from a "program" context. These Comments emphasize in the main impacts, questions and concerns that relate to the City of Del Mar ("CDM"). For example, there is absolutely no discussion in the Report on the length of, or extent of, impacts of tunnel construction on CDM, its residents, or its businesses. Indeed, it is not hard to envision, should the Camino del Mar tunnels option proceed, the results of the current commendable collaborative efforts of city officials, citizens and businesses to revitalize the "Del Mar Village" vanishing, along with business concerns, as consumers and patrons find other more convenient enterprises during the extended construction efforts.

Some Chapters in the Report are markedly deficient on a program-wide basis. Most alarming is several obfuscations dealing with financial and economic aspects, including financial viability and supposed economic benefits of the proposed High Speed Trains ("HST"). Although these obfuscations are not specifically related to CDM, the Report's shortcomings (if not deceptions) are so serious as to merit constant attention and critique lest we all end up worse off, including (as impliedly admitted in the Report) from an environmental standpoint. Such program-wide concerns are of particular concern to the CDM because of its unavoidable long-term financial and legal entanglements with HST. Finally, the Report is deficient because it fails to address the rights of at least one of the users of the LOSSAN corridor, namely, the Burlington Northern/Santa Fe Railroad ("BNSF"), and especially the possible costs of negotiating with BNSF to relinquish its rights to the coastal corridor.

Comments

Comments on Chapter 1: Purpose and Need and Objective

This Chapter is not available from the California High Speed Rail Authority (CHSRA) website and is blank on the CD provided by the CDM. Efforts will be initiated to obtain this Chapter and rights are reserved accordingly.

Comments on Chapter 2: Alternatives

The Report states on p. 2-30 the Los Angeles-San Diego (LOSSAN) corridor in 2002 "was the second-most-traveled rail passenger route in the U.S." This is accurate as far as it goes. However, it should be considered in context. In comparison to the eastern rail corridor (Boston/New York/Washington, D.C.) the LOSSAN corridor is a very, very distant and anemic second place. In proportion, if the eastern corridor is a 100-story building (1,000 trains per day in and out of New York City), then the San Diego County portion of LOSSAN is a five-story building (20 Amtrak trains and 26 Coaster trains per day, not including the few freight trains). This constant exaggeration by CHSRA in its previous publications and presentations gives pause that we are encountering a "sell" rather than a "study."

On page 2-92 of the Report, it is noted the highest level of improvements would involve "costs nearing the cost of a dedicated I-5 HST option." There is no convincing explanation of why the I-5 HST option is not considered a viable alternative to the highest level LOSSAN improvements and why that option is not carried forward for further study.

This is particularly interesting inasmuch as the Report does not clearly delineate what would be the drop in LOSSAN riders, especially in San Diego County, should those riders opt to take the HST on the proposed I-15 corridor. Assuming Union Station in Los Angeles is the destination of San Diego-based travelers headed for Los Angeles, wouldn't a rational traveler choose the I-15 HST over the much slower "milk run" the LOSSAN presents? If so, that would mean the riders on the San Diego portion of LOSSAN would be predominately if not overwhelmingly Coaster commuters within San Diego County.

1 Amtrak has "its hand on a spigot controlling a flow of 1,100 trains and more than 300,000 passengers into and out of Manhattan each day." "Amtrak Wheeze, New York Shudder," New York Times, June 25, 2002, p. A16. The amount of 1,100 has been reduced by 100 to reflect the 90 or so daily trains into Manhattan from the east through Philadelphia (Amtrak website review, May 9, 2004).

2 Data obtained from review of Amtrak and Coaster websites, May 9, 2004). The northern Orange County portion of the LOSSAN corridor is used more intensively, as evidenced by the plan to increase portions of that system to three and even four tracks.

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Comment Letter I101 Continued

Comments on Chapter 3: Affected Environment, Environmental Consequences and Mitigation Strategies

Section 3.1: Traffic and Circulation

The Report at pages 3.1-11 and 3.1-13 addresses in the most cursory way the existing traffic conditions, and paints a generally dismal picture in that regard. It then cheerfully predicts how traffic will be alleviated by development of the proposed project. However, the scholarship in this section is woefully inadequate. The assumptions under which the "No Project" traffic projections are made are not clearly set forth. For example:

- o Did the authors study the possibility of future traffic improvements?
- o Did the authors study the possibility of increased use of other mass transit options, such as busses, and incentives relating thereto?
- o Did the authors study ways to better manage rush-hour traffic phenomena, including:
  - o Requiring large trucks to operate off-peak, except where specifically permitted otherwise; and
  - o Imposing some form of rush-hour user fees (wireless technology makes such system feasible)?

Failure to address adequately these and other alternatives to improve traffic create "straw men" and easily (and unrealistically) make the "No Project" option dismal and unattractive.

Section 3.2: Travel Conditions

At pages 3.2-36 and following, the Report attempts to compare various trip costs to HST. However, it is not adequately or clearly explained whether the costs set forth for the competing travel alternatives are in any way subsidized by government programs, from tax breaks to outright grants or long-term loans, including sub-market loan terms, and other direct or indirect subsidy programs. Until those aspects are clarified, the true costs and pricing are not calculable and the Report should be clarified to set forth this information if one is to make anything resembling a meaningful comparison. Otherwise, we end up with exactly what is presented, a bias in favor of the nominal (vs. the real) HST cost and pricing structure.

Section 3.3: Air Quality

The generalized approach of this entire Section provides little information of value. As with section 3.1, *supra*, the Report does not anticipate changes or improvements in existing vehicular technology. For example, the Report does not discuss the historical improvements made with regard to vehicular emissions (admittedly, much, much more remains to be done), nor does it discuss improvements featured nearly daily in the media, such as so-called "hybrid" vehicles and the "hydrogen" program under increasing study.

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Going further, the Report in this section generally does not adequately address the air quality impacts of the power generation facilities needed to drive the electrified HST, nor does it address adequately the impacts of the non-electrified locomotives to be used in the LOSSAN corridor.

Specifically concerning CDM, there is absolutely no air quality analysis regarding the tunneling proposals, including venting, dispersal patterns of gaseous and particulate emissions from tunnel ventilation systems, as well as construction aspects.

Section 3.4: Noise and Vibration

The Report does not adequately address noise and vibration impacts concerning the tunnels, although it asserts (without benefit of study or data) on page 3.4-23 the tunnels "may result in some additional noise impacts (particularly at the portals), both [tunnel] concepts would provide considerable benefit to the community as a result of grade-separation improvements (the elimination of warning bells and train horn noise)." The phrase "some" additional noise impacts is vague and unhelpful and at the same time the supposed "considerable" benefits are pejoratively (and nakedly) presented rather than based on data.

Going further, there is absolutely no study or scholarship on the impacts of train vibration on the surface structures or people, nor upon the existing geological formations (see Comments to Section 3.13, *infra*).

Finally, there is no study or data presented as to the impacts during the years of construction on the CDM, its residents and businesses with respect to tunneling operations, trucking of excavated soil, placement of forms for tunnel enclosures, concrete deliveries, work schedules, e.g. round-the-clock, to name a few. Indeed, should the twin tunnels under Camino del Mar proceed, collaborative efforts currently underway to revitalize the "Village" aspect of downtown Del Mar will doubtlessly go for naught given the long-term disruptions such construction will impose on potential patrons and consumers. It is not hard to see consumers choosing more convenient and accessible enterprises. No business can endure for very long such revenue losses.<sup>3</sup>

Section 3.5: Energy

This Section is highly general and assumes static conditions when addressing the "No Project" Alternative. As set forth in Comments to Sections 3.1 through 3.3 above, the Report does not even attempt to anticipate in any meaningful way continuing improvements to energy consumption and use. This failure sets up the "No Project" Alternative to compare poorly to the Modal and HST alternatives.

<sup>3</sup> One need only visit San Diego State University to see the impacts of such construction, in the single tunnel extension through the campus for the San Diego Trolley. For at least two years now access and egress have been seriously impacted. Students desiring an education are a different sort of user than consumers with multiple attractive choices; the former are almost "forced" to put up with it; the latter likely will not and will go elsewhere if the heart of Del Mar is torn up.

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Comment Letter I101 Continued

Section 3.7: Local Area Land Use ...and Environmental Justice

It is flatly stated on page 3.7-26 the Camino del Mar tunnel "would have the least impact on adjacent land use ...." However, this statement does not appear to be supported by data or study and the Report is inadequate in that respect. Some of the questions are as follows:

- What are the data and studies on which this statement is based?
- What kinds of "impacts" are included in the concept of "least impact"?
- Were there any studies of noise and vibration aspects (see Section 3.4 above)?
- Were there any studies of construction-related impacts, including street closures during construction?
- Were there any studies of permanent street realignments and regrading, especially on the north end of Del Mar?

In short, it does not appear even the most rudimentary scholarship was undertaken to support the bald statement quoted above, and the Report is inadequate in these regards.

Section 3.12: Cultural and Paleontological Resources

Page 3.12-16 has only a general statement of these aspects with respect to the Del Mar Formation in Del Mar and in the vicinity of I-5. Further, on page 3.12-24 the Report states (but does not explicitly list) there are "between two and twelve" archeological sites in Del Mar that will be impacted, depending on the tunnel option chosen. The locations and significance of these sites should be presented (if they can be counted, presumably their locations are roughly known and the sites can be described). The Report is inadequate in these respects.

Section 3.13: Geology and Soils

Page 3.13-12 of the Report notes the rails will cross two active faults in the Del Mar area (the existing rail bed may already do so – it's not clear from the Report). The Report does not address the significance of these faults and the impacts on them from tunneling construction and rail operations in tunnels.

Although the Report mentions "liquefaction" on page 3.13-13 and unspecified "mitigation strategies" relating thereto, there is nothing specific mentioned beyond two general geotechnical methods. One of those would not even apply to tunnels (deepened foundations). The other, soil densification, is not described beyond that term.

The Report states subsurface investigation is required (p. 3.13-14), and in doing so concedes the cart is before the horse. Shouldn't the geology in the vicinity of the tunnels in the CDM have been checked with at least some sample borings and data to determine its suitability? Without such preliminary efforts, even a "program" Report such as this is inadequate.

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cont.

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Indeed, the Report in Table 3.13-2 (p. 3.13-9) concedes the proposed LOSSAN improvements carry a "high" risk of seismic hazards. Granted, some of those hazards already exist. However, the Report does not offer mitigation steps, either general or specific and is inadequate.

Section 3.14: Hydrology and Water Resources

The Report at page 3.14-8 specifically mentions groundwater (a critical geotechnical phenomenon for several reasons, including liquefaction risks). Although the Report describes in general terms the two types of groundwater (perched and subsurface), the Report does not describe the impacts and significance, nor the extent, as to the CDM. As with the Comments regarding geology, it would seem important to undertake at least some preliminary subsurface exploration to obtain data and observations on groundwater. Such failure makes even a "program" Report inadequate.

The Report at page 3.14-19 lists some steps for further study. It may be prudent to include in those steps ideas for dewatering and disposal of perched groundwater and seeps into the tunnel system, including impacts of such disposal and outlets on the CDM and its residents, including Clean Water Act compliance issues.

Section 3.15: Biological Resources and Wetlands

This Section of the Report is not viewable on the CHSRA website nor is it in the CD provided by CDM. Further efforts will be undertaken to obtain/review this Section.

Comments on Chapter 4: Costs and Operations

Of critical importance is what is NOT included in this Chapter. First, tens of billions of dollars in costs (both capital and operating) are not included. The Report simply states at page 4-4 that "only the incremental cost to operate and maintain (the Modal Alternative or the HST Alternative) ... were estimated." "Incremental cost" means those costs and expenses beyond those of the No Project Alternative. However, there is no clear (or any, for that matter) specification, listing or estimate of what those costs (capital and operating) are, nor how they were estimated.

The second major omission is the blithe statement that the "costs associated with potential financing mechanisms for any of the alternatives" were not taken into account. (Report, p. 4-7). There is no attempt in the Report to delineate those costs (certainly in the tens of billions of dollars over the life of public bonds). This is a bizarre (if not deceptive) omission inasmuch as economic growth estimates are linked to assumptions that substantial public moneys to build either of the alternatives (Modal or HST) will come from public bonds, as discussed below regarding Chapter 5.

Even with these tens of billions of dollars in omissions and unknowns, the capital and operating costs of either alternative are jaw-dropping. Capital costs for the Modal and

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I101-12



Comment Letter I101 Continued

HST Alternatives were initially set at \$56 and \$25 Billion, respectively (Report, p. 5-36). However, the Report revises those estimates upward by roughly 50% (in the space of under four years) to \$82 and 37 Billion, respectively. (Id.), only \$2 Billion (odd to put "only" in front of a figure that large) of which is due to inflation (Report, p. 4-3). As commendable as it is for the authors to admit such gross miscalculations, it is more alarming to know these folks are in charge of designing, building, managing and leading the undertaking. Indeed, underestimates in projects of this kind are frequent, if not the norm, so even the revised figures of \$82 and \$37 Billion are likely unreliable.<sup>4</sup>

As for operating costs per year, they will doubtlessly approach, if not exceed, \$1 Billion per year.<sup>5</sup> The Report requires some effort to discern these numbers, and a close reading of the Tables 4.3-2 and 4.3-3 on page 4-7 is required. Even at that, the categories of operating costs are not well defined and are quite likely underestimated. Thus, this Chapter of the Report is inadequate.

**Comments on Chapter 5: Economic Growth and Related Impacts**

One starting point in Chapter 5 is a bewildering chart on page 5-15, ambitiously entitled "Year 2035 Employment and Population County and Regional Totals." It appears from the bottom lines that Employment numbers are within 1 or 2% of one another, whether No Project, Modal or HST is chosen. The same goes for Population projections. However, the economic models on which the Modal and HST projections were based assumed several key items, including a fanciful one, namely, that no part of the original erroneous estimate of \$25 Billion for the HST Alternative (see Comments regarding Chapter 4, supra) would be "funded through revenue sources that would not require direct tax increases or significant diversion of general fund revenues." (Report, pp. 5-8, -9). This is unrealistic, given the historical failure of mass transit to even come close to paying for itself.

As to the additional \$31 Billion for the Modal Alternative (to reach the original low and erroneous estimate of \$56 Billion for that Alternative), it is "assumed to come from revenue sources that have traditionally been used for highway and aviation improvements." (Report, p. 5-9) (emphasis added).

<sup>4</sup> BART, the first post WWII rail tunnel project, ended up with "one-half the predicted ridership at many times the expected costs." (Gordon & Richardson, The Counterplan for Transportation in Southern California: Spend Less, Serve More, Policy Study No. 174, February 1994). The Red Line in Los Angeles resulted in "25 years of disrupted neighborhoods, lost jobs, multi-million dollar lawsuits, massive cost overruns, sinkholes and sinking freeways." (Comments by Supervisor Mike Antonovich on the occasion of opening the Hollywood Red Line subway: <http://antonovich.co.la.ca.us>). Finally, the "Big Dig" underground freeway project in Boston, a portion of which opened in early 2004, will be completed at a cost in excess of \$15 Billion, six times the estimated \$2.5 Billion cost (Department of Transportation Inspector General's Report, February 2000 [when the projected costs had risen to \$12.6 Billion]).

<sup>5</sup> The question of, and amounts of, public support for mass transit are laced with controversy. For example, on average mass transit recovers only 38% of its operating costs (excluding capital costs), although light rail and heavy rail do slightly better (fares cover 49% and 57% of operating costs, respectively). O'Sullivan, Urban Economics 4<sup>th</sup> ed. (McGraw-Hill 1990), pp. 599, 600.

I101-12 cont.

I101-13

So what about the 50% underestimates mentioned above? The authors note that coverage for those are assumed to come from "tax increases and user fees" (a skeptic would say, "Finally, some fiscal honesty in this Chapter") and, if so, this would result in a 7.7% "decrease in incremental job growth and an 11.1% ... decrease in incremental population growth compared to results that would be obtained if project costs were not considered." (emphasis added). (Report, p. 5-36).

So, stated another way, when we inject some fiscal honesty, realism and integrity into the proposed project we encounter a "linear" relationship (Report, p. 5-36) which significantly reduces the rather anemic benefits of jobs and population growth as discussed in the first paragraph immediately above. And, if we add in the additional tens of billions likely in (i) long-term operating costs not recovered by fares, and (ii) the financing costs not included in the cost projections, the supposed benefits asserted in this Chapter evaporate entirely.

The Report obfuscates and perhaps intentionally so: Is the Report hiding the reality that we would experience LESS economic growth if the improvements go forward? That seems to be how Chapter 5 is written.

In short, the Report presents alternatives that will make California's economy worse off! The Report needs clarification on this point, including modeling of long-term consequences measured in decades out to seven or more, so that we can assess the project's economic significance, including all capital and operating costs, financing charges, tax and user fee impacts, a factor for inevitable and sizeable cost overruns, and all other aspects which common sense dictates should be taken into account.

All this leads to a question beyond the scope of this process: **If California will be worse off long-term if the project goes forward, just who and what are the interests benefited at the expense of the rest of us?**

The Comments to the last two Chapters create enormous concern for the CDM. The tunnels will bring a mind-twisting array of long-term financial and legal challenges and entanglements with the rail authorities. Such critical aspects as indemnification and hold harmless agreements in favor of the CDM will be effective only to the extent the rail authorities can back them financially. The CDM, as owner of Camino del Mar, will doubtlessly find itself named as a necessary or indispensable party in any litigation relating to the tunnels, from construction through operations, now and into the future. Given the rickety financial assumptions and structures outlined above, the CDM needs to ask the hard questions early and often relating to the financial and economic aspects of the proposed HST.

**Comments on Chapter 7: Unavoidable Adverse Environmental Impacts**

The Report at page 7-5 contains yet another remarkable paragraph that is also an obfuscation. It is set forth here in full:

I101-13 cont.

I101-14



Comment Letter I101 Continued

The CEQA Guidelines state that, the where the No Project Alternative is the environmentally superior alternative, EIR shall also identify the environmentally superior alternative from among the other alternatives (CEQA Guidelines 15126[e][2]). Based on evaluations documented in Chapter 3 of this Program EIR/EIS, the HST Alternative has been identified as the environmentally superior alternative. (Emphasis added).

The paragraph is missing a critical part of the syllogism. What appears to be missing is this phrase:

*The No Project Alternative is the environmentally superior alternative*

It appears the authors of the Report (for obvious strategic reasons) could not make explicit the missing part of the syllogism, and instead left it to amateur logicians to complete it. The Report needs serious clarification in this regard and the authors should step forward and either concede the No Project Alternative is environmentally superior or explain their (deliberate?) obfuscation.

Comments on Appendices

Appendix XX

Table 2.2-1, page 30, sets forth a "Summary of Engineering Design Parameters." That Table presents, among other things, "Minimum Right-of-Way Requirements" for twin single track tunnels, the type proposed for CDM and vicinity. The minimum right-of-way for that configuration is 120 feet. It is believed Camino del Mar, the street under which one of the tunnel alignments is proposed, is only 100 feet wide. Thus, even if rail authorities can somehow gain access to Camino del Mar, it appears private property owners may face "taking" of their property (surface and subsurface in some instances, subsurface only in others) of at least 20 feet (or even more) horizontal measurement.

The Report does not address this possibility in any way, nor project as to the CDM and its citizens and businesses the impacts of this aspect of the proposed tunnels and is thus inadequate.

Comments on Relocation Assumptions

The Report at numerous places appears to assume that the existing LOSSAN corridor with respect to the CDM will be relocated. (See Report, pp.2-94, 3.7-24 and 3.14-18). Missing from the Report is any meaningful discussion of exactly how that will be accomplished. Going further, the Report does not address the rights of BNSF to use of the coastal rail corridor, and how those rights will be adjusted, if at all, should the tunnels be built. Under certain scenarios, the CDM could end up with both tunnels AND a bluff side rail system, depending on how willing (and cooperative) BNSF might (or might not) be in relinquishing any rights to the existing alignment, and this result is not addressed in the Report. It would seem advantageous for BNSF to relocate as well, though the cost of

I101-14 cont.

I101-15

any concessions, payments or other consideration that might be required to accomplish that outcome are not addressed in the Report. Accordingly, the Report is deficient in these respects as well.

Conclusion

The "program" Report, although ambitious and daunting, is inadequate in numerous ways as regards the CDM's interests and concerns. Although "project" EIR/EIS studies may follow, the CDM should present its strongest possible profile, objections, questions and concerns at every opportunity.

Indeed, a case can be made that tunnels under Camino del Mar will likely make the CDM, its residents and businesses worse off. The same can be said for California in general as can be discerned from Chapters 4, 5 and 7, including the notion the proposed project is not the best environmental option.

Respectfully submitted,

*James K. Eckmann*  
James K. Eckmann

I101-15 cont.



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**Response to Comments of James K. Eckmann, August 18, 2004 (Letter I101)**

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**I101-1**

Chapter 1 "Purpose and Need and Objectives" is (and has been since late January 2004) available on the Authority's website. This chapter is also on the CD of the Draft Program EIR/EIS provided by the Authority.

**I101-2**

The Draft Program EIR/EIS notes on page 2-39 that the LOSSAN corridor is the second most traveled rail passenger route in the United States as part of the section that is explaining why this corridor is not practical for dedicated HST service (Section 2.6.8H). While the Authority supports conventional rail improvements in the LOSSAN corridor, the implementation of improvements for conventional services in this corridor is the responsibility of the Department of Transportation (please see standard response 6.42.1). The viability of the statewide HST system is not dependent on conventional improvements to the LOSSAN corridor, and these improvements were not assumed in the HST ridership forecasts.

Please see standard response 2.30.1 in regards to the elimination of the I-5 HST option.

HST service along the I-15 corridor would only compete with the LOSSAN corridor for the San Diego to Los Angeles travel market. The Surfliners are a predominately local service with eight stops between San Diego and Los Angeles. A majority of the LOSSAN ridership is from intermediate markets. The co-lead agencies believe that HST service on the I-15 corridor and the Surfliner service on the LOSSAN corridor are complimentary services which primarily serve different markets.

**I101-3**

The No Project Alternative is defined in Section 2.1.1 as follows: "The No Project/No Action (No Project) Alternative represents the state's transportation system (highway, air, and conventional rail) as

it is today and would be after implementation of programs or projects that are currently in regional transportation plans and have identified funds for implementation by 2020." It does not include improvements, incentives, or management policies beyond that which are currently programmed and funded. Because of the significant level of forecasted future intercity travel demand, the Modal Alternative is defined in terms of intercity capacity improvements. Additional incentives and management policies are not expected to result in sufficient capacity gains to offset the future demand.

**I101-4**

Determining whether the "costs set forth for the competing travel alternatives are in any way subsidized by government programs, from tax breaks to outright grants or long-term loans, including sub-market load terms, and other direct or indirect subsidy programs" is beyond the scope of this program EIR/EIS process.

**I101-5**

The air quality analysis presented in the Program EIR/EIS assumes the future air quality conditions from accepted policy forecasts from the California Air Resources Board (CARB). CARB's forecasts account for improvements in vehicular emissions as stated in Section 3.3.3 "Pollutant burden levels of CO, NO<sub>x</sub>, and TOG are predicted to decrease statewide through 2020 compared to 2001 levels (Figure 3.3-2). This decrease is due to the implementation of stringent standards, control measures, and state-of-the-art emission control technologies. Emissions per vehicle are dropping significantly in California as a result of CARB's clean vehicle and clean fuel programs."

Engineering design criteria (See Engineering Criteria, January 2004) regarding tunnel cross section and length provide for the proper ventilation of the tunnels. However, tunnel ventilation design is very

project/site specific nature and will be appropriately addressed at the subsequent project level of analysis.

**I101-6**

Trains in tunnels do not have ambient noise impacts to sensitive receptors located on the ground surface, unless the receptors are near the portal locations. At the portals the noise levels are not significantly different than any other location on the line. The noise analysis procedure applied accounts for potential noise impacts near portals as well as throughout all line segments.

Vibration levels associated with HST are relativey lower than the levels associated with passenger and freight trains due to the lighter weight of HST equipment and the high standard of track and trackbed construction and maintenance required for high-speed operations. Vibration impacts are highly site-specific in nature. These issues will be addressed during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed (e.g., specific alignment, track and trackbed construction, soil types, type and design of proximate structures, etc.). The detail of engineering associated with the project level environmental analysis will allow the Authority to further investigate ways to avoid, minimize and mitigate potential impacts.

The LOSSAN Conventional Rail Improvements have been removed from this Final Program EIR/EIS and are the subject of the Caltrans LOSSAN Rail Improvements Program EIR/EIS (Draft PEIR/EIS SCH # 2002031067). These comments have been forwarded to Caltrans for consideration. See Standard Response 6.41.1

**I101-7**

For most, if not all, rail and roadway projects, construction of a tunnel alignment has typically presented far fewer and reduced levels of impacts to adjoining properties and communities than development of surface or aerial alignments, particularly with regard to traffic, land use, noise, and visual impacts. Please see Standard

Response 3.15.13 regarding the purposes of the PEIR/S. The Co-lead agencies have found that there is sufficient information in the PEIR/S and public comments to support identification the HST Alternative and eliminate from future consideration the alignment options passing through CDM, including the tunnel option.

**I101-8**

More details regarding the archeological evaluation of this area can be found in the Cultural Resources, Archeology technical report for this region. The technical reports, prepared for five regions of the PEIR/S study area, served as supporting information for the Draft PEIR/S. The reports are available for review on the California High Speed-Rail Authority website:

[http://www.cahighspeedrail.ca.gov/eir/regional\\_studies/default.asp](http://www.cahighspeedrail.ca.gov/eir/regional_studies/default.asp), and have been incorporated in the Final PEIR/S by reference. Please note that the Co-lead agencies have removed from future consideration the coastal HST corridor, including the area in CDM.

**I101-9**

The LOSSAN Conventional Rail Improvements have been removed from this Final Program EIR/EIS and are the subject of the Caltrans LOSSAN Rail Improvements Program EIR/EIS (Draft PEIR/EIS SCH # 2002031067). These comments have been forwarded to Caltrans for consideration. See Standard Response 6.41.1

**I101-10**

Please see standard response 3.15.5 and response to Comment O044-26 regarding groundwater. The types of additional studies and evaluations requested in this comment regarding groundwater evaluation and geology cannot be completed until more detailed designs for the HST alternative are developed in the project-level, Tier 2 environmental evaluation. Please note that the Co-lead agencies have removed from future consideration the inclusion of the coastal HST alignment, including the area in CDM.

**I101-11**

Comment noted. A check of the CHSRA website on December 22, 2004, found that Section 3.15 was available for download and viewing (and has been since late January 2004) available on the Authority's website. This chapter is also on the CD of the Draft Program EIR/EIS provided by the Authority.

**I101-12**

The co-lead agencies disagree with the commenter's many contentions that the HST alternative would lead to extensive operating losses over the life of the project. Extensive ridership and revenue forecasting conducted for the HSRA's Business Plan indicates that HST fare revenue will produce an operating surplus under all reasonable scenarios of operating costs and market competition. It is entirely possible that some of these surpluses may be used to support later stages of construction of the proposed HST system. Please also see standard response 2.1.1 and standard response 2.1.2.

The Program EIR/EIS acknowledges that funding of the entire capital cost of the Modal or HST Alternative from state tax revenues would result in a less positive economic growth effect than other financing that would draw upon national or global economic resources. The potential differences in growth from different funding and cost assumptions were described at a sensitivity level of detail in Section 5.5.3. of the Draft Program EIR/EIS. Results from the sensitivity analysis indicate that even if the entire \$37 billion capital cost were funded from increases in state taxes, the HST Alternative would still lead to a net statewide increase in jobs (409,000) and people (608,000) over the No-Project Alternative.

The co-lead agencies believe that it would be imprudent and impractical to conduct modeling "out to seven or more" decades. There are no reliable economic base forecasts beyond 30 years into the future. Further, any analysis beyond this 30-year horizon would be highly speculative and would be unable to take into account the significant likelihood of structural changes in the economy during that timeframe.

**I101-13**

The co-lead agencies disagree with the commenter's many contentions that funding of the entire capital cost of the Modal or HST Alternative from state tax revenues would decrease statewide economic growth. The potential differences in growth from different funding and cost assumptions were described at a sensitivity level of detail in Section 5.5.3. of the Draft EIR/EIS. Results from the sensitivity analysis indicate that even if the entire \$37 billion capital cost were funded from increases in state taxes, the HST Alternative would still lead to a net statewide increase in jobs (409,000) and people (608,000) over the No-Project Alternative. Further, extensive ridership and revenue forecasting conducted for the HSRA's Business Plan indicates that HST fare revenue will produce an operating surplus under all reasonable scenarios of operating costs and market competition.

The co-lead agencies believe that it would be imprudent and impractical to conduct "out to seven or more" decades. There are no reliable economic base forecasts beyond 30 years into the future. Further, beyond this 30-year horizon, there is a significant likelihood of structural changes in the economy that would require extensive speculation to analyze.

**I101-14**

The statement in the PEIR/S is correct. CEQA guidelines §15126.6[e][2] state that, "if the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify the environmentally superior alternative among the other alternatives." The No Project Alternative is assumed to include development of numerous projects across the state, as contained in the local, regional, and statewide plans. It is assumed that each of these projects would undergo separate review that would describe their environmental impacts. It is clear that the No Project Alternative and its component parts will have major environmental impacts, but these projects are not under the purview of the California High Speed Rail Authority and would occur without any action on their part, therefore No Project Alternative impacts are not

detailed in the PEIR/S. The No Project Alternative serves as an environmental baseline against which the impacts of the Modal and HST alternatives can be compared. The Co-lead agencies have found that the No Project Alternative would not meet the intended purpose and need of the HST System, as described in Section 1 of the PEIR/S.

**I101-15**

Please see standard response 6.42.1.

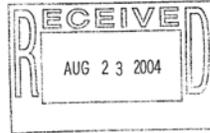


**Comment Letter I102**

**I102**

169 Spruce Ave.  
Menlo Park, CA 94025  
August 19, 2004

California High-Speed Rail Authority  
Draft Program EIR/EIS Comments  
925 L Street, Suite 1425  
Sacramento, CA 95814



Dear Sir/Madam:

I am disappointed that the CHSRA draft EIR does not consider the Altamont Pass route.

A route using CalTrain right of way through Atherton, Menlo Park, Palo Alto and points south on the Peninsula will do serious damage to the environment of those communities. I oppose that route.

I request that you bring back the Altamont Pass proposal and that you perform a complete environmental impact study of all proposed routes.

Respectfully,

A handwritten signature in black ink, appearing to read "Don Barnby".

Don Barnby

1102-1

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**Response to Comments of Don Barnby, August 19, 2004 (Letter I102)**

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**I102-1**

Please see standard response 2.18.1.



**Comment Letter I103**

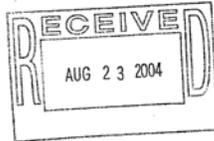
**I103**

Joan Bartulovich  
7102 Donal Avenue  
El Cerrito, CA 94530

(510) 232-1136

E mail: [joanbar1@prodigy.net](mailto:joanbar1@prodigy.net)

August 20, 2004



California High Speed Rail Authority  
925 L Street, Ste 1425  
Sacramento, CA 95814

Re: California High Speed Rail Draft Program EIR/EIS

Dear Mr. Petrillo:

The DEIR/S is flawed because it omits the possibility of an Altamont Pass alignment as an alternative to tunneling through the more mountainous Mt. Hamilton and Pacheco Pass areas to connect the Central Valley to the Bay Area. As you may know, the Altamont Pass alignment was the recommended preferred alignment of the Intercity High Speed Rail Commission, the predecessor to the California High Speed Rail Authority (HSRA).

An Altamont Pass alignment would follow the existing I-580/I-680 corridor with the following potential benefits:

- No impact on Henry Coe State Park, the second largest state park in California, including pristine Orestima Wilderness.
- Less overall growth inducement in wilderness and undeveloped areas.
- Less impact on wetlands
- Faster Los Angeles-San Francisco travel times
- Service to over 1 million East Bay and Northern Central Valley residents in Phase I of the project.
- Traffic congestion relief on I-80 and I-580/I-680
- Much faster travel times between the Bay Area and Sacramento
- Cost savings of up to \$2 billion, according to documents in the DEIR/S record

I103-1

This Program DEIR/S should not be used to decide which alignment to use. Rather a new EIR/S should fully explore an Altamont Pass alignment, providing a complete and careful comparison to other alignment options for public comment.

Thank you for your consideration of these comments.

Joan Bartulovich

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**Response to Comments of Joan Bartulovich, August 20, 2004 (Letter I103)**

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**I103-1**

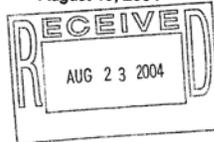
Please see standard response 2.18.1.



Comment Letter I104

I104

15 Bowles Place  
Oakland CA 94610  
August 19, 2004



Mr. Joseph Petrillo, Chairman  
California High Speed Rail Authority  
925 L St., Suite 1425  
Sacramento, CA 95814

Dear Mr. Petrillo:

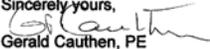
Subject: California High Speed Rail Draft Program EIR/EIS.

While I was associated with the Transbay Terminal/Caltrain Upgrade Program as Deputy Director I had occasion to review elements of the HSR EIR/EIS. In the course of this review I was able to discuss some of the issues with ridership forecasting experts and with your staff. However, I am no longer associated with the Transbay Terminal Program so the following comments are my own:

1. Because of budgetary constraints and time limits the demographic and ridership database upon which EIR/EIS conclusions were based is out of date and otherwise deficient. Additional work is needed to ensure that the ultimate decisions, particularly those affecting alignment and terminal configuration, are based upon sound demographic and ridership projections.
2. From the published data it appears that the ridership projections extended only to Year 2020. The California High Speed Rail System will necessarily have to serve California far into the future. Year 2020 is too close. Ridership projections should be extended by the best available methodology to at least Year 2050.
3. The EIR/EIS gives no consideration to the proposed underground moving ramp pedestrian connection that would link the Transbay Terminal to the BART and Muni subways and to the heart of the San Francisco financial district. This will be an important connection that will render the HSR system more useful to more people. The projected effects of this connection should be determined and published in the EIR/EIS.

4. Catering to an aggressive group of Palmdale developers and local politicians, your staff acquiesced to a scheme for detouring the main HSR line to Palmdale. This is folly. For one thing the detour would cause many Californians from other counties who have no interest in visiting Palmdale to lose interest in the HSR Program. A much better approach would be to keep the connection between Southern and Northern California as short, fast and direct as possible, and serve Palmdale interests via a fast connecting feeder.
5. Catering to a well-organized campaign by the Silicon Valley Manufacturer's Association and the Mayor of San Jose, your staff acquiesced to an alignment that would route all trains through San Jose but in the process degrade the service to East Bay cities and deny service to the burgeoning San Joaquin County/Amador Valley region. The Altamont Pass route would afford fast and direct HSR service to San Jose and San Francisco and it would also significantly improve commuter rail service (via a joint arrangement service similar to what is planned in the West Bay) to and from San Joaquin County and the Amador Valley. The Pacheco route would do nothing for anyone, except perhaps developers in the Merced area.
6. You are no doubt already aware of the other obvious advantages of the Altamont alternative.

If you or a member of your staff have questions or wish to discuss any of the above please do not hesitate to call or e-mail me.

Sincerely yours,  
  
Gerald Cauthen, PE  
Transportation Consultant

510 208 5441  
cautn1@aol.com

I104-3

I104-4

I104-1

I104-2

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**Response to Comments of Gerald Cauthen, August 19, 2004 (Letter I104)**

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**I104-1**

The Authority acknowledges but disagrees with your comments regarding ridership forecasts. The ridership forecasts done by Charles River Associates (CRA) for the Authority's Business Plan were considerably beyond the level of detail necessary to support the program level environmental process. While the base forecast year for the CRA forecasts was 2020, CRA also did analysis for 2040 and 2050. In regards to the "low-end" forecasts, the Authority's Business Plan states, "Ridership and revenue for the high-speed train system will continue to grow as the system matures and California's population continues to grow. By the year 2050, both ridership and revenue in constant 1999 dollars are forecast to increase by half over 2020 levels to over 47 million passengers and \$1.3 billion in fare revenue." (page 27) CRA's analysis for 2040 was utilized in the evaluating the potential growth inducement from the HST system.

**I104-2**

The Draft Program EIR/EIS states the Transbay Terminal would have "direct connections to BART, Muni, and regional bus transit". However, BART commented that the Transbay Terminal is one city block away from BART and that the underground moving ramp pedestrian connection to BART was not part of the Transbay Terminal's financial plan. The Final Program EIR/EIS will acknowledge that the Transbay Terminal is one city block from BART.

**I104-3**

Please see standard response 6.23.1.

**I104-4**

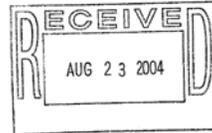
Please see standard response 2.18.1.



Comment Letter I105

I105

1621 Stone Pine Lane  
Menlo Park, CA 94025  
August 20, 2004



Draft Program EIR/EIS Comments  
925 L Street, Suite 1425  
Sacramento, CA 95814  
Att: High Speed Train

Subject: CHSR Program Draft EIR/EIS

Ladies and Gentlemen:

We object in the strongest terms to the contents of the "CHSRA Draft Environmental Impact Report/Environmental Impact Statement" for the following reasons.

1. The document fails on the grounds of full disclosure.
2. It enters economic domains (train ridership, profitability, development and construction costs, etc.) that are beyond its jurisdiction, which is, ostensibly, environment.
3. In rejecting the Altamont alternative, it accepts inappropriate political decisions beyond its jurisdiction.
4. It fails to address *all* the significant environmental implications and consequences of HSR on the Peninsula from San Francisco to San Jose. These include factors such as private property acquisition and imposed easements, right-of-way expansion, aesthetics, noise pollution, residential quality impact, tree loss, and protracted construction.
5. It fails to assess the environmental/ecological impacts of *all* alternative routes.
6. It is an advocacy, promotional marketing document reflecting the interests of the HSRA at the expense of both urban and rural areas throughout California; it fails on grounds of objectivity and neutrality.
7. It perpetuates the arbitrary and distorted separation of three environmental rail issues that are inherently interdependent:
  - a. Grade separations along the Peninsula and other urban areas.
  - b. Electrification
  - c. The overlay of rail multiplication (additional trackage) on the CALTRAIN/JPB right-of-way.
8. It considers only two alternative routes, totally neglecting others that would mitigate the significant environmental damage caused by running HSR through the urbanized Peninsula. For example, an alternative route would run the HSR from LA to Fremont/Sacramento with trunk lines south to San Jose and north, cross-bay, to San Francisco.

I105-1  
I105-2  
I105-3  
I105-4  
I105-5  
I105-6

9. It does not consider and assess the option of terminating the Bay Area "west leg" of the HSR at San Jose which is connected to San Francisco by the Baby Bullet trains, i.e., an already existing local high-speed rail connection.

I105-7

In sum, the report supports the Bay Area Peninsula JPB/CALTRAIN agenda for reckless rail right-of-way expansion down the Peninsula, regardless of the destructive consequences to residential communities through which it passes. This document promotes pork-barrel politics at its most egregious.

I105-8

On these and numerous other grounds, we condemn and reject the Draft EIR/EIS and recommend that the HSR Authority conduct the analyses that are so obviously missing from the present draft report.

Sincerely,

Martin and Judith Engel



U.S. Department  
of Transportation  
**Federal Railroad  
Administration**

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**Response to Comments of Martin and Judith Engel, August 20, 2004 (Letter I105)**

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**I105-1**

The Authority acknowledges but disagrees with your assessments. Consideration of train ridership forecasts and the development of construction costs, etc., are appropriate as part of the program EIR/EIS process. The program EIR/EIS has been prepared in compliance with the requirements of CEQA and NEPA.

**I105-2**

Please see standard response 2.18.1.

**I105-3**

Addressing “all the significant environmental implications and consequences of HSR on the Peninsula” is beyond the scope of this program level EIR/EIS process including such areas as private property acquisition, imposed easements, tree loss, etc. If the HST proposal moves forward, more detailed project-specific environmental documentation will be required prior to construction. The level of analysis provided in the program EIR/EIS is appropriate to the decisions being made at this time; future project specific studies will address potential impacts in more detail at the alignment locations identified for further study.

The HST system would require the Caltrain corridor to be fully grade separated, electrified, appropriately fenced and require additional tracks. The Program EIR/EIS evaluates the potential environmental impacts of a HST design concept which includes grade separation, access control, and additional tracks, where necessary, but also is designed to reduce environmental impacts (please see the objectives listed in Chapter 2 of the Program EIR/EIS on Table 2.6-5).

**I105-4**

The Authority acknowledges but disagrees with your assessments.

**I105-5**

The Program EIR/EIS evaluates only a fully grade separated, electrified (overhead catenary) Caltrain corridor with additional tracks as part of the HST Alternative.

**I105-6**

HST links from Fremont to Sacramento were considered but rejected as part of an initial statewide HST system. Please see the Draft Program EIR/EIS Section 2.6.8D. Available studies indicate that use of the Bay Bridge, or a new Transbay Tube would not be feasible or practicable options for HST service. Please see the findings of the MTC Bay Bridge Rail Feasibility study (cite study). Please also see standard response 6.3.1.

**I105-7**

Please see standard response 6.1.4.

**I105-8**

The Authority and FRA acknowledge but disagree with your assessment.

**Comment Letter I106**

From Ernest Goitein

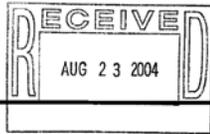


Sat, Aug 21, 2004

12:41 PM

Page 1 of 1

**I106**



**Ernest Goitein**

167 Almondal Ave., Atherton, California 94027-4003

August 21, 2004

California High-Speed Rail Authority  
Draft Program EIR/EIS Comments  
925 L Street, Suite 1425  
Sacramento, CA 95814

Subject: High-Speed Rail DEIR

Dear California High-Speed Rail Authority,

Please revise the DEIR to fully address the environmental impacts on all of the alternatives being considered. I am particularly concerned that the Altamont Pass alternative has not received full consideration. It is important for concerned citizens to clearly understand the benefits or drawbacks of each alternative.

I hope you will consider my comments and revise the DEIR accordingly.

Cordially,

I106-1



CALIFORNIA HIGH SPEED RAIL AUTHORITY



U.S. Department  
of Transportation  
**Federal Railroad  
Administration**

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**Response to Comments of Ernest Goitein, August 21, 2004 (Letter I106)**

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**I106-1**

Please see standard response 2.18.1.