

Comment Letter O053

AUG-31-2004 04:33 FROM: COMMITTEE FOR GREEN 650-968-8431 TO: 19163220827 P. 2 O053



August 31, 2004

California High-Speed Rail Authority
Draft Program EIR/EIS Comments
925 L Street, Suite 1425
Sacramento, CA 95814
Fax: (916) 322-0827

Re: Comments submitted on the CAHSR Draft Environmental Impact Report/Environmental Impact Statement

Dear Board of Directors;

The Committee for Green Foothills submits this comment letter to request that the Authority reverse its prior decision and consider the Altamont Pass route alternative in a revised DEIR/DEIS ("DEIR").

For all the reasons discussed in the comment letter from the Loma Prieta Chapter of the Sierra Club, the Altamont route alternative is a feasible alternative alignment for the rail line.

The Committee for Green Foothills does not endorse any particular alignment for the rail line. We only seek adequate environmental planning that allows the best possible choice.

In addition to the failure to include Altamont, the DEIR has a number of flaws discussed in the Loma Prieta Chapter comment letter and in other comment letters.

For the reasons discussed above, we request that the Authority reissue a revised DEIR before proceeding to a decision on high speed rail.

Sincerely,

[Handwritten signature of Brian A. Schmidt]

Brian A. Schmidt
Legislative Advocate, Santa Clara County

O053-1

COMMITTEE FOR GREEN FOOTHILLS
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Palo Alto, CA 94303
650.968.7243 phone
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U.S. Department of Transportation
Federal Railroad Administration

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**Response to Comments of Brian A. Schmidt, Committee for Green Foothills, August 31, 2004  
(Letter O053)**

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**O053-1**

See Standard Response 2.18.1.



Comment Letter O054

AUG-31-2004 21:39 FROM:MICHAEL BECK EHL

(619) 588-1595

TO:19163220827

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AUG-31-2004 21:39 FROM:MICHAEL BECK EHL

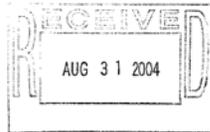
(619) 588-1595

TO:19163220827

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O054

ENDANGERED HABITATS LEAGUE
DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



August 30, 2004

Chairman Joe Petrillo, and
Committee members of the California High Speed Rail Authority
925 L St., Suite 1425
Sacramento, CA 95814

Regarding: California High Speed Rail Draft EIR/EIS

Dear Mr. Petrillo and Committee Members:

The Endangered Habitats League is a regional conservation organization dedicated to ecosystem protection, sustainable land use, and collaborative conflict resolution. We engage on state and federal level policies and projects that affect our core mission. As such, we appreciate the opportunity to comment on the Draft EIR/EIS for the proposed High Speed Rail project.

An effective high speed rail system holds the potential to significantly benefit the citizens of the state through the development of a visionary transportation alternative. Such a project could leverage important and sustainable compact development, reduce sprawl, and actually result in a net benefit to a range of environmental issues, including water and air quality and biology. These are feasible, attainable goals. It is essential however that the project clearly and unequivocally demonstrates a commitment to such goals, and that the baseline CEQA/NEPA analysis adequately establishes the basis for the development and implementation of a system that will produce those outcomes. Unfortunately, we find the DEIR/EIS inadequate in driving a fundamentally sound and legally defensible project. Specifically we would like to highlight the inadequate impact analysis on the following topics:

- Project description
• Biology and hydrology including impact analysis
• Land use and transportation planning

Project Description

There is a clear discrepancy between the project and alternatives description that the public must construe from the DEIR/EIS and the decision options that the Authority has

regarding alignment, mitigation, and mode. The document does not provide clear and complete project alternative descriptions (including mode, alignment, impacts, mitigation etc.) in a manner that is accessible and understandable to the public, nor does it provide a description of potential impacts or anticipated subsequent projects as required by CEQA (Article 2, Section 21157).

In contrast, the Authority may actually select modes, alignments, and mitigation strategies based entirely upon the information provided in this program level document. Furthermore, CEQA allows limited review of subsequent projects described in the master document. (Section 21157.1). If this document is certified and subsequent projects approved with the limited review provisions of CEQA, the Public Trust safeguards and intent of CEQA will have been circumvented. In particular, the issue of corridor alignment is highly egregious as it drives so much in the way of impact analysis and mitigation. In order to rectify this situation, we recommend that a revised DEIR/EIS be developed which includes adequate information, compiled in a logical and accessible manner.

• Biology, Hydrology, and Impact Analysis

A cascade of inadequate conclusions related to biological and hydrological impacts and mitigation flow from the lack of an appropriate project description.

The biologic and hydrologic resources that will be impacted by the project are components of natural systems. Wildlife movement, discrete populations of plants and animals, and the hydrologic underpinnings of those resources within these systems will be impacted directly and indirectly by the project. Because system thresholds can be eroded over time by projects such as the HSP, cumulative impacts must be seriously considered as they insidiously build to significant, sometimes "system breaking" levels. The document does not provide adequate baseline information regarding species, habitats or the interrelation between them at an ecosystem level. Without this fundamental perspective, it is not possible to adequately assess and mitigate impacts, which in turn should drive alternatives analysis considerations.

Not only is it not possible to determine the impact level of significance based upon the information provided, but mitigation is generalized into a notion referred to as "mitigation strategies". CEQA does not provide for such a vague, non-specific action. A "strategy" is only as good as the criteria and binding performance standards linked to it.

In San Diego, our organization has been engaged in the Regional Transportation Plan (RTP) for a number of years. Funding to implement this 40-year, \$14 billion plan will be before the voters in November of this year. Among the projects to be funded (there are no "green field" projects in the Expenditure Plan) are three highway expansions in resource sensitive areas. A program level EIR, which will be utilized by subsequent more specific CEQA documents for project implementation, supports the RTP.

In order to address the potential significant impacts to the biological resources along these corridors, the transportation agency board (San Diego Association of

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O054-2

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Comment Letter 0054 Continued

AUG-31-2004 21:39 FROM:MICHAEL BECK EHL. (619) 588-1595 TO:19163220827 P.4

AUG-31-2004 21:40 FROM:MICHAEL BECK EHL. (619) 588-1595 TO:19163220827 P.5

Governments) adopted a "net biological benefit" standard as a legally binding performance outcome for these projects. Based upon this ordinance obligation, plant and animal populations and wildlife movement will be improved beyond pre-project conditions. Capital project design and route alignment alternatives will be utilized to minimize impacts and help reach this outcome. This commitment drives an "avoid first" approach (a CEQA objective), in contrast to the "impact and mitigate", which would seem to be the logical outcome of the CEQA process as outlined in the DEIR/EIS. We strongly recommend that the Authority adopt such a standard for impacts resulting from the HSR project. Following for your information is the TransNet Extension Ordinance and Expenditure Plan for those projects.

Environmental Enhancement Criteria Mitigating Highway 67, 76, and 94 Expansion Impacts

Segments of Highways SR 67, SR 76 and SR 94 are proposed for expansion from two to four lanes through funding identified in the TransNet Expenditure Plan. The proposed expansions will have substantial direct and indirect impacts to plant and animal species and to the regional wildlife movement corridors bisected by the roads. These corridors are essential "infrastructure" for our region's nationally recognized habitat preservation plans.

Very high levels of road kill are a significant existing condition on all of these highway segments, which could be exacerbated by the increased traffic along the expanded highways should they be widened. Direct and indirect impacts to sensitive plant and animal populations, and to the function of the wildlife corridors, should be mitigated in order to produce an on-site "net benefit" to species and to the movement of wildlife along these wildlife corridors.

In order to accomplish this objective, it is necessary that the adopted TransNet Expenditure Plan include policy language and directives that insures the "net benefit" mitigation standard is met. This will require a comprehensive baseline analysis of existing and future conditions, adoption of measures to mitigate direct and indirect impacts to species, adoption of measures to accommodate species-specific wildlife movement through the corridors, and implementation of capital project designs that can reduce impacts.

Biological analysis and recommendations need to be consistent with Multiple Species Conservation Program (MSCP) and Multiple Habitat Conservation Program (MHCP) goals and objectives, data, and protocols. Analysis will commence at the time of, or prior to, TransNet Funding availability.

- Key road segments:
• SR67, Mapleview to Dye Road
• SR76, Melrose to I-15
• SR94, Jamacha Road to Steele Canyon Road

Additionally, the DEIR/EIS fails to adequately discuss potential impacts of the project on the NCCP program in the south-coast plan areas. In fact, the document incorrectly states that there are no NCCP's along the LA-Orange County-San Diego corridor. This is inaccurate; in fact there are three subregional NCCP's in Orange and San Diego County along the coastal route (Southern Orange County NCCP, Multiple Habitat Conservation Plan in north-coastal San Diego County and Multiple Species Conservation Program in south-coastal San Diego County). Along the I-15 route are three NCCP's as well.

These programs have been under development for over a decade and are inextricably linked to land use and transportation plans for the participating jurisdictions through state and federal ESA law. CEQA documents for this project must include a description of anticipated impacts and the implications of locating routes along corridors. Mechanisms to insure compatibility with NCCP standards must be identified.

Land Use and Transportation Planning

The proposed project is intended to run along the I-15 corridor through Riverside into San Diego County. The I-15 corridor, essentially at or beyond capacity at this time, is a primary focus of the Regional Transportation Plan that has been under development for a number of years in San Diego.

The RTP proposes a number of improvements along I-15 including managed HOV lanes, a bus-rapid-transit system, and connectors. These improvements will essentially use up remaining Caltrans easements along the corridor. (The DEIR/EIS does not address this fundamental easement issue.) The cost of building and operating system improvements along the I-15 runs into the billions of dollars. This investment of significant public funding in planning and implementation is not reconciled with the proposed high speed rail project. How for example will the HSR project interface with the RTP infrastructure investments, technologies, and ridership? How will the HSR project interface with land use and development strategies that are being linked to the RTP? What mechanism is in place to insure appropriate phasing of improvements for the projects if and when they are linked?

Summary

In conclusion we hope that our limited comments contribute to a decision to redistribute a revised, improved, and legally defensible DEIR/EIS. A project of this magnitude and potential deserves nothing less.

Thank you for your consideration.

Sincerely
Michael Beck
San Diego Director

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O054-3



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**Response to Comments of Michael Beck, San Diego Director, Endangered Habitats League, August 30, 2004  
(Letter O054)**

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**O054-1**

Section 2.6 of the Final Program EIR/EIS describes the overall HST system alternative. Chapter 6A describes the preferred system of HST alignment and station options.

**O054-2**

Please see standard response 3.15.2 regarding level of detail regarding biological impacts. The Co-lead agencies have and will continue to look for ways to first avoid adverse environmental impacts. The identification and selection by the Co-lead agencies of the HST rather than the Modal Alternative would avoid significant impacts, as identified in the PEIR/S. A number of HST alignments (e.g., through Henry Coe State Park and the Orestimba State Wilderness) have also been dropped from further consideration by the Authority, in large part due to anticipated adverse impacts from these alignments (e.g., HST alignments in the LOSSAN Corridor). Additional avoidance of impacts will be pursued in the more-detailed, Tier 2 evaluations of selected HST alignments and corridors (please see standard response 3.15.13). For example, detailed HST alignments would be refined at the project level within the overall corridor alignment option identified in the through the program environmental process (please see standard response 3.15.6). As discussed throughout this Final PEIR/S and to be consistent with both NEPA and CEQA, the Co-lead agencies must prepare complete NEPA and CEQA documentation for future Project level, Tier 2 environmental reviews rather than just "limited reviews." Please see standard response 3.15.10 regarding use of MSCPs and MHCPs in the PEIR/S analyses.

**O054-3**

It is assumed that the HST alignment option would be developed in concert with other improvements within the I-15 corridor. In most cases the corridor, as planned, would allow for the inclusion of the HST alignment. As part of the PEIR/S process, only conceptual designs could be developed for all the alignment options. The detailed analysis called for in this comment would be completed as part of the project-level, Tier 2 studies. Please see Standard Response 3.15.13 regarding the two-step environmental process. Please also see standard response 10.1.7 in regards to project phasing.

**Comment Letter O055**

**O055**

**Downtown Visalians & Alliance**  
*Business and Property Owners Working Together to Enhance Downtown*  
104 South Church Street Visalia, California 93291

August 30, 2004



California High-Speed Rail Authority  
925 L. Street, Suite 1425  
Sacramento, CA. 95814

Dear Members of the Authority:

On behalf of the Board of Directors of Downtown Visalians, we urge your support of the Union Pacific railroad alignment with the Highway 99 corridor through the Central Valley.

Visalia is located on the Highway 198 connector to Highway 99. It is the "Gateway to the Sequoias". We find this is an exciting project which can bring more tourism and jobs to our community.

Downtown Visalians is a non-profit association of business owners who tax themselves in order to improve their community. Our downtown is one of the few in the valley not struggling to become renewed again. This community has worked hard to grow concentrically and maintain a healthy city center.

Thank you in advance for your consideration of this request.

Sincerely,

Anthony Holman  
President

O055-1

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Explore: www.downtownvisalia.com



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**Federal Railroad  
Administration**

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**Response to Comments of Anthony Holguin, President, Downtown Visalians and Alliance, August 30, 2004  
(Letter O055)**

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**O055-1**

Acknowledged. Please see Standard Responses 6.15.4 and 6.21.1.

Comment Letter O056

O056



IMPACT SCIENCES

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AUG 31 2004

August 30, 2004

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

Subject: Comments to the Draft EIR/EIS for the Proposed California High-Speed Rail Train System

Dear Ladies and Gentlemen:

Impact Sciences, representing our client, Tejon Ranch, is pleased to submit this comment letter to the Draft EIR/EIS California High-Speed Train. Our comments will demonstrate, the analysis prepared in the EIR/EIS is often deficient, does not meet the intent of CEQA or NEPA, and, at times, appears to present insufficient information. Although this is a Program EIR/EIS, it does not provide a sufficient level of detail in the analysis to permit informed decision-making and to satisfy the public disclosure requirements articulated under CEQA Guidelines Section 15003. Nor does this document satisfy the requirements for the National Environmental Policy Act. Section 102 of the National Environmental Policy Act requires that the responsible agency study, develop and describe appropriate alternatives to the proposed project. Section 1502.14(e) requires that the degree of analysis devoted to each alternative be substantially similar to that of the proposed project. This is an issue of significant concern, and it is important that the EIR/EIS address this issue fully and accurately in order to comply with CEQA.

Clearly, this is not the case for this EIR/EIS. As you are aware, different environmental analysis sections within the EIR/EIS are analyzed to different levels of specificity. For example, some sections (e.g., Energy) indicate that there are not specific plans necessary to provide a detailed review. Yet other sections (e.g., Noise and Land Use) provide a more detailed analysis. Our client, Tejon Ranch, has indicated that they have seen very detailed specific engineered drawings for some or all of the Bakersfield to Sylmar alignments. Clearly, plans have been made available for the evaluation of some environmental topics yet other sections are very generic in their discussion and conclusions, supposedly due to lack of specific alignment information. If engineering drawings were available, they should have been used for the environmental analysis within the EIR/EIS. Instead, many of the sections are evaluated using a "broad-brush" approach when, in fact, a more detailed analysis should have been prepared.

In the case of the High-Speed Train project, clear and detailed engineering plans could easily have provided "significant new information," resulting in a substantial increase and or new conclusions with regard to environmental impacts, and possibly new mitigation. This is an issue of significant concern, and it is important that the EIR/EIS address this issue fully and accurately in order to comply with CEQA.

California High Speed Rail  
August 30, 2004  
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If you have any questions with regards to our comments, please do not hesitate to call me.

Very truly yours,

IMPACT SCIENCES, INC.

Susan Tebo  
Associate Principal



CALIFORNIA HIGH SPEED RAIL AUTHORITY



U.S. Department  
of Transportation  
Federal Railroad  
Administration

Comment Letter 0056 Continued

SECTION 3.1 - TRAFFIC AND CIRCULATION

The EIR/EIS provides an inadequate characterization of baseline transportation conditions and utilizes outdated regional forecasts to develop future baseline traffic conditions along the State Route 14 (SR-14) and Interstate 5 (I-5) study segments. For these facilities, traffic data relied upon to create the baseline condition dates to 1999; consequently, the information is five years old.

This deficiency is compounded by the reliance solely on the Southern California Association of Governments (SCAG) traffic model to forecast travel behavior within the region. The model used by SCAG relies upon a regional land use database that contains land use information on existing and future development patterns for the five county Southern California region based on local General Plans. This model was last validated in 1997 and does not reflect recent large-scale development plans for the western Antelope Valley.

When analyzing the cumulative impacts of a project under 15130(b)(1)(A) of the CEQA Guidelines, the Lead Agency is required to discuss not only approved projects under construction and not yet under construction, but also unapproved projects currently under environmental review, with related impacts or which result in significant cumulative impacts. This analysis should include a discussion of projects under review by the Lead Agency and projects under review by other relevant public agencies, using reasonable efforts to discover, disclose, and discuss the other related projects.

In March of 2004, the County of Los Angeles released the Notice of Preparation for an EIR on the Centennial Specific Plan. The Centennial Specific Plan is proposed on approximately 12,000 acres of land located in the northwestern portion of the Antelope Valley in Los Angeles County, approximately 38 miles northwest of the City of Lancaster and 32 miles north of the Santa Clarita Valley. This project requires several General Plan Amendments, including a change in designation from non-urban (among others) to Specific Plan in order to reflect the urban nature of the project. Buildout of the Specific Plan would result in a maximum of 22,998 dwelling units, over 1.9 million square feet of commercial space, and 12 million square feet of employment generating space in the form of business parks. The Specific Plan also designates land for the necessary supporting civic and institutional land uses, such as schools, parks, fire station, and library. No consideration is given to this project, despite the fact that it would likely have a substantial influence on travel patterns along SR-14, State Route (SR-138), and I-5.

The EIR/EIS also does not provide sufficient level of detail in the analysis to permit informed decision-making and to satisfy the public disclosure requirements articulated under CEQA Guidelines Section 15003. Nor does this document satisfy the requirements for the National Environmental Policy Act. Section 102(2)(E) of the National Environmental Policy Act requires that the responsible agency study,

3.1 Traffic and Circulation

develop and describe appropriate alternatives to the proposed project. Section 1502.14(e) requires that the degree of analysis devoted to each alternative be substantially similar to that of the proposed project.

Clearly, this is not the case for this EIR/EIS. While the document identifies the operating condition of the primary freeway segments and interchange locations for the existing and no project alternative, it fails to provide this same level of analysis for the modal and high-speed rail alternatives in the main body of the EIR/EIS. Instead, the reader must search through the technical appendix to locate the data. In the technical report, the SR-58 to SR-14 corridor is said to result in greater accessibility to proposed rail stations than does the I-5 alignment. This increased accessibility is said to reduce vehicle miles traveled on the study freeway network. Absent such information in the main body of the analysis, it is difficult for decision makers to conduct a meaningful evaluation comparing the merits and impacts of each alternative under consideration. This is a clear deficiency that must be addressed.

0056-1 cont.

0056-1



Comment Letter 0056 Continued

SECTION 3.3 - AIR QUALITY

The Air Quality Technical Evaluation only addressed the three system alternatives: No Project alternative, Modal alternative, and the High-Speed Train (HST) alternative (hereafter, referred to as the proposed project). However, within the proposed project there are several differing alignment alternatives. For example, the Bakersfield to Los Angeles rail segment of the proposed project has two route alignment options, one generally following the Interstate 5 corridor through the Angeles National Forest and the other following State Route 58 to the State Route 14 corridor through the City of Palmdale and the Antelope Valley. Although traffic data was available in the "Bakersfield-to-Los Angeles Traffic, Transit, Circulation & Parking Technical Evaluation" for an analysis of each of these route alignment options, the Air Quality Technical Evaluation did not assess HST impacts for each route alignment of the proposed project.

Two points need to be expressed regarding the route alignment options. First, the Air Quality Technical Evaluation does not identify which of the route options it used in evaluating the proposed project. Secondly, by not providing a separate evaluation for each route option, decision makers within the lead agency are unable to know the air quality impacts associated with each of these different routing options and will, therefore, not be able to make an informed decision. As an example, it is likely that potential passengers in the Palmdale area will ride the California High-Speed Train rather than commute by car if the lead agency chooses the State Route 58 to State Route 14 route alignment option, whereas these potential passengers would be bypassed and unable to utilize the proposed project if the lead agency chooses the Interstate 5 route alignment option of the proposed project. It is expected that these different route options will produce differing air quality impacts.

The lack of detail presented in the EIR/EIS extends to the characterization of baseline conditions. An EIR must describe the "environment in the vicinity of the project" as it exists before commencement of the project, from both a local and regional perspective. 14 Cal.Code of Regs §15125. Where basic information is missing from an EIR, the document is deficient as a matter of law. *San Joaquin Raptor v. County of Stanislaus* (1994) 27 Cal.App.4th 713,734. The HST EIR/EIS is deficient for omitting basic information available about all criteria pollutants. Under the Federal Clean Air Act, the EPA regulates six criteria pollutants: ozone (O<sub>3</sub>), carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), oxides of sulfur (SO<sub>x</sub>), particulate matter (PM) and lead. Under the California Clean Air Act, the California Air Resources Board regulates these same six criteria pollutants, as well as hydrogen sulfide, vinyl chloride, and visibility reducing particles. The EIR/EIS omits any description of existing air quality with respect to these last three elements. The EIR/EIS also understates the severity of the air quality experienced in the San Joaquin Valley Air Basin (SJVAB) as is summarized in Table 3.3-3. It would be helpful if the specific levels of nonattainment (e.g., moderate, serious, severe, extreme) were included in this table. Without this

information, the reader may conclude that the severity of air pollution in all the listed nonattainment areas is identical, which it is not.

More specifically, the SJVAB is extreme non-attainment for the 1-hour O<sub>3</sub> national ambient air quality standard. In December 2001, the U.S. Environmental Protection Agency (EPA) reclassified the SJVAB from serious to severe nonattainment for the 1-hour standard. The reclassification resulted from the failure of the SJVAB to attain the standard by November 15, 1999 as required for serious nonattainment areas. Under the severe classification, EPA requires the San Joaquin Valley Unified Air Pollution Control District (district) to prepare plans demonstrating attainment of the standard by November 15, 2005, and rate of progress (ROP) plans demonstrating reduction of O<sub>3</sub> precursor emissions at a rate of 3 percent per year, averaged over a 3-year period. The most recent Ozone Attainment Plan ROP was prepared in December 2002 for the years 2002 through 2005. Please revise the EIR/EIS to include the above noted information.

However, the district has determined that the actions identified in the 2002 and 2005 ROP Plan will not fulfill EPA's requirement for a plan that will demonstrate attainment of the O<sub>3</sub> standards by November 15, 2005. Consequently, the EPA issued a Federal Register notice with a finding of Failure to Submit attainment demonstration & additional severe status items, which initiated a process by which sanctions, including loss of federal dollars for highway projects, begins. In August 2003, the district Governing Board adopted a Resolution requesting reclassification to extreme by no later than January 2004. This action allows more time for additional control measures to be implemented in order to reach attainment (November 15, 2010 instead of November 15, 2005), but also institutes more stringent requirements such as lowering major source emission thresholds from 25 tons per year to 10 tons per year. EPA approved the request for reclassification in April 2004. An Extreme Ozone Attainment Demonstration Plan is presently under development.<sup>1</sup> Such a detailed description for each relevant air basin would provide important information to ascertain the potential impacts or benefits of alternate routes for the HST, and consequently, must be included in the text of the EIR/EIS.

Another measure of air quality is the emissions, or levels of, Hazardous Air Pollutants (HAPs, also called Toxic Air Pollutants (TACs) under California law) in ambient air. The ARB presently monitors and assesses the health risk of 10 HAPs in California, including acetaldehyde, benzene, 1,3 butadiene, carbon tetrachloride, chromium (hexavalent), para-dichlorobenzene, formaldehyde, methylene chloride, perchloroethylene, and diesel particulate matter. The EIR/EIS fails to describe any of these HAPs, the total amount produced in the Air Basins studied, or the potential health impacts attributable to the HAPs,

<sup>1</sup> San Joaquin Valley Air Pollution Control District, *Amended 2002 and 2005 Rate of Progress Plan for San Joaquin Valley Ozone*, December 2002.

0056-2

0056-2 cont.



Comment Letter O056 Continued

3.3 Air Quality

despite the fact that such information is readily available. Public health impacts are associated with these HAPs. In many air basins, the primary source of HAPs is motor vehicles, which emit benzene, 1,3-butadiene, formaldehyde and diesel particulate matter. These particular HAPs are responsible for most of the health impacts in the air basins in which the HST would operate. The HST would reduce motor vehicle emissions, resulting in a similar reduction in the associated health impacts. The EIR/EIS must discuss this issue.

The Air Quality Technical Evaluation only summarizes the analysis and does not contain information or data sets that would allow for a critical review of the analysis process or verify the quantitative results. Information which is lacking, includes emission factors used for the various mobile and stationary sources (motor vehicles, diesel locomotives, aircraft, and electric generating stations), number of vehicles assumed for each of the alternatives, average speed of the vehicles, atmospheric conditions (primarily the range of temperature and humidity variations) assumed, and whether or not the on-road pollutant burden calculated for each of the alternatives took into account cold start emissions, warm start emissions, hot start emissions, evaporative emissions, and diurnal emissions. Similarly, the number of plane operations and number of train movements were not quantified for each of the alternatives. These assumptions need to be presented in the Air Quality Technical Evaluation report supporting the findings in the California High-Speed Train Program EIR/EIS in order to provide public agencies and the public the ability to give meaningful comments on the adequacy and accuracy of the air quality evaluation.

In its discussion of criteria pollutants and greenhouse gases, the EIR/EIS presents conflicting and confusing terminology. For example, the EIR/EIS refers to hydrocarbons (HC) as being identified by EPA to be of nationwide concern. As precursors to O<sub>3</sub>, the EPA only regulates those HCs that have been found to contribute to O<sub>3</sub> formation. These compounds are also called volatile organic compounds, reactive organic compounds, or reactive organic gases by the air districts governing emission sources in the regions through which the HST would operate. Similarly, HC and NO<sub>x</sub> are identified as greenhouse gases, when it is only hydrofluorocarbons and perfluorocarbons, methane, and nitrous oxide (N<sub>2</sub>O), as well as carbon dioxide, that have been associated with global climate changes. In addition, the EIR/EIS quantifies emissions of total organic gases (TOG), when the air district's thresholds of significance are based on reactive organic gases (ROG) (or equivalent terms). We recommend that one term for each substance be used consistently throughout the EIR/EIS.

It is unclear how the analysis in the Air Quality Technical Evaluation assessed on-road pollutant burdens for each of the alternatives. On page 3.3-56 of the Air Quality Technical Evaluation, the statement is made that "On-road pollutant burdens were calculated as a ratio of baseline VMT [Vehicle Miles Traveled] to estimated VMT changes under each alternative." Calculating ratios of baseline VMT to estimate changes under each alternative is an inappropriate approach in that it is not consistent with the

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3.3 Air Quality

traffic data in the Program EIR/EIS and does not accurately assess vehicle miles traveled under each alternative. The "Emission Inventory Procedural Manual" published by the California Air Resources Board requires that the EMFAC2002 computer model be used in determining on-road emissions inventories prepared for air quality plans in California. The analysis needs to utilize the traffic data in the "Traffic, Transit, Circulation & Parking Technical Evaluation" along with results from the California Air Resources Board emissions computer model EMFAC2002 to predict on-road pollutant burdens for each of the alternatives. This suggested methodology would benefit the air quality analysis in that the air quality evaluation will be much more accurate than the ratio approach, the analysis would be consistent with the traffic data used in other portions of the Program EIR/EIS, and would follow long established procedure consistent with the recommendations of the California Air Resources Board for estimating on-road emissions burdens.

On page 3.3-8 of the Program EIR/EIS, the discussion states that "detailed intersection information has not been generated" to facilitate an analysis of localized air quality impacts. This statement is incorrect. In Appendices Q through U of the "Traffic, Transit, Circulation & Parking Technical Evaluations" for each segment of the proposed project there is detailed intersection analysis that shows estimated volumes of traffic during the peak hour, estimated volume to capacity (V/C) ratios, and estimated level of service (LOS) values for each alternative. This information combined with emissions data from the EMFAC2002 computer model, and climate data (average temperature and wind speed) is all that is needed to conduct an analysis of localized air quality impacts.

The California Department of Transportation describes the state and national guidelines for conducting localized air quality impacts in a publication titled "Carbon Monoxide Protocol" (hereafter referred to as the Protocol). The Protocol requires that intersections impacted by the proposed project with LOS D or below conduct a detailed localized air quality impact analysis using the CALINE4 computer model. The Air Quality Technical Evaluation failed to conduct this analysis. CEQA Guidelines Section 15064 (d) requires that lead agencies consider both direct and indirect physical impacts when evaluating the potential for significant impacts. The Program EIR/EIS, in failing to address localized impacts even though all the information is available to do so, also failed to assess all of the reasonably foreseeable environmental impacts associated with the proposed project. This is an issue of significant concern, and it is important that the EIR/EIS address this issue fully and accurately in order to comply with CEQA.

The air quality analysis did not address short-term construction impacts that would be associated with the proposed project. CEQA Guidelines Section 15126 states that "All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development [i.e., construction], and operation." On page 7-2 of the Program EIR/EIS, the discussion states that, "The potential impacts of this construction activity would be addressed in more detail during project-level

O056-2 cont.



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3.3 Air Quality

analysis." While additional analysis may be required on a project by project-level analysis in the future, information is currently available to assess construction activities as a result of the proposed project on a programmatic level. For example, rail alignments, rail configurations, tunneling alignments, and terminal station configurations are all described in "Alignment Configuration and Cross Sections" and "Engineering Criteria" reports for the proposed project. This information could be used in evaluating potential construction impacts and proposing programmatic level mitigation measures. In this way, the project is afforded the opportunity to address regional impacts and overall project phasing that would not be possible in individual future project by project-level analyses. It is interesting to note that in most other sections of the Program EIR/EIS construction impacts were addressed.

In addition, the EIR/EIS must compare the construction impacts of the route options, possibly in terms of miles of rail to be installed and/or anticipated acreage of land to be graded. This would help decision makers to understand and compare the construction impacts of the route options. The Air Quality evaluation in the Program EIR/EIS needs to address construction impacts on a programmatic level and propose programmatic mitigation measures.

The Program EIR/EIS did not establish clear thresholds of significance or make significance findings for air quality impacts. CEQA Guidelines Section 15126 requires that an EIR identify potentially significant environmental impacts associated with proposed projects. CEQA Guidelines Section 15064(b) requires that the lead agency make a determination of whether a project may have a significant effect on the environment based to the extent possible on scientific and factual data. CEQA Guidelines Section 15064.7 encourages lead agencies to "develop and publish thresholds of significance..." On page 7-4 of the Program EIR/EIS the discussion states that, "Given the planning-level impact analysis considered in this Program EIR/EIS, the Authority has not developed project-specific significance thresholds." While it may be true that the "Authority" has not developed its own significance thresholds, this does not alleviate the Program EIR/EIS from using significance thresholds in its evaluation and making a determination of significance related to air quality impacts. Since the Program EIR/EIS failed to make significance findings or establish significance thresholds for air quality impacts, the analysis in the Program EIR/EIS is in violation of CEQA. This is an issue of significant concern, and it is important that the EIR/EIS address this issue fully and accurately in order to comply with CEQA.

If the "Authority" is unable to develop and publish its own significance thresholds, the "Authority" may use thresholds established by the Air Pollution Control Districts or Air Quality Management Districts for regional air pollutant criteria in each air basin so long as the "Authority" explains how the thresholds are pertinent to project impacts. In an earlier comment, it was suggested that a listing of the specific classifications of nonattainment status (e.g., moderate, serious) be presented. The degree of severity of the air quality problem in each air basin is generally reflected in their significance thresholds.

3.3 Air Quality

Accordingly, project impacts in a more polluted air basin could be significant, while the same level of impact in another basin may be less-than-significant. This comparison could provide additional information to determine which of two route options would be less likely to produce significant impacts. This is entirely consistent with the concept of comparing alternatives under CEQA as specified in Section 15126.6 of the CEQA Guidelines.

O056-2 cont.

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