

Comment Letter AL063

AL063

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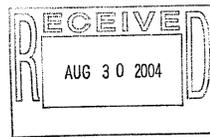
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August 27, 2004

FILE NO.
26532-2

VIA MESSENGER

Mr. Joseph E. Petrillo
Chairman
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, California 95814



Re: Comments on Draft Program EIR/EIS For
Proposed High-Speed Rail Project - SCH 2001042045

Dear Mr. Petrillo:

Enclosed with this letter are the following documents:

- 1. Letter from James C. Ledford, Jr., Mayor of the City of Palmdale re Comments on the referenced project;
2. Letter from Lewis Brisbois Bisgaard & Smith LLP, re Comments on the referenced project;
3. Technical Peer Review by Michael Brandman Associates for the referenced project;
4. A Comparative Analysis of Tunnel Construction Times, Costs and Risks Associated with the Choice of High-Speed Rail Alignment Between Los Angeles and Bakersfield Summary Report prepared for the City of Palmdale, California by Transmetrics, Inc. Geodata S.p.A. and HLB Decision Economics, Inc.;
5. A Comparative Analysis of Tunnel Construction Times, Costs and Risks Associated with the Choice of High-Speed Rail Alignment Between Los Angeles and Bakersfield Final Report prepared for the City of Palmdale, California by Transmetrics, Inc. and Geodata S.p.A.;

LEWIS BRISBOIS BISGAARD & SMITH LLP

Mr. Joseph E. Petrillo
August 27, 2004
Page 2

- 6. Sprawl or Smart Growth Final Draft Report dated August 26, 2004, prepared by Dr. Robert H. Freilich;
7. Southern California Compass Growth Vision Plan, June 2004, Southern California Association of Governments;
8. North County Combined Highway Corridors Study, Final Report, June 24, 2004, by Parsons Transportation Group for Los Angeles County Metropolitan Transportation Authority;
9. Resolutions in Support of Antelope Valley Route;
10. Press Release, New Tunneling Study Show Bullet Train Route Through Grapevine Poses Greater Earthquake Hazard, Costs More;
11. Presentation materials for public meeting April 2004;
12. Presentation materials for public meeting June 2004;
13. Presentation materials for public meeting October 2001;
14. Handout for public meeting April 2004;
15. Presentation materials for public meeting March 1, 2000;
16. Analysis of Benefits, Costs, and Risks Associated with the Choice of High-Speed Rail Alignment between Los Angeles and Bakersfield, Draft Report, prepared for the City of Palmdale, California, prepared by HLB Decision Economics, Inc.;
17. City of Palmdale Financial and Economic Performance of the Antelope Valley High Speed Rail Alignment - An Update, Prepared by Hickling Lewis Brod, Inc., December 2, 1998;
18. City of Palmdale Economic Ricks Analysis of Construction Costs, Schedule, and Benefits associated with High-Speed Rail Alignments between Los Angeles and Bakersfield, Final Report, dated March 5, 2003;
19. City of Palmdale Comparison and Summary of California High-Speed Rail Project Peer Reviews, Prepared by HLB Decision Economics, Inc.

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Comment Letter AL063 Continued

LEWIS BRISBOIS BISGAARD & SMITH LLP

Mr. Joseph E. Petrillo
August 27, 2004
Page 3

- 20. California High-Speed Train Benefits, Costs, and Risks Associated with the Choice of Alignment Between Bakersfield and Sylmar, Summary Report: Findings and Conclusions, prepared for the City of Palmdale, California, Prepared by HLB Decision Economics, Inc., dated October 26, 2001

If you have any questions concerning the foregoing, please contact the undersigned.

Very truly yours,

Daniel V. Hyde
Daniel V. Hyde of
LEWIS BRISBOIS BISGAARD & SMITH LLP

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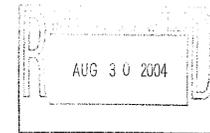
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VIA FIRST CLASS MAIL



Mr. Joseph E. Petrillo
Chairman
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, California 95814

Re: Comments on Draft Program EIR/EIS For
Proposed High-Speed Rail Project - SCH 2001042045

Dear Mr. Petrillo:

This letter supplements the comments and other information submitted by the City of Palmdale (the "City") in connection with the Draft Program Environmental Impact Report/Environmental Impact Statement (the "EIR") for the proposed California High Speed Rail Project (the "Project"). The City requested us to review the adequacy of the EIR and the legal sufficiency of the proceedings of the California High Speed Rail Authority (the "Authority") in connection with the adoption of the Project. Our findings and conclusions are set forth below.

The EIR is a combined document that must comply with the requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). For clarity and ease of reference, we have addressed the EIR's compliance with CEQA since that is generally the more stringent enactment. However, many of the deficiencies found in the EIR under CEQA are also violations of NEPA and our comments should be understood to address both acts.

General Requirements for EIR Adequacy

Generally, EIRs must be adequate under CEQA. (*Laurel Heights Improvement Assn. v. Regents of the Univ. of Calif.* (1988) 47 Cal.3d 376, 392.) To be legally adequate, an EIR must

AL063-1

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U.S. Department
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Comment Letter AL063 Continued

LEWIS BRISBOIS BISGAARD & SMITH LLP

Mr. Joseph E. Petrillo
August 27, 2004
Page 2

contain all of the required contents set forth in CEQA and the Guidelines, and must comply with statutory and Guideline requirements that apply to the required contents. EIRs must contain 1) an index or table of contents [CEQA §21061; Guidelines §15122], 2) a summary of its contents [CEQA §21061; Guidelines §15123], 3) a list of organizations and persons consulted in the preparation [Guidelines §15129], and 4) a list of persons or organizations involved in the preparation [Guidelines §15129]. An EIR must contain a project description, which must comply with various technical requirements [Guidelines §15124], and must a) constitute an accurate description that does not minimize project impacts, b) include discussion of reasonably foreseeable activities, and c) be fixed and consistent throughout the document.

An EIR must describe the project's environmental setting from both a local and a regional perspective to establish the baseline for analyzing the project's environmental effects and alternatives. (Guidelines §15125.) An EIR must discuss any inconsistencies between the proposed project and any applicable general or regional plans. (Guidelines §15125(b).)

Substantively, an EIR must adequately discuss and analyze the project's significant environmental impacts. (CEQA §21100(b)(1); Guidelines §15126(a).) The EIR must discuss both direct and indirect effects of the project, analyze foreseeable, but not speculative, project impacts, and analyze economic impacts as they may relate to environmental impacts. The scope of analysis must be consistent with the project description, and the EIR must compare the proposed project with existing conditions. CEQA imposes special requirements for the analysis of certain environmental impacts, such as archaeological and historic resources, hazardous waste sites, energy, air quality, and water supply.

The level of detail of an EIR's analysis of environmental impacts should correlate with the type of action or project being evaluated. The EIR must be prepared with a sufficient degree of analysis to provide decision-makers with information needed to make an informed decision concerning the project's environmental consequences. The EIR must set forth an explanation of conclusions in its environmental impact analysis, must describe the project's unavoidable significant impacts, contain a statement of the project's environmental impacts found to be insignificant and indicate reasons for determining them to be insignificant. (Guidelines §15128.) The EIR must discuss and analyze the project's significant cumulative impacts (Guidelines §15130), and analyze a project's growth-inducing impacts. (CEQA §21100(b)(5); Guidelines §15126(f).)

An EIR must describe mitigation measures for each potentially significant impact that it identifies. (CEQA §21100(b)(3); Guidelines §15126(b)(3).) Specific mitigation measures are required for impacts on archaeological and energy consumption. An EIR must describe a reasonable range of project alternatives sufficient to permit informed decision-making and public participation focusing on alternatives that eliminate or reduce significant environmental impacts. (CEQA §21100(b)(4); Guidelines §15126(d).) The EIR must analyze a "no-project" alternative.

4822-4674-5600.1

LEWIS BRISBOIS BISGAARD & SMITH LLP

Mr. Joseph E. Petrillo
August 27, 2004
Page 3

(Id.) Alternatives may be on-site alternatives, alternatives to the project's location, or both. To be legally adequate, an EIR's analysis of project alternatives must a) sufficiently describe each alternative to enable the decision-maker to compare it with the proposed project, analyze the environmental effects of each alternative, identify the environmentally-superior alternative, and describe the basis for selection of the alternative discussed in the EIR and state the reasons for excluding infeasible alternatives. In analyzing project alternatives, the lead agency must evaluate and respond to alternatives that are proposed during the EIR's comment period.

Failure to Promote Public and Agency Review

The EIR is a three-volume document released on a CD ROM disk. It is not available as a hard copy, except at a few listed libraries around the state. It costs over \$1500 to have the entire document plus its appendices printed out and collated into three-ring binders. The disk is not readable without acquiring Acrobat 6.0, which is also the case with the version of the EIR that is available on the Authority's website on the Internet. By making the EIR available only on computer disk and over the Internet, without providing complete sets for libraries and others requesting hard copies of the EIR and its supporting documents, the Authority has failed to facilitate meaningful review of the EIR.

The EIR is supported by a number of Technical Studies. These studies are not incorporated by reference into the EIR, and are described merely as "references" and "sources." A CD ROM disk containing some, but not all, of the technical studies was delivered to us on February 14, 2004. The full disk was not delivered until the following Thursday, February 19, 2004. The public review period officially commenced on February 13, 2004 and was extended to conclude on August 31, 2004. Numerous studies, reports, and other documents containing necessary factual information needed to verify and/or understand the analysis in the EIR were not supplied with or incorporated into the EIR. On behalf of the City, we have made several timely requests for this information, but the Authority has not readily produced this information. Given the requirement to respond with all comments within a defined public review period, the extensiveness of the EIR, and the volume of missing documentation, the Authority has not fulfilled its obligation to promote public and agency review as required by CEQA.

Failure to Consult with Agencies with Transportation Facilities

Public Resources Code §21092.4 provides, in pertinent part, as follows:

- (a) For a project of statewide, regional, or areawide significance, the lead agency shall consult with transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project. Consultation shall be conducted in the same manner as

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U.S. Department of Transportation
Federal Railroad Administration

Comment Letter AL063 Continued

LEWIS BRISBOIS BISGAARD & SMITH LLP

Mr. Joseph E. Petrillo
August 27, 2004
Page 4

for responsible agencies pursuant to this division, and shall be for the purpose of the lead agency obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, and rail transit service within the jurisdiction of a transportation planning agency or a public agency which is consulted by the lead agency.

(b) As used in this section "transportation facilities" includes major local arterials and public transit within five miles of the project site and freeways, highways, and rail transit service within 10 miles of the project site.

In the EIR, the Authority identifies the agencies consulted and the topics discussed with each agency on a list or chart labeled as "Public Outreach." The description of the topics on the "Public Outreach" list, however, does not indicate that the Authority treated each of the listed agencies with transportation facilities as "responsible agencies" as required by CEQA.

Failure to Provide an Adequate Description of the Project

A Project Description is an express requirement of CEQA. There is no section of the EIR formally setting forth the description of the Project. HST is portrayed merely as an alternative. There is no detailed discussion of the physical components, characteristics, or attributes of the proposed HST system facilities.

Reasonably foreseeable future project activities, including line extensions, additional stations (e.g., I-5 at Tejon), linkage with other transportation projects, are not discussed. In general, previous screening and corridor studies were used to arrive at the HST Project.

4822-4674-5600.1

LEWIS BRISBOIS BISGAARD & SMITH LLP

Mr. Joseph E. Petrillo
August 27, 2004
Page 5

narrative discussion of the elimination process and little in the way of objective criteria, environmental or otherwise, for the Authority's previous decision-making.

Failure to Adequately Address Significant Impacts

In Chapter 3, the EIR addresses and compares the significant environmental impacts of each of the project alternatives in reference to 16 different areas of environmental impact. These include: Traffic and Circulation; Travel Conditions; Air Quality; Noise and Vibration; Energy; Electromagnetic Fields and Interference; Land Use; Agricultural lands; Aesthetics and Visual Resources; Public Utilities; Hazardous Materials and Waste; Cultural and Paleontological Resources; Geology and Soils; Hydrology and Water Resources; Biological Resources and Wetlands; and Section 4(f) and 6(f) [Park lands].

There is little if any distinction between the discussion of local, regional, and regulatory project settings in the EIR. The specific resource sections also have a "Comparison of Alternatives by Region." This subsection is used to describe alignment or station alternatives that have not yet been eliminated from review, including the I-5 vs. AV alignment selection. Several subsections, however, do not compare alternatives by region.

The resource sections of Chapter 3 of the EIR do not uniformly identify objective thresholds of significance. Guideline Section 15064(b) requires significance determinations to be carefully made based on "scientific and factual data." The EIR's failure to do this contributes to the annoyingly general and arbitrary tone of the discussion in the EIR.

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AL063-4



U.S. Department of Transportation
Federal Railroad Administration

Comment Letter AL063 Continued

LEWIS BRISBOIS BISGAARD & SMITH LLP

Mr. Joseph E. Petrillo
August 27, 2004
Page 6

The preponderance of the discussion in the EIR relates to the comparison of significant impacts between the no-project, modal, and HST alternatives. Much less discussion is devoted to the alignment options. Specifically, the analysis of significant environmental impacts is not sufficiently detailed to allow comparison between the two Bakersfield to Sylmar routes.

Certain obvious impacts are not addressed at all. The Traffic Report for the Bakersfield to Los Angeles segment on the Technical Studies disk addresses the traffic impacts of the No Project, Modal, and HST Alternatives only. There is no analysis or comparison of the traffic impacts between the I-5 and AV routes.

The EIR focuses on impacts derived from pre-draft consultation or scoping, and is clearly geared toward highlighting differences among the no-project, modal, and HST alternatives. The identification of project impacts that may result from the project as applicable between the alignment options is not as detailed or as comprehensive.

Concerning economics, the discussion of ridership and the assertion that there will be greater ridership system-wide based on the shorter duration of the I-5 alternative is not well documented in the EIR. Cost should play a more significant role in determining ridership than time.

Although one of the goals of the project is to develop a rail service that is fully integrated with the state's existing transportation system, the EIR fails to adequately address the advantages of a potential link to the Palmdale Airport and other transportation systems that are planned to connect with the Palmdale Airport.

4822-4674-5600.1

LEWIS BRISBOIS BISGAARD & SMITH LLP

Mr. Joseph E. Petrillo
August 27, 2004
Page 7

Specific sections of the EIR deal with the required discussion of archaeological and historic resources, hazardous waste sites, energy, air quality, and water supply, as required. These sections do not appear specific enough to allow meaningful comparison of alignment alternatives.

Insufficient Level of Detail

The level of detail of an EIR's analysis of environmental impacts is dependant on the decision that is being made. The EIR must be detailed enough to support an informed decision concerning the project's environmental impacts. It appears that for the overall decision on the project vs. the no-project and modal project, there is sufficient information to make such a decision.

To withstand legal challenge, there must be substantial evidence in the record to support the findings made by the agency in support of its decision. If there is no such evidence, the agency's action may be challenged by writ of mandate as an abuse of discretion. Here, there is not sufficient information to support a decision that the I-5 alignment is environmentally superior than the AV route.

Failure to Adequately Address Cumulative Impacts

The Cumulative Impacts section generally attempts to compare the impacts of the three Project Alternatives on an overall basis, but does not represent a legally sufficient cumulative impacts analysis. The growth-inducing aspects of the I-5 Alignment and other elements of the project would be cumulatively significant in the Central Valley because of the large, clearly significant impact that would occur as prime farmland is converted to residential uses, but this cumulative impact is not addressed.

Inadequate Discussion of Mitigation Measures

An EIR must identify and describe measures needed to reduce or avoid each potentially significant environment effect of the project. The Program EIR/EIS merely identifies a few "mitigation strategies" and does not propose any specific mitigation measures. The various impact sections of the EIR suggest that many of the potentially significant impacts would be

4822-4674-5600.1

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AL063-5 cont.

AL063-7

AL063-8



U.S. Department of Transportation
Federal Railroad Administration

Comment Letter AL063 Continued

LEWIS BRISBOIS BISGAARD & SMITH LLP

Mr. Joseph E. Petrillo
August 27, 2004
Page 8

mitigated, but there is no discussion comparing the impacts after mitigation of the AV vs. I-5 alignments. There is therefore no specific factual basis for the selection of the I-5 or AV routes other than the information supplied by the City.

Failure to Address A Reasonable Range of Alternatives

Section 2 of the Draft EIR/EIS describes three alternatives, a no-project alternative (a legal requirement), a modal alternative, which is an alternative constructed to represent a hypothetical expansion of the existing highway and air travel system that would accommodate 2020 intercity travel demand in the area that would be served by the HST, and the HST Alternative. The HST alternative has several optional routes (e.g., AV vs. I-5) and station locations, but most of the initial options were eliminated during scoping (e.g., Altamont Pass), as was Maglev technology, without environmental analysis. There do not appear to be any smaller or larger or phased HST projects discussed.

The alternatives analysis is addressed to the potential decision as to whether to go forward with the project along with its specific alignment options, and does not support a choice among alignment options. The alternatives analysis is not adequate even for the single purpose of going forward with the project. The HST alternative is presented as a one-size, take-it-or-leave-it project. What is missing is the analysis of a bigger project, a middle-sized project, and a smaller project, or the like. Even if the size of the project is determined by previous screening studies, the comparative analysis of bigger and smaller projects nonetheless yields important analytic information, i.e., that if the project is smaller, the project benefits may no longer outweigh the environmental impacts and vice versa. The alternatives analysis in the EIR is a mere rhetorical exercise. The Authority is under a legal mandate to develop an HST project and has no power to adopt the "modal" alternative. The no-project alternative analysis is legally required.

Failure to Disclose Appropriate Criteria For Evaluation of Alternative Routes

Chapter 6 is a long, difficult table that sets forth a High Speed Rail Alignment Options Comparison. There is no analytical foundation provided for the various elements of the options compared. The information on the chart or table is very general and seems to compare features randomly as opposed to systematically or qualitatively. This section suffers from a failure to set out appropriate thresholds of significance and potential for mitigation that could be quantitatively applied to each of the impacts compared.

4822-4674-5600.1

LEWIS BRISBOIS BISGAARD & SMITH LLP

Mr. Joseph E. Petrillo
August 27, 2004
Page 9

Failure to Adequately Describe the Input from Responsible and Trustee Agencies

There is no list of persons or agencies consulted per se. The "Outreach" section is in the form of a table that includes what appears to be any type of presentation or contact made by the Authority's staff with anyone during preparation of the draft. The table describes the type of contact under a column labeled "Topic." A 2-page summary of the comments received from agencies in general is provided in section 8, but the draft does not describe or reveal the specific comments of or the level of involvement of any specific responsible or trustee agency for the project. Section 8 is entitled Public and Agency Involvement. Section 8 briefly describes the Authority's actions in conducting informational programs for the public and engaging in legally required pre-draft consultation, including its scoping meetings and meetings with federal cooperating agencies, such as EPA, Fish and Wildlife, the Army Corps of Engineers, the FRA, FTA, FAA, and FHA. The actual comments and input from these agencies is not set forth nor does the EIR describe the Authority's responses to these comments. Section 9 is another lengthy chart attempting to list each organization contacted and the purpose of the contact. This chart lumps together agencies for whom the Authority made informational presentations with agencies that the Agency had a duty to consult in the manner of responsible and trustee agencies and it is not possible to clearly discern whether the Authority in fact consulted with local agencies with transportation facilities that could be affected by HST.

Inadequate Supporting Technical Appendices

Appendices to EIRs generally include the geotechnical studies for the proposed project site, the traffic studies relied upon, any air quality modeling, or noise studies. The Appendices to the EIR do not contain these technical reports. They set forth slightly more detailed summaries of information provided in the body of the EIR. For example, the first few appendices are detailed descriptions--mostly summaries and lists--of highway and aviation projects used to develop the no project and modal alternatives. Appendix 2-H is a long chart or table comparing each of the various alignment and station options that were developed during the screening evaluation. The chart is confusing because it refers to each alignment or station developed during the screening evaluation, many of which were eliminated from future consideration and were not addressed in the EIR analysis.

Appendix 2.0 provides a Screening Evaluation of the Bakersfield to Los Angeles Alignment option. This section appears to be an excerpt from a larger report and describes in more detail the criteria/methodologies and parameters used for the evaluation of the AV vs. I-5 alignment options. Other appendices are summaries of traffic, noise, wetlands and other areas of environmental impact, but these do not include the basic source information or analysis. To the extent that the Authority relied on its prior screening and other reports to reach conclusions in the EIR, such documents should have been made appendices and circulated with the EIR.

4822-4674-5600.1

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AL063-9

AL063-10

AL063-11

AL063-12



U.S. Department of Transportation
Federal Railroad Administration

Comment Letter AL063 Continued

LEWIS BRISBOIS BISGAARD & SMITH LLP

Mr. Joseph E. Petrillo
August 27, 2004
Page 10

The Authority has made available a disk with various Technical Reports. Some of the reports state that the technical reports are intended to be part of the Administrative Record. The Technical Reports are grouped by each of the six segments of the overall alignment plus one group with "Statewide" reports. The Bakersfield to Los Angeles Group contains 14 separate technical evaluations, including: Sections 4 (F) and 6 (F) [park and recreational lands]; Biological Resources; Hazardous Materials/Wastes; Noise and Vibration; Public Utilities; Appendices (traffic); Traffic Figures; Aesthetics and Visual Quality; Cultural Resources; Geology and Soils; Hydrology and Water Quality; Land Use Planning, etc., and Environmental Justice; Paleontological Resources; and Traffic, Transit, Circulation and Parking. The "Statewide" Group includes: Agricultural Lands and Agricultural Figures; Air Quality; Alignment Configuration and Cross Sections; Final Cost Report - Capital and Operations and Maintenance Costs; Statewide Energy; Engineering Criteria; Land Use (affected by right of way acquisitions); Operations; and Tunneling Issues. Each of these evaluations are highly summarized discussions typically citing to other references for the potential for impacts and then summarizing the results into a large table or figure without any type of field verification.

Impacts Found Insignificant.

The EIR does not address insignificant impacts or discuss why such impacts were determined to be insignificant.

Failure to Adequately Address Inconsistencies with General or Regional Plans

The EIR discusses compatibility with existing land uses and planning in section 3.7, but this section does not directly discuss inconsistencies with any individual general or regional plans. There is a statement at the beginning of the analysis that the EIR's discussion of consistency (such as it is) does not imply that the Authority, as a state agency, would be subject to such plans. Apparently, the Authority believes that it is not. While this might be the case, it does not, and should not, relieve the Authority from discussing consistency as required by CEQA. The section refers to the list of plans consulted in the Chapter 12 list of sources, but there is no discussion of the consistency or inconsistency of any individual plan or any statement that the plans listed in the sources chapter were, in fact, all of the applicable plans. (The only exception is one statement that the I-5 alignment may conflict with the Tejon development plans.) Essentially what the draft states is that consistency with plans was taken into account during consultation with individual agencies during consultation over locations for stations, etc. The draft does not therefore directly discuss inconsistencies with general or regional plans as required.

4822-4674-5600.1

LEWIS BRISBOIS BISGAARD & SMITH LLP

Mr. Joseph E. Petrillo
August 27, 2004
Page 11

Inadequate Statement of Use of Document

There is no comprehensive discussion of what the regulatory approval process for the Project will be, who the pertinent responsible and trustee agencies for the project are, what their decisions will be based on, or how the draft will function in that process.

Conclusion

Based on the foregoing, the Authority should immediately proceed to confer in good faith with the various agencies that have transportation facilities within their jurisdictions that will be impacted by the Project. As stated above, there is substantial evidence in the record sufficient to support a decision by the Authority to eliminate the I-5 alternative from further consideration in favor of the Antelope Valley route and may proceed to do so upon completion of the current EIR process. In the event that the I-5 alignment is not eliminated from further consideration, the Authority must supplement the EIR to include the missing environmental resource information and environmental analysis necessary to permit a complete evaluation of the Antelope Valley route.

If you have any questions concerning the foregoing, please contact the undersigned.

Very truly yours,

Daniel V. Hyde
Daniel V. Hyde of
LEWIS BRISBOIS BISGAARD & SMITH LLP

DVH:jm
Encl.

cc: Matthew Ditzhazy, Esq. - City Attorney
John Brooks - Senior Administrative Analyst
Frances (Fran) Florez - Vice Chair
Mehdi Morshed - Executive Director
Carrie Pourvahidi - Deputy Director
Christopher Bisgaard, Esq.
Sheldon H. Sloan, Esq.

4822-4674-5600.1

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AL063-13

AL063-14

AL063-15



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**Response to Comments of Daniel V. Hyde, Lewis, Brisbois, Bisgaard & Smith LLP, City of Palmdale, August 30, 2004
(Letter AL063 and Attachment A)****AL063-1**

The Draft PEIR/S contains the required elements and information including (a) a table of contents, (b) a summary, (c) a list of organizations consulted (Section 8 and 9), (d) a list of preparers (Section 10), (e) a project description (Section 2), and (f) and environmental setting (Section 3). Section 2 describes three alternatives: a No Project Alternative, a Modal Alternative, and a High Speed Train Alternative, with alignment options. Regional and local plans were compiled for areas through which the Modal Alternative and the HST alignments would pass. These plans were used to create a geo-spatial database for evaluation of possible land use impacts (Section 3.7). Consistency with local plans was evaluated during preparation of the HST regional technical studies. These technical studies (and screening reports) for each of the five HST corridors were made available on the California High Speed Rail Authority website (http://www.cahighspeedrail.ca.gov/eir/regional_studies/default.asp), and the Final PEIR/S incorporates these technical studies by reference. Growth inducing impacts are evaluated in Section 5. Please see response to Comment AL063 – 14. Impacts of the Modal Alternative and HST alignments (and associated mitigation measures) are evaluated and discussed for various subject areas throughout Section 3 of the Draft PEIR/S, including cumulative impacts (Section 3.17), and mitigation strategies and measures are provided for the subject areas. More detailed impact and associated mitigation measures will be provided as part of the project-level, Tier 2 environmental review. HST alignments impacts are compared in Section 6. Unavoidable adverse potentially significant impacts are identified in Section 7. The information provided is adequate for the decisions at hand. The Draft PEIR/S provides sufficient environmental impact analyses to compare the potential impacts of the Modal Alternative, the HST Alternative and its various alignments, and the No Project Alternative. Based on these

analyses, the California High Speed Rail Authority identified the High Speed Train Alternative as preferable to the Modal Alternative. Please also see standard response 3.15.13. Information provided in Section 3 and summarized in Section 6 was also sufficient for the Co-lead agencies to identify preferred HST alignments or corridors for additional program-level review. The comment letter suggests the selection of the Antelope Valley/Palmdale alignment as a preferred alternative, and the Co-lead agencies have identified this alignment as preferred.

AL063-2

Extensive efforts were made to provide the Draft PEIR/S to all parties interested in reviewing the document. Please see Chapter 11 of the PEIR/S, "Draft Program EIR/EIS Distribution". In addition to being available on the HSR website, the PEIR/S was provided at thirty-two locations throughout the state – see Section 11.1. Clearly the Draft PEIR/S was accessible for review, as evidenced by the number of comments received. The technical studies have been incorporated by reference into the Final PEIR/S and are available on the Authority's website. Please also see standard response 8.1.1 in regards to the Authority's efforts to promote agency and public review of the Draft PEIR/S.

AL063-3

A mailing list of over 10,000 recipients has been maintained for this project. The list includes local, state, and federal agencies and elected officials, local and regional planning and transportation agencies, local jurisdictions through which an alternative might pass, and other interested organizations, stakeholders, and parties. Numerous pre-scoping and scoping meetings were held. Notices of these meetings/open houses were sent to the mailing list for the project, so all jurisdictions through which alternatives might pass were invited to participate. A list of additional meetings with

organizations and agencies is provided in Section 9 of the PEIR/S. Appropriate transportation information for the PEIR/S was obtained and utilized for preparation of the Traffic, Transit, Circulation & Parking Technical Evaluation technical studies for each of the five HST corridors; and local jurisdictions were contacted, as required, for information to prepare these reports. Various responsible agencies, including the City of Palmdale, were notified regarding the availability of the Draft PEIR/S and have provided comments on the Draft PEIR/EIS, as provided for in CEQA regulations (Guidelines §15086).

AL063-4

The description of the HST as an alternative in the Program EIR/EIS meets requirements for a project or program description under CEQA and NEPA. Chapter 2 of the Draft EIR/EIS included a description of the HST Alternative (Section 2.6). This description has been expanded in the Final Program EIR/EIS. Design practices added to each environmental resource section in Chapter 3 adds further detail to the project description. Both CEQA and NEPA call for an evaluation of a reasonable range of alternatives. Cross sections showing typical configurations for the various types of HST elements are provided in Section 2.6.7. Maps showing the portions of the HST alignments that are at-grade, aerial, or tunnel are provided in Section 6. A section on construction scenarios has been added to the Final PEIR/S – see Section 3.18. Alternative HST alignments and facilities that were previously considered and withdrawn are discussed in Section 2.6.6, 2.6.8 and 2.6.9. The screening reports leading to selection of alignments to carry forward and to be withdrawn for the five HST regions were available on the High Speed Rail website and were publicly presented at the High Speed Rail Authority meetings.

AL063-5

It was determined by the Co-lead agencies that evaluation and comparison of certain subject areas for HST alignments (e.g., air quality, EMF) did not provide information that would help distinguish among the alignment options and therefore did not include them in

Chapter 6, although they were included elsewhere in the Program EIR/EIS. Evaluation methodologies, thresholds of significance, and evaluation criteria are discussed and described for each subject area in Section 3. More detailed evaluations of project impacts are provided in the technical studies for the five HST regions. These studies were not circulated with the Draft PEIR/S given their size and detailed technical content. The content of the studies was rather summarized and synthesized into their respective topic area sections of the Draft PEIR/S. The technical studies (and screening reports) for each of the five HST corridors were, however, made readily available on the California High Speed Rail Authority website (http://www.cahighspeedrail.ca.gov/eir/regional_studies/default.asp), and the Final PEIR/S incorporates these technical studies (and screening reports) by reference. Please see standard response 3.15.2 regarding the general nature of evaluation, in this case for biological resources, in this PEIR/S. Please also see standard response 3.15.13 for more information on the subsequent studies and project-level, Tier 2 evaluation. The Co-lead agencies have identified the Antelope Valley alignment as the preferred alternative to be carried forwards for more detailed evaluation. Linkage to the Palmdale Airport was considered.

As stated in response to Comment AL063-1 and standard response 3.15.13, the information provided in the PEIR/S is adequate to support the decisions at hand. The Draft PEIR/S provides sufficient environmental impact analyses to compare the potential impacts of the Modal and HST Alternative and its various alignment options. Based on these analyses, the Co-lead agencies identified the High Speed Train Alternative as preferable to the Modal Alternative. Information provided in Section 3 and summarized in Section 6, along with public comment on the Draft PEIR/S (including this comment letter), was sufficient for the Co-lead agencies to identify preferred HST alignments. The comment letter presents a case for selection of the Antelope Valley/Palmdale alignment as a preferred alternative, and the Co-lead agencies have established such a preference based on the information contained in the PEIR/S and on public input regarding that document.

AL063-6

The Authority has identified the SR-58/Soledad Canyon Corridor (Antelope Valley) with an HST station at Palmdale as the preferred option for crossing the Tehachapi Mountains between the Central Valley and Southern California. Although the longer Antelope Valley alignment would add about 10 minutes to express service travel times between northern and southern California and would therefore have less intercity ridership potential (trips between regions) than the I-5 alignment option, it would have fewer potential environmental impacts, it would be less subject to seismic activity and have considerably less tunneling and thereby have fewer constructability issues and less risk of cost and schedule overages, and would increase connectivity and accessibility.

The Antelope Valley alignment is estimated to have more potential to impact cultural resources than the I-5 alignment options, and slightly more potential impact on biological resources. The Antelope Valley alignment would have a lower overall potential for water resource impacts because many potential impacts are related to the relatively small seasonal streams in Soledad Canyon and because it would not encroach on any lakes¹. In addition, the Antelope Valley option was forecast to have less growth inducing impacts on urbanized land and farmland conversion than the I-5 options – because the I-5 options would result in more growth in the Central Valley. However, the most significant difference in regards to potential environmental impacts between the Antelope Valley option and I-5 alignments is in regards to major parklands. The Antelope Valley alignment would not directly impact major parks, which are 4(f) resources. In contrast, the I-5 options would potentially impact Fort Tejon Historic Park, Angeles and Los Padres National Forests, Hungry Valley State Vehicular Recreation Area, Pyramid Lake and other local parks.

¹ An error was found on page 6-52 of the Draft Program EIR/EIS. For the Antelope Valley alignment under Biological Resources, waters should read 65,562 linear feet. The error was also made in Appendix 3, on page 3.15-D-8, Soledad Canyon Corridor, perennial non-wetland jurisdictional waters should read 146 linear feet as stated in the *Bakersfield to Los Angeles: Biological Resources Technical Evaluation Report (January 2004)*.

The Antelope Valley alignment traverses less challenging terrain than the I-5 options, which would result considerably less tunneling overall (13 miles [21 km] of tunneling for the Antelope Valley option versus 23 [37 km] miles for I-5 options), and considerably shorter tunnels (maximum length of 3.4 miles [5.5 km] for the Antelope Valley option versus two tunnels greater than 5 miles [8 km] for the I-5 options) which would result in fewer constructability issues and less risk of cost and schedule overages. Although the Antelope Valley option is about 35 miles longer than the I-5 alignment options, it is estimated to be slightly less expensive to construct as a result of less tunneling through the Tehachapi Mountains. In addition, due to its gentler gradient, geology, topology and other features, the SR-58/Soledad Canyon Corridor offers greater opportunities for HST alignment variations, particularly through the mountainous areas of the corridor, to avoid impacts to sensitive environmental resources. In contrast, the more challenging terrain of the I-5 Corridor greatly limits the ability to avoid sensitive resources and seismic constraints. The alignment optimization system (Quantm) that was utilized to identify and evaluate approximately 12 million alignment options for each mountain crossing could only find one practicable alignment option through the Tehachapi Mountains for the I-5 Corridor.

The Authority and FRA find sufficient reason to prefer the selection of the Antelope Valley alignment option.

Also, the environmental methodologies used in the alignment and station screening process were consistent with the methodologies used in the full program level environmental analyses. The screening criteria and methods are documented in Section 2.3 of the Final Program EIR/EIS.

AL063-7

See Standard Response 3.17.1. The potential for growth impacts related to land use conversion and potential loss of farmlands is addressed in Section 5.2 of the Final Program EIR/EIS.

AL063-8

The Authority respectfully disagrees with your conclusion that there is not enough information presented to select a preferred alignment between Bakersfield and Sylmar. Please see response to Comment AL063-6. Please see the "Design Practices" sections added to each environmental resource in Chapter 3 and the expanded "Mitigation Strategies" sections in Chapter 3 that have been included in the Final Program EIR/EIS.

AL063-9

Reasons for elimination of alternative and optional alignments are provided in Section 2.6 of the PEIR/S. These reasons are further described in the screening reports for each of the corridors, which are and have been available on the California High Speed Rail Authority website (http://www.cahighspeedrail.ca.gov/eir/regional_studies/default.asp). The Co-lead agencies are proposing to continue and supplement their evaluation of HST alignment options between the Central Valley and the San Francisco Bay area. The Authority has recommended investigation to select a preferred alignment from within a broad corridor, which excludes alignment options through Henry Coe State Park and the Orestimaba State Wilderness. The study will consider alignment options between (and including) the Pacheco Pass Corridor (SR-152) to the south and the Altamont Pass Corridor (I-580) to the north. Please see standard response 10.1.7 in regards to the phasing of the HST system. The Co-lead agencies did consider but rejected "smaller" HST Alternatives (please refer to Section 2.6.8A) that would not meet the purpose and need of the HST Alternative. A No Project alternative is presented in Section 2 of the PEIR/S and forms a basis for comparison with a Modal and HST Alternatives. The Authority understands that it cannot implement a Modal Alternative. It was included in the PEIR/S, however, to satisfy CEQA & NEPA requirements for consideration of a reasonable range of alternatives intended to meet the project purpose and need, and also to review the environmental consequences of these alternatives. The overall implications of doing nothing – as described by the No Project Alternative – and the comparison of the HST Alternative with

the Modal and the No Project alternatives provided information for the Co-lead agencies to consider in deciding to advance the HST Alternative.

AL063-10

Section 6 includes a summary of the extensive evaluation of multiple alignment options documented in the technical studies (available on the CA HSRA website) for multiple subject areas for each of the five corridors. A review of these multiple studies reveals that the analysis is far from random but rather based on carefully developed evaluation methodologies, including applicable significance criteria, for the evaluation subject areas. Additionally, the section is designed to be user-friendly for the EIS/EIR reader. As the HST Project progresses through subsequent design and environmental analyses, more detailed evaluations will be undertaken and additional impact avoidance and mitigation techniques will be developed and documented as part of the project-level, Tier 2 studies. The level of information in this Chapter (and in the supporting technical studies) and in the public record is fully sufficient for the decision at hand provided substantive facts to support the identification of the preferred alignment suggested by the letter. Please also see standard response 3.15.13.

AL063-11

As noted in response to Comment AL063 - 3, the mailing list for the Project is over 10,000 recipients. A copy of this list can be provided to the commenter if desired. Notices were sent to the mailing list during the study and recipients were afforded multiple opportunities to participate in the scoping process. As described in Sections 8 and 9, multiple meetings were held with elected officials, affected agencies, interested organizations, and the general public. As shown by the distribution list in Section 11, extensive opportunity has been provided for agencies to participate in this project from its outset, including the extended 180-day opportunity to comment on the Draft PEIR/S.

AL063-12

Various technical studies are not required to be circulated with EIS/EIRs. In the case of this PEIR/S, technical studies and screening reports for each of the five HST corridors were made available on the Authority's website and were summarized in the Draft PEIR/S. The Final PEIR/S incorporates the technical studies and screening reports by reference. Please see standard response 3.15.2 regarding level of detail and field studies.

AL063-13

The PEIR/S identifies impacts that are potentially significant for an extensive range of topic areas in Section 3. Many impacts identified are deemed to be potentially significant for some portion of the Modal or HST alignment options, and possible mitigation measures are therefore described for these impacts. Given that this is a Tier I, Program document, the general levels of potential impacts are discussed, thus allowing for comparisons of the Modal and HST Alternatives and among the HST alignment options. Please see standard response 3.15.2 regarding the level of detail in the Draft PEIR/S. More detailed project impacts, levels of significance, and associated mitigation measures will be developed as project advances into the project-level, Tier 2 environmental review.

AL063-14

The technical reports for Land Use evaluated consistency of the Modal and HST Alternatives with local and regional plans

(summarized in Section 3.7 of the Program EIR/EIS). Because the timeframe (year 2035) considered in the growth inducement and indirect impact analysis is well beyond the planning horizon of any currently available General Plan, it would be speculative to draw specific conclusions about potential cumulative and secondary impacts related to housing and land use. Using available information, a generalized analysis of land use and community compatibility was presented in Section 5.4.6. The technical reports, which served as background information for the Draft PEIR/S are available for review on the California High Speed Rail Authority website: http://www.cahighspeedrail.ca.gov/eir/regional_studies/default.asp and have been incorporated in the Final PEIR/S by reference.

AL063-15

Page S-18 of the Draft PEIR/S described anticipated uses of the PEIR/S and next steps. Relevant regulatory requirements are described for each of the subject areas in Section 3. As with all EIS/EIRs, it is the responsibility of the Responsible and Trustee agencies to make use of the EIR and take actions under CEQA that they deem appropriate. Please also see response to Comment AL061-1.

Comment Letter AL064

AL064



San Bernardino Associated Governments

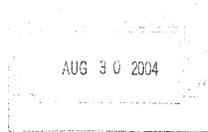
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- San Bernardino County Transportation Commission
- San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency
- Service Authority for Freeway Emergencies

August 27, 2004

Mr. Mehdi Morshed, Executive Director
California High-Speed Rail Authority (CHSRA)
Draft Program EIR/EIS Comments
925 L Street, Suite 1425
Sacramento, CA 95814



Re: Comments on the Draft Program EIR/EIS (PEIR/EIS) for the Proposed High-Speed Train System.

Dear Mr. Morshed:

Thank you for providing the opportunity to comment on the above referenced document. The following formal actions relating to the Draft PEIR/EIS have been taken by the San Bernardino Associated Governments Board of Directors.

1. Support retention of both San Bernardino County high-speed rail alignments; either via the San Bernardino Metrolink station or an I-10 alignment through Colton.
2. Support two route and station alignment options at Los Angeles Union Station – Existing Union Station or Union Station South (through) - and oppose the Los Angeles River East Station and alignment option in downtown Los Angeles.
3. Support additional route-specific studies only if the Los Angeles-San Diego route via the Inland Corridor is included in the Phase I System Plan.

AL064-1

Again, thank you for providing the opportunity to comment on the Draft PEIR/EIS. Should you have any questions regarding these comments, please feel free to contact me or Michael Bair, Director of Rail and Transit Programs at (909) 884-8276.

Sincerely,

Norman R. King
Executive Director

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Cities of: Adelanto, Barstow, Big Bear Lake, Chino, China Hills, Colton, Fontana, Grand Terrace, Hesperia, Highland, Loma Linda, Montclair, Needles, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Twentynine Palms, Upland, Victorville, Yucaipa
Towns of: Apple Valley, Yucca Valley County of San Bernardino



U.S. Department of Transportation
Federal Railroad Administration

Response to Comments of Norman R. King, Executive Director, San Bernardino Associated Governments (SANBAG), August 30, 2004 (Letter AL064)

AL064-1

Acknowledged. Please see standard response 6.29.3 in regards to the HST alignments through San Bernardino County. The Authority has identified Los Angeles Union Station as the preferred site for a potential HST station to serve the Los Angeles area. Please see standard response 10.1.7 in regards to the phasing of the HST system.

