

## **14 Response to Comments from Local Agencies**

**Submission 8 (Yvonne Arroyo, Santa Clara Valley Water District, January 9, 2012)**

**Bay Area to Central Valley Supplemental EIR/EIS - RECORD #8 DETAIL**

**Status :** Pending  
**Record Date :** 1/9/2012  
**Response Requested :** Yes  
**Stakeholder Type :** Government  
**Submission Date :** 1/9/2012  
**Submission Method :** Website  
**First Name :** yvonne  
**Last Name :** arroyo  
**Professional Title :** Associate Engineer  
**Business/Organization :** Santa Clara Valley Water District  
**Address :**  
**Apt./Suite No. :**  
**City :** San Jose  
**State :** CA  
**Zip Code :** 95118  
**Telephone :**  
**Email :** yarroyo@valleywater.org  
**Cell Phone :**  
**Email Subscription :** Statewide Planning Only, San Francisco - San Jose, San Jose - Merced  
**Add to Mailing List :** Yes  
**Stakeholder Comments/Issues :** I would like a CD of the document--"Bay Area to Central Valley HST Partially Revised Draft Program EIR"  
**EIR Comment :** No

8-65

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Response to Submission 8 (Yvonne Arroyo, Santa Clara Valley Water District, February 22, 2012)

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**8-65**

A CD was provided as requested in January 2012.

Submission 17 (Celia Aceves, Modesto Irrigation District, January 24, 2012)



1231 Eleventh St.  
P.O. Box 4060  
Modesto, CA 95352  
(209) 526-7373

January 20, 2012

3751  
01-24-12P02:43 RCVD

California High-Speed Rail Authority  
Attention: John Mason  
770 L Street, Suite 800  
Sacramento, CA 95814

**RE: Bay Area to Central Valley partially Revised Draft Program EIR  
Location: Altamont Pass & Pacheco Pass**

Dear Mr. Mason:

Thank you for allowing the District to comment on this referral. Following are the recommendations from our Risk & Property, Electrical, Irrigation and Domestic Water Divisions:

17-1 **Irrigation**

- The Modesto Irrigation District (MID) has a network of irrigation facilities that run generally in an east to west direction from the Sierra foothills to the San Joaquin River. Both corridor options (BNSF and SPRR) being considered by the California High-Speed Rail Authority bisect the MID and its canals, pipelines and drains.
- Study of the effects of the construction and operation of the proposed high-speed rail system on the MID irrigation facilities needs to be completed to determine what impact, if any, the new rail system will have. Many of the pipelines and canals crossing the existing railroad facilities are over 70 years old.
- Operation and maintenance access to existing MID irrigation and drainage facilities must be maintained both during construction and operation of the proposed rail system.

**Domestic Water/Risk & Property**

- No comments at this time. Comments will be provided as more detailed plans are submitted for review.

**Electrical**

- The MID Electric Division does not have any comments at this time. Comments will be provided as more detailed plans are submitted for review.

**The Modesto Irrigation District reserves its future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, crossarms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.**

If you have any questions, please contact me at 526-7433.

Sincerely,

Celia Aceves  
Risk & Property Analyst

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ORGANIZED 1887 • IRRIGATION WATER 1904 • POWER 1923 • DOMESTIC WATER 1994

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## Response to Submission 17 (Celia Aceves, Modesto Irrigation District, February 25, 2012)

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### **17-1**

Comment acknowledged. Chapter 3.10 of the 2008 Final Program EIR assessed public utility conflicts at a broad scale, with a focus on major conflicts such as electrical transmission lines, electrical substations or power stations, natural gas pipelines, and wastewater treatment facilities as representative of utility impacts. Utilities conflicts are considered significant, and mitigation strategies were identified. Section 3.10.6 explains that impacts on water supply utilities, such as irrigation districts, will be considered in detail as part of second-tier environmental review. Also refer to Standard Response 3 regarding level of detail.

Submission 19 (Larry Klein, City of Palo Alto, January 26, 2012)

JAN 20 12 11 05 30 PM FLO ALTO CITY HUNGER

FAX NO. 650 329 5025 F. 02

JAN 20 12 11 05 30 PM FLO ALTO CITY HUNGER

FAX NO. 650 329 5025 F. 01

City of Palo Alto  
Office of the Mayor and City Council

January 25, 2012

John Mason  
California High Speed Rail Authority  
770 L Street, Suite 600  
Sacramento, CA 95814

Subject: Public Comment Period Extension - Bay Area to Central Valley High-Speed Train (HST) Partially Revised Program Environmental Impact Report (EIR)

Dear Mr. Mason

19-15

The City of Palo Alto is writing you today to ask for an indefinite delay in the Bay Area to Central Valley HST Partially Revised Draft Program EIR recirculation public comment period because the California High Speed Rail Authority (CHSRA) has yet to release ALL traffic data used to support its findings, including the actual traffic capacity studies for each project segment.

As you know, recirculation is required by court order to address the impacts of potentially moving freight tracks closer to adjacent land uses along the San Francisco Peninsula and to address impacts of reduced access to surface streets from potential lane closure along the San Francisco Peninsula. Yet, for our Transportation Division to effectively and fully respond to this recirculated document all supporting data for the Authority's assertions must be provided to understand exactly how the conclusions were reached.

Until these documents are provided there should be no expectation that the City of Palo Alto can fully and accurately comment on this document.

Thus, the City of Palo Alto requests an indefinite delay in the Bay Area to Central Valley HST Partially Revised Draft Program EIR recirculation public comment period until ALL documentation used to reach the conclusion presented by the CHSRA is provided. Once all of that requested data is released, the City will respond within an appropriate timeframe.

Thank you for your time and we look forward to your written response.

Sincerely,

Larry Klein  
City Council Member and Chair of the Rail Committee  
City of Palo Alto

- Palo Alto City Council
- Palo Alto City Manager
- US Secretary of Transportation Ray LaHood
- US Senator Barbara Boxer
- US Senator Dianne Feinstein
- US Congresswoman Anna Eshoo
- US Congressman John Mica
- California Governor Jerry Brown
- California Senator Joe Simitian
- California Senator Alan Lowenthal
- California Senator Mark DeSaulnier
- California Assemblymember Rich Gordon
- California Assemblymember Bonnie Lowenthal
- CHSRA CFO Rocio van Ark

P.O. Box 10250  
Palo Alto, CA 94303  
650.329.2477  
650.329.3631 fax



City Manager's Office  
250 Hamilton Avenue  
Palo Alto, CA 94301  
Fax: 650 325-5025

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CITY OF PALO ALTO

Fax

To: John Mason From: Larry Klein  
 From: (916) 322-0827 Pages: 2 (including cover)  
 Date: 1/26/2012 Phone: (650) 329-2477  
 City: CA

Urgent  For Review  Please Comment  Please Reply  Please Recycle

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## Response to Submission 19 (Larry Klein, City of Palo Alto, February 27, 2012)

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### **19-15**

The Authority acknowledges the City of Palo Alto's January 25, 2012, letter requesting an indefinite extension of time on the comment period for the Partially Revised Draft Program EIR. This request included a statement that the Authority had not released all traffic data used to support the revised Program EIR. The Authority received the letter on the afternoon of January 26, 2012 by facsimile. As of January 26, 2012, the Authority had not received a request from the City of Palo Alto to receive the underlying traffic data supporting the traffic analysis in the Partially Revised Draft Program EIR. In response, an Authority staff person contacted the City of Palo Alto by telephone on January 30, 2012, to inquire about the City's data needs, and was able to discuss the request on January 31, 2012. Based on that contact, the Authority provided one requested item by email - VTA Traffic Impact Analysis Guidelines by email on February 3, 2012. Additional data and information was provided on February 6, 2012, by email. The comment period provided for the Partially Revised Draft Program EIR was 45 days, concluded on February 21, 2012, and was not extended.

Submission 24 (Larry Patterson, City of San Mateo, February 12, 2012)

Bay Area to Central Valley Supplemental EIR/EIS - RECORD #24 DETAIL

**Status :** Action Completed  
**Record Date :** 2/12/2012  
**Response Requested :** Yes  
**Stakeholder Type :** Government  
**Submission Date :** 2/12/2012  
**Submission Method :** Website  
**First Name :** Larry  
**Last Name :** Patterson  
**Professional Title :** Director of Public Works  
**Business/Organization :** City of San Mateo  
**Address :**  
**Apt./Suite No. :**  
**City :** San Mateo  
**State :** CA  
**Zip Code :** 94403  
**Telephone :** 650-522-7303  
**Email :** lpatterson@cityofsanmateo.org  
**Cell Phone :**  
**Email Subscription :** San Francisco - San Jose, San Jose - Merced  
**Add to Mailing List :** Yes  
**Stakeholder Comments/Issues :** The comment period closes at the end of business on February 21, 2012. Our City Council does not meet until the evening of February 21st and therefore will not approve our comment letter until after normal business hours. Will our comments be considered and receive a response if not emailed until the evening of February 21, 2012?  
**EIR Comment :** No

24-58

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Response to Submission 24 (Larry Patterson, City of San Mateo, February 22, 2012)

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**24-58**

Comment acknowledged. The Authority will consider the City's comments as they were received via email on the evening of February 21, 2012.

Submission 30 (Andy Klein, City of San Carlos, February 16, 2012)

CITY OF SAN CARLOS

CITY COUNCIL
ANDY KLEIN, MAYOR
MATT GROCOTT, VICE MAYOR
RON COLLINS
ROBERT GRASSILLI
MARK OLBERT



CITY COUNCIL
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SAN CARLOS, CALIFORNIA 94070-3085
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3920
02-16-12P02:40 RCVD

30-33

February 14, 2012

Mr. John Mason
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814
Attn: Bay Area to Central Valley HST Partially Revised Program EIR Comment

Re: City of San Carlos Comments – Bay Area to Central Valley HST Partially Revised Program EIR

Dear Mr. Mason,

On behalf of the City of San Carlos, I am writing to comment on the recently released Bay Area to Central Valley HST Partially Revised Program EIR. Of particular interest to San Carlos is Section 3 of the document which discusses potential loss of traffic lanes parallel to the CalTrain Right of Way along the Peninsula, traffic service level impacts of the original CHSR designs and design practices that could be used to avoid these impacts. This report was discussed at the February 13, 2012 City Council Meeting and this letter reflects those discussions.

Initial Comments on CHSR

The City of San Carlos has been an active participant in the discussions, workshops and meetings regarding the proposed California High Speed Rail system since these proposals emerged in 2008. The City has provided input, feedback and comments during the process including the monthly meetings with CHSR engineers and staff. (A copy of the City's detailed comment letter regarding the California High Speed Rail Alternatives Analysis dated May 11, 2010 is attached for your review.)

Section 3.3 – Environmental Consequences – Potential Lane Reductions/Loss

Section 3.3 of the Partially Revised DEIR discusses the potential reduction or loss of lanes on Old County Road in San Carlos if the original Overhead or Underground CHSR designs are utilized in a 4 Track CHSR project. (See page 3-6)

What the Partially Revised DEIR fails to consider is that CHSR, CalTrain and City Staff, along with CHSR project engineers and designers from HNTB, have developed an Alternative 4 Track Design for CHSR and CalTrain Electrification which addressed and resolved these problems.

The Alternative Design involves a 4 Track Overhead Alignment that moves the San Carlos CalTrain Platform south towards Arroyo Avenue and uses the 20 feet of Right of Way reserved for CHSR and CalTrain Electrification in the Proposed San Carlos Transit Village Project. With these changes, the engineers at HNTB have designed an Alternative that fits 4 CHSR/CalTrain electrified tracks into the existing right of way and does not result in lane closures or significant impacts to the street or neighboring properties in San Carlos.

Staff has confirmed with CHSR, CalTrain and HNTB on numerous occasions that the Alternative Design for San Carlos will be incorporated into future versions of the CHSR and CalTrain planning and designs if a 4 Track alignment moves forward. However, this design and information is missing from the Partially Revised DEIR document. This explains the document's continued commentary about earlier designs that could result in impacts to Old County Road under the initial Overhead and Underground 4 Track Designs through San Carlos. The City believes that this omission should be corrected and the Alternative Design should be included in and considered in the Partially Revised DEIR.

Tables 3-1 and 3.2 – Traffic Service Levels – Potential Lane Reductions/Loss

These tables in the Partially Revised DEIR discuss the potential reduction or loss of lanes on Old County Road in San Carlos if the original Overhead or Underground CHSR designs are utilized in a 4 Track CHSR project. (See page 3-9 through 3-14).

The City believes that these tables should be updated to take into account the impact that the Alternative Design in San Carlos would have on these projected Traffic Service Levels and this information should be included in the Partially Revised DEIR.

Conclusion

San Carlos plans to continue to be an active participant in the study process for California High Speed Rail and CalTrain Electrification as these projects continue their review and engineering work. We appreciate your support and work on this project. If you have any questions, please contact me or Brian Moura, Assistant City Manager, at (650) 802-4210.

Sincerely,

Handwritten signature of Andy Klein

Andy Klein
Mayor

- cc: State Senator Joe Simitian
Assembly Member Rich Gordon
Roelof Van Ark, CEO, California High-Speed Rail Authority
Dominic Spaethling, Regional Manager, California High-Speed Rail Authority
Mike Scanlon, CEO, CalTrain/Peninsula Joint Powers Board
Marian Lee, Acting Director, CalTrain Modernization Program, CalTrain

30-33



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## Response to Submission 30 (Andy Klein, City of San Carlos, February 17, 2012)

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### **30-33**

The Authority acknowledges and appreciates the City of San Carlos' regular participation in the planning effort for a second-tier project along the Caltrain Corridor.

The purpose of the Partially Revised Draft Program EIR was to provide a conservative analysis of the traffic effects of implementing a four-track alignment in an at-grade or existing grade configuration that would require the largest amount of expansion to the existing Caltrain right-of-way. For first-tier programmatic EIR purposes, this analysis provides a "worst case" in terms of right-of-way and loss of parallel traffic lanes.

The comment correctly identifies that as part of second-tier planning and refined engineering, a new design has been developed that could accommodate a four-track shared use system such that it would not result in lanes closures to Old County Road. As indicated in the comment, this second-tier design solution is anticipated to substantially reduce and even avoid lane closures and impacts on the street and neighboring properties. It is fully anticipated that this design, or some variation on this design that maintains full capacity for Old County Road, would be addressed in the second-tier, project-level EIR document if an alignment on the Caltrain Corridor is part of the network alternative the Authority Board selects at the conclusion for this Program EIR process.

Submission 31 (Jerry Deal, City of Burlingame, February 16, 2012)



*The City of Burlingame*  
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 ANN KEIGHRAN, VICE MAYOR  
 MICHAEL BROWNRIGGS, COUNCILMEMBER  
 CATHY BAYLOCK, COUNCILMEMBER  
 TERRY NAGEL, COUNCILMEMBER

TEL: (850) 558-7200  
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 EMAIL: [council@burlingame.org](mailto:council@burlingame.org)

California High Speed Rail Authority  
 Attn: Dan Richard, Chairperson  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

February 10, 2012

**Subject: Public Comment Period Extension for the Bay Area to Central Valley High-Speed Train (HST) Partially Revised Program Environmental Impact Report (EIR); and Business / Funding Plan review comments**

Dear Mr. Richard:

The City of Burlingame is writing to you on two issues regarding the California High Speed Rail project. The first is to ask for a delay in the public comment period for the Bay Area to Central Valley HST Partially Revised Draft Program EIR recirculated document. The second issue requests recirculating the Business / Funding Plan which lacks core elements.

31-29

**Public Comment Period Extension – Bay Area to Central Valley HST Partially Revised Program EIR**

The comment period for the Bay Area to Central Valley HST Partially Revised Program EIR for the California High Speed Rail Authority (CHSRA) has yet to release ALL traffic data used to support its findings, including the actual traffic capacity studies for each project segment. The document needs to address the impacts of potentially moving freight tracks closer to adjacent land uses along the San Francisco Peninsula rail corridor; and to address impacts of reduced access to surface streets from potential lane closures along the San Francisco Peninsula. Yet, for an accurate assessment of the recirculated document all supporting data for the Authority's assertions must be provided to understand exactly how the conclusions were reached. Until these documents are provided there should be no expectation that the City of Burlingame can fully and accurately comment on this document. Therefore the City of Burlingame requests an indefinite delay in the Bay Area to Central Valley HST Partially Revised Draft Program EIR recirculation public comment period until ALL documents are provided that were used to reach the conclusions presented by the CHSRA. Once the data is released, the City will respond within an appropriate timeframe.

31-510

**Draft 2012 Business / Funding Plan Comments**

The Business / Funding Plan lacks core elements that need to be addressed before final review of the document. We have reviewed and support the comments prepared by one of our member agencies as itemized below.

31-510

General Comments

- There are multiple references in the Plan to the social benefits of HSR. Despite how much the City may either support or object to these benefits, they are not relevant to the financial legitimacy of this project or the Plan (Page ES-4);
- Using European high-speed rail (HSR) data as the basis for California HSR predictions ignores too many cultural and geographic differences and in no way should be used as a basis for making California HSR predictions (Page ES-5);
- The following statement needs to be quantified with specific timeframes, types, and locations of job creation: "With implementation of the HSR system in California, as many as 400,000 long-term jobs could be created as the state's economy becomes more efficient." (Page ES-5);
- In November 2008, at the time Proposition 1A passed, the CHSRA represented to the voters that construction of a true, statewide HSR system would be completed by approximately 2020. Now, the Plan states the CHSRA does not plan to have a true, statewide HSR system completed until 2030 or beyond. The CHSRA must account for this misrepresentation to the voters (Page ES-9);
- Comparing the cost of the proposed HSR system to the cost of constructing infrastructure with an equal capacity in the form of highway lanes, airport gates, and runways does not accurately account for the fact that many of those assets are not currently at maximum capacity. The Plan should quantify remaining capacity of other transportation systems in order to provide an accurate comparison to the high estimate cost of HSR (Page 1-3);

31-511

Capital Costs

- The total cost of viaducts, tunnels, and trenches in the 2009 Business Plan was estimated at approximately \$10B. That number has since increased to approximately \$31.5B on the low end to \$40B on the high end. The City would like to see where the CHSRA plans on building these structures so the City can evaluate how the construction correlates with the mitigation (Page 3-6);

31-512

Ridership

- Despite updates made to the ridership model prior to the publication of the Plan, inherent flaws in that model still exist and are reflected in the CHSRA ridership assumptions. Essentially, all the CHSRA has done with the ridership model is spread it out further over time (in correlation with the revised project timeline). The ridership projection errors can only be fixed by the development of a new ridership model and release of a new ridership study. Until that is done no assumptions about ridership reflected in the Plan can be considered reliable (Chapter 6);
- The Plan states that, "Population has a direct correlation with ridership." However, it is not population alone which determines ridership estimates. Rather, it is population that can afford to ride HSR located in its vicinity. Therefore, generating ridership figures with projected population growth alone as an input is not reliable. Further, the consequences of this are exaggerated in a phased approach (Page 6-5);

31-513

Operating & Maintenance

- The CHSRA has repeatedly asserted that California HSR will not require an operating subsidy and asserts that it has "validated its operations and maintenance plans ... with international high-speed rail operators." If so, then the City would like a detailed explanation of how the CHSRA accounts for a 2008 OECD study that found that rail subsidies in France, Germany, Spain and the Netherlands came to

Submission 31 (Jerry Deal, City of Burlingame, February 16, 2012) - Continued

31-513 45% of the total expenditures of the rail systems (<http://www.oecd-library.org/transport/the-economic-effects-of-high-speed-rail-investment-235171703148>). (Page 7-2)

31-514 Risk Mitigation

- Additional ridership projection work should be done now, before construction begins, not "prior to initiating a private-sector financing transaction." (Page 9-11);
- Vulnerabilities associated with private financing are not a "perceived risk" but a real risk (Page 9-12);
- Outstanding conflicts surrounding Union Pacific Right of Way (ROW) are yet to be accounted for in sufficient detail and have a direct impact on any business plan that assumes said ROW will be available for use (Page 9-13);

31-515 Phasing

- Environmental impacts that result from the disconnect between the way the system was segmented for environmental review versus the way the system is being segmented for construction of an initial construction segment (ICS) and initial operating segment (IOS) must be reconciled (Chapter 2);
- Terminology is used in the Plan that is not consistent with Prop 1A. For example, no mention of an ICS can be found in Prop 1A. As stated in the proposition language, Prop 1A only allows for bond expenditures on a HSR segment that is electrified and contains all of the components of a true HSR system. Therefore, the City objects to the expenditure of Prop 1A funds on an ICS until, at a minimum, all of the funding for an IOS has been identified and secured (Page 2-9);
- The Plan, like the 2009 Business Plan and other CHSRA documents, appears as though it is capital constraint driven. The City feels this has been a continuing issue with the project and despite the CHSRA's desires to use America Recovery and Reinvestment Act (ARRA) funds the deadlines associated with them should not be the basis for construction and environmental review decisions (Page 2-9);

31-516 Financing

- The Authority's estimate of the project cost has essentially tripled since 2008. The City would like to know what process the CHSRA intends to use to ensure that 1) the project cost does not increase any further, and 2) this cost increase is appropriately vetted with stakeholders (Chapter 8);
- AB 3034 states the business plan shall include, identify, or certify a number of items including, "the sources of all funds to be invested in the corridor, or usable segment thereof, and the anticipated time of receipt of those funds based on expected commitments, authorizations, agreements, allocations, or other means." Therefore, the City feels that the identification of funds for an ICS does not satisfy AB 3034 and only until the source of funds for an IOS is identified does the CHSRA even have the legal grounds to move forward with construction (Chapter 8);
- It is not clear who would be responsible to make up the funding gap if private funding doesn't materialize (Chapter 8);
- The CHSRA's assertion that a dedicated HSR funding source similar to the Highway Trust Fund could be created is highly speculative and should in no way be relied upon (Page 8-6);
- In continuation from the previous issue, the CHSRA's claims relating to availability payments and Qualified Tax Credit Bonds (QTCB) are equally speculative and unreliable (Page 8-7);

31-516

- In year of expenditure (YOE) dollars, the total capital cost of completing the "Bay to Basin" (B to B) portion of the system is estimated to be \$54.3B. Thus, to complete what many would argue is the minimum system necessary to avoid an operating subsidy, the CHSRA is currently relying upon the receipt of \$30.3B of additional federal money (or 56.2% of the total B to B cost). This assumption seems to completely ignore the current federal government fiscal, economic and political landscape and puts the state at great financial risk if this prediction turns out to be false. The likelihood of securing this funding is highly speculative at best. Therefore, the CHSRA must have measures in place to mitigate this risk and a clear contingency plan (Page 8-34);

31-31 Funding Plan dated November 3, 2011

- The CHSRA has clearly identified funding sources for an initial construction segment (ICS) but has not identified funding sources for an initial operating segment (IOS). Thus, this funding plan fails to satisfy the requirements of Prop. 1A as it does not identify funding sources for a **USABLE** segment, or IOS (Page 1);
- Since the expenditure of Prop.1A bond funds is predicated on the construction of a usable segment, what that usable segment is should be identified. Stating that "the Authority is advancing a detailed phasing plan that contains two options for its Initial Operating Section" is not sufficient. A usable segment, or IOS, should be clearly identified first (Page 2);
- The Funding Plan states that, "the Authority will have, prior to expending Bond Act proceeds requested in connection with this Funding Plan, completed all necessary project level environmental clearances necessary to proceed to construction." At this time; however, the referenced environmental clearances are not complete. Thus, a full understanding of what is necessary to gain California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) clearance and the associated costs of that clearance (as would be identified in a finalized EIR) doesn't exist either. Therefore, the CHSRA should complete all necessary project level environmental clearances for a usable segment, or IOS, before expending any Prop. 1A bond funds on construction, so the full cost of both a complete environmental review and any associated mitigations is fully accounted for. (Page 14).

We look forward to your written response to our comments and questions.

Thank you



Jerry Deal, Mayor  
City of Burlingame

C: Burlingame City Council, Burlingame City Manager  
US Secretary of Transportation Ray LaHood, US Senator Barbara Boxer, US Senator Dianne Feinstein, US Congresswoman Anna Eshoo, US Congressman John Mica  
California (CA) Governor Jerry Brown, CA Senator Joe Similian, CA Senator Alan Lowenthal, CA Senator Mark DeSaulnier, CA Assemblymember Rich Gordon, CA Assemblymember Bonnie Lowenthal, CHASRA CEO Roelof van Ark

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## Response to Submission 31 (Jerry Deal, City of Burlingame, February 17, 2012)

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**31-29**

It appears that the comment is requesting an extension to the comment period to have time to review the technical information that was the basis of the Partially Revised Draft Program EIR. This technical information is available from the Authority, was listed in the references chapter (Chapter 9), and was provided in response to information requests from other commenters. The City of Burlingame did not submit a request for the technical memoranda or other technical information during the comment period.

The commenter is referred to Chapter 2 of the Partially Revised Draft Program EIR, which provides the noise analysis of potentially moving freight traffic closer to adjacent land uses. The traffic effects of the potential lane closures are addressed in Chapter 3.

The Authority respectfully declines to extend the comment period, which ran for 45 days, pursuant to CEQA.

**31-510**

The comment addresses the Draft 2012 Business Plan, rather than the Partially Revised Draft Program EIR. The 2012 Draft Business Plan, which was released to the public in November 2011, was developed to support the state's financial and investment planning for the HSR system. In contrast to the purpose of the Business Plan, the primary purpose of this Program EIR is to help the Authority appropriately analyze and understand the potential environmental impacts of the project and to select a preferred alternative for the Bay Area to Central Valley.

CEQA requires a final EIR to respond to the responsible comments received on environmental issues (see 14 CCR §15088(a)). The Partially Revised Draft Program EIR reviewed new information and changed conditions, which included the information presented in the 2012 Draft Business Plan. The remainder of the comments does not address an environmental issue.

Additional questions and comments on the Draft 2012 Business Plan would best be submitted through the Authority's website

[http://www.cahighspeedrail.ca.gov/contact.aspx?cat=Draft\\_2012\\_Business\\_Plan\\_Comments](http://www.cahighspeedrail.ca.gov/contact.aspx?cat=Draft_2012_Business_Plan_Comments)

**31-511**

The comment addresses the Draft 2012 Business Plan, rather than the Partially Revised Draft Program EIR. The 2012 Draft Business Plan cost estimates are not addressed in the Partially Revised Draft Program EIR. The cost data is available in the supporting documents to the 2012 Draft Business Plan, "Cost Changes from 2009 Report to 2012 Business Plan Capital Cost Estimates,"

<http://www.cahighspeedrail.ca.gov/assets/0/152/302/321/02fa2469-ef00-4eb0-ac78-74edff7b4fc3.pdf>

Additional questions and comments on the 2012 Draft Business Plan would best be submitted through the Authority's website  
[http://www.cahighspeedrail.ca.gov/contact.aspx?cat=Draft\\_2012\\_Business\\_Plan\\_Comments](http://www.cahighspeedrail.ca.gov/contact.aspx?cat=Draft_2012_Business_Plan_Comments)

**31-512**

The comment addresses the Draft 2012 Business Plan, rather than the Partially Revised Draft Program EIR. Please refer to Response to Comment 31-510.

**31-513**

The comment addresses the Draft 2012 Business Plan, rather than the Partially Revised Draft Program EIR. Please refer to Response to Comment 31-510. The City has misinterpreted the paper, which shows the costs and revenues of all rail services, including commuter and regional passenger and freight. (All of the former have operating subsidies, as do some of the freight services). The City also confuses the concept of "operating profit" with the capital and operating balances shown in the paper. HSR services are not shown separately; had they been, a strong operating profit would have

been shown, as is projected for the California HSR. (See for example, World Bank 2010, p. 14<sup>1</sup>)

Although the referenced link is not working any longer, or is incorrect, a 2008 paper by a Canary Islands professor, Ginés de Rus, published in a round-table report by the OECD, appears to be the basis for this comment (See De Rus, "The Economic Effects of High-Speed Rail Investment", University of Las Palmas, Canary Islands, Spain, 2008, in "Round Table 145" at [http://www.keepeek.com/Digital-Asset-Management/oecd/transport/competitive-interaction-between-airports-airlines-and-high-speed-rail\\_9789282102466-en](http://www.keepeek.com/Digital-Asset-Management/oecd/transport/competitive-interaction-between-airports-airlines-and-high-speed-rail_9789282102466-en) pp. 165-200).

The statistic cited by the City is not presented in the paper, and appears to have been calculated from Table 5 "Rail Accounts", which shows the four countries' rail revenues and costs apparently in the year 1998 (see illustration). The first revenue line states it includes freight revenues, and the first cost item is for infrastructure costs. A check of French railways accounts from 2005/2006 (Standard & Poors 2006) indicates that these figures also include the revenues and costs for all the rail operations, not just the HSR lines. The strong operating results of the HSR services are thus submerged in the larger railways' operating losses or weak surpluses.

Moreover, this table includes costs of capital infrastructure investment, which are specifically excluded from the operating profit

<sup>1</sup> Operating and maintenance costs of high-speed rail are generally low by comparison with the capital costs, and speed delivers better equipment and train crew turn-round times. The Shinkansen lines of Japan East (which include the comparatively lightly-used Joetsu and Nagano lines) have a working ratio (of operating cost excluding depreciation to revenue) of 40 percent and an operating ratio (of operating cost including depreciation to revenue) of 55 percent. The TGV Sud Est line in France also had a working ratio of 40 percent for about a decade after it opened and an operating ratio (including interest) of just over 60 percent. Even the troubled THSR high-speed line had a working ratio of less than 50 percent within a year of opening.

Amos, Bollock, Sondhi, "High-Speed Rail: The Fast Track to Economic Development?" The World Bank, July 2010, p. 14.

measure. Here too then, the City compares apples to oranges, obscuring the operating profits generated by HSR operations.

Table 5. Rail accounts

	(€ millions, 1998)			
	France	Germany	Spain	Netherlands
<i>Costs</i>				
Infrastructure costs	4 790	12 621	3 500	1 095
Supplier operating costs	9 998	7 336	2 013	2 339
Accident cost (external)	3	83	19	59
Environmental costs	129	1 403	296	34
<b>Total</b>	<b>14 920</b>	<b>21 443</b>	<b>5 828</b>	<b>3 527</b>
<i>Revenues</i>				
Passenger and freight revenue	7 326	8 614	1 495	1 365
Subsidies for concessionary fares	296	4 244	n.a.	81
Other specific revenues	504			
Fuel tax	35	217	n.a.	n.a.
VAT	280	34	n.a.	n.a.
<b>Total</b>	<b>8 441</b>	<b>13 109</b>	<b>1 495</b>	<b>1 446</b>

Source: OECD 2009

**31-514**

The comment addresses the Draft 2012 Business Plan, rather than the Partially Revised Draft Program EIR. Please refer to Response to Comment 31-510.

**31-515**

The comment addresses the Draft 2012 Business Plan, rather than the Partially Revised Draft Program EIR. To the extent this comment can be construed as a comment on the Partially Revised Draft Program EIR, it must be noted that the first section of the California HST requires over 100 miles of high speed track to test the high-speed trains. The Central Valley is the best location for this initial phase. However, even if the HST Project were not to be fully funded, the American Recovery and Reinvestment Act (ARRA) funding must be used toward a project that has independent utility. The first construction section in the Central Valley can be connected to existing stations in Merced and Madera via a crossover trackway with

the BNSF railroad even if no other portion of the HST railway could be constructed.

The Authority acknowledges comments regarding the “independent utility” condition of the ARRA funding awarded to the Authority for construction in the Central Valley. Essentially, this condition required the Authority to plan how it would utilize the ARRA funding to site and construct track that would have utility in the event additional HSR funding is never secured. Independent utility under ARRA would be achieved by allowing non-electrified passenger trains to utilize the first-constructed portion of the Initial Operable Section (IOS). The ARRA grant agreement with the FRA specifically states that such service would not be funded by Proposition 1A or run by the Authority.

**31-516**

The comment addresses the Draft 2012 Business Plan, rather than the Partially Revised Draft Program EIR. Please refer to Response to Comment 31-510.

**31-31**

The comment addresses the Authority’s Funding Plan of November 3, 2011, rather than the Partially Revised Draft Program EIR. The comment is further directed to legal definitions of “useable segment” under Proposition 1A and does not address environmental implications of the HST in the Bay Area to Central Valley study region. Please refer to the Authority’s Revised 2012 Business Plan for further information.

Submission 40 (Yiaway Yeh, City of Palo Alto, February 17, 2012)

City of Palo Alto

Office of the Mayor and City Council

February 16, 2012

John Mason
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

3941
02-21-12A09:32 RCVD

Subject: City of Palo Alto Comment Letter on the Bay Area to Central Valley High-Speed Train Partially Revised Draft Program Environmental Impact Report

Dear Mr. Mason:

The City of Palo Alto (City) respectfully submits the attached comments regarding the Bay Area to Central Valley High-Speed Train Partially Revised Draft Program EIR (Revised Draft Program EIR). The City would like to highlight three general themes that are covered throughout the City's comment letter.

40-254

Blended 2-Track System vs. 4-Track System

The California High Speed Rail Authority (CHSRA) has publicly committed to pursuing analysis of a blended, 2-track system within the Caltrain corridor and dropping the pursuit of a 4-track system. However, the current Draft Program EIR continues to address a 4-track system and does not adequately address a blended 2-track system. The City believes that the CHSRA should stop analyzing a system that it does not intend to build, and instead revise the analysis to address a blended 2-track system. Further, the City believes that the CHSRA should review the blended 2-track system by issuing a new Notice of Preparation (NOP) and begin preparation of a new Draft EIR.

40-255

Significant and Unavoidable Impacts

The previous version of the Draft EIR indicated that a majority of the program's potential impacts could be mitigated to a less than significant level. The current Draft Program EIR, however, indicates that some of the impacts that were previous stated to be mitigatable to a less than significant level are now considered to be significant and unavoidable. Insufficient analysis is provided to support these revised conclusions, and insufficient effort has been made to identify mitigations that would reduce these impacts to a less than significant level. The City of Palo Alto is concerned that the CHSRA is essentially capitulating and declaring these impacts to be significant without making a reasonable effort to address how to reduce the severity of these impacts.

40-256

Use of Local Methodology

The CHSRA throughout the various CEQA analyses has consistently neglected to apply local methodology to the analysis of project impacts, particularly in regard to traffic and noise impacts. The CHSRA needs to apply local methodology to the analysis of project impacts; omission of this methodology often undercuts the severity of various project impacts.

Thank you for your time and consideration and we look forward to your written response.

Sincerely,

Yiaway Yeh (handwritten signature)

Yiaway Yeh
Mayor, City of Palo Alto

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- c: Palo Alto City Council
Palo Alto City Manager
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US Senator Barbara Boxer
US Senator Dianne Feinstein
US Congresswoman Anna Eshoo
US Congressman John Mica
California Governor Jerry Brown
California Senator Joe Simitian
California Senator Alan Lowenthal
California Senator Mark DeSaulnier
California Assemblymember Rich Gordon
California Assemblymember Bonnie Lowenthal
CHSRA Board Chairperson Dan Richard
CHSRA CEO Roelof van Ark

Attachment

- Comments on the Bay Area to Central Valley HST Partially Revised Draft Program EIR

Submission 40 (Yiaway Yeh, City of Palo Alto, February 17, 2012) - Continued

COMMENTS ON THE BAY AREA TO CENTRAL VALLEY HIGH-SPEED TRAIN PARTIALLY REVISED DRAFT PROGRAM EIR

1. INTRODUCTION

40-257 The City of Palo Alto (City) requests that the California High Speed Rail Authority (CHSRA or Authority) to address deficiencies in the Partially Revised Draft Program EIR for the Bay Area to Central Valley High-Speed Train (Draft Program EIR). The City believes that the Authority has failed pursuant to the California Environmental Quality Act (CEQA) to adequately address the potential impacts of the proposed project. The City also continues to believe that inadequate and biased information is provided in the analysis of alternative alignments, and that insufficient data are provided to support the Authority's determination of the environmentally superior alternative.

Comments on the Draft Program EIR are presented in this report by chapter. General comments are provided as are page and paragraph specific comments. This report also identifies several comments from the City's review of previous documents that are still applicable and have not been adequately addressed.

2. COMMENTS ON PARTIALLY REVISED DRAFT PROGRAM EIR

2.1 INTRODUCTION AND SUMMARY

General Comments

- 40-258 a) The City maintains that many issues beyond those identified in the recent Atherton 1 and Atherton 2 court cases were not adequately addressed in the 2010 Bay Area to Central Valley High-Speed Train Revised Final Program EIR. An EIR cannot be certified in parts - the document must be certified as a whole. Since there is currently no certified EIR for this project, the City rejects the notion that comments must be focused solely on the contents of the current Draft Program EIR. However, for the sake of clarity, the majority of the comments in Section 2 of this letter are focused on the contents of the current Draft Program EIR, while the comments in Section 3 address all of the CEQA documents prepared to date for this segment of the HSR project.
b) The issuance of the Draft Program EIR was premature, as the writ for the Sacramento Superior Court ruling on the Atherton 1 and Atherton 2 cases was not filed until February 13, 2012. The release date of the Draft Program EIR does not provide sufficient time for the public to compare the contents of the Draft Program EIR with the writ in order to confirm that the Draft Program EIR addresses all of the items in the Sacramento Superior Court's ruling.

40-258

c) Development of the Draft EIR/EIS for the San Jose to Merced section of the HST project has also been prematurely begun by the CHSRA. This Draft EIR/EIS builds off of the premature conclusion that the Pacheco Pass alignment within the Caltrain corridor is the environmentally superior alternative. Work on the Draft EIR/EIS for the Bay Area to Central Valley portion of the HST project should either be halted until an adequate alternatives analysis is provided for the Bay Area portion of the HST project, or expanded to evaluate various Bay Area to Central Valley options, including use of the various Altamont Pass and Pacheco Pass alignment options.

40-260

- d) The City of Palo Alto appreciates that Section 5.1.3 of the Draft Program EIR begins to address a "blended system" approach that would involve using Caltrain's existing 2-track system to accommodate HST trains. Inclusion of a 2-track system has been requested by the City of Palo Alto and a number of other commenters, including several members of the California Assembly and State Senate. The Draft Program EIR describes this blended system as only an interim phase, however, with eventual build out to the 4-track system that was originally proposed by the CHSRA. The City of Palo Alto requests that the 2-track blended system be considered as its own separate alternative in the EIR, with no future expansion to a 4-track system. The City proposes that if future track expansion is considered by the CHSRA, it would be covered under a separate future CEQA analysis.
e) The CHSRA has claimed in the past that it is required to pursue analysis of a 4-track option due to the language in the approved 2008 Proposition 1A, and that it must continue to analyze the 4-track option unless and until the CHSRA receives a ruling from the Attorney General that the scope of the EIR can be reduced to a 2-track system. The public was told several months ago that a ruling was to be provided to the CHSRA in an expeditious manner. Has the CHSRA received a ruling regarding whether a 4-track system must continue to be considered in the EIR? If a ruling has been rendered, then the City of Palo Alto requests a copy of that ruling. The CHSRA has stated that it intends to pursue a blended, 2-track system in the Caltrain corridor, and the continued analysis of a 4-track system contradicts the claims made publicly by the CHSRA that the 4-track system is no longer under consideration. The City of Palo Alto requests that the 4-track system be dropped from further analysis in accordance with the public statements made by CHSRA.
f) Section 5 of the Draft Program EIR acknowledges that the blended system approach would have reduced air pollution and energy savings benefits, and that the full benefits would not be realized until some future date when the full 4-track system might be implemented. The City of Palo Alto believes that some quantification of these lower benefits is necessary in order to compare the blended system alternative with the No Project alternative and other alignment alternatives.
g) In the Draft 2012 Business Plan, released in November 2011, the CHSRA indicated that it is unlikely that sufficient funds are available for a 4-track system within the Caltrain alignment, and that a 2-track system would therefore be considered in future analyses.

Submission 40 (Yiaway Yeh, City of Palo Alto, February 17, 2012) - Continued

40-260 The Draft Program EIR, however, continues to address a 4-track system, and only addresses a 2-track system as an interim system that would eventually be expanded into a 4-track system. The Draft Program EIR needs to provide an analysis of a permanent 2-track system in the Caltrain alignment, at the same level of detail as the analysis provided for a 4-track system. The City of Palo Alto requests that the 4-track system be dropped from further analysis in accordance with the public statements made by CHSRA.

40-261 h) The alternatives analysis included in the Draft Program EIR continues to discount the Altamont Pass alignment options without adequate justification. The Draft Program EIR (and the Ridership Study included in previous iterations of the EIR) presents a 4-track system within the Caltrain corridor, and indicates that this system would have a greater ridership capacity than any of the Altamont Pass options. The Draft 2012 Business Plan, however, indicates that a 2-track system within the Caltrain corridor will be carried forward for further analysis, yet no analysis of the ridership capacity of this 2-track system is included in any of the CEQA documents to date. An analysis of the ridership capacity of a 2-track system is required in order to adequately compare the 2-track system with the Altamont Pass alignment options.

i) The discussions of a phased implementation appears to assume that only the San Jose to San Francisco segment of the Caltrain corridor allows for a phased or blended approach. The Draft Program EIR does not consider other phased options, such as the terminus of an Altamont Pass HSR alignment at the Livermore BART station, which would allow HSR passengers to transfer to a BART train and continue to Oakland or San Francisco. With the current plans to extend BART on the East Bay to San Jose, all three major Bay Area cities would be accessible by this alternative blended system. The Draft Program EIR needs to be revised to address alternative phased and blended implementation plans. Failure to address these additional feasible alternatives prevents an adequate comparison of project alternatives, and prevents the determination of the environmentally superior alternative.

j) The alignment options that utilize the entire length of the Caltrain corridor would have greater environmental impacts on the Peninsula communities than any of the Altamont Pass alignments, which would use only some or none of the Caltrain corridor. The City of Palo Alto also believes that the full Caltrain corridor option may have negative environmental impacts on a larger number of communities overall than the various Altamont Pass alignment options. The Draft Program EIR needs to be revised to adequately analyze and compare the environmental impacts on communities of the various alternative alignments.

k) The Pacheco Pass and Caltrain corridor alignments are consistently described and analyzed in significantly greater detail than the Altamont Pass alignments in both the Draft Program EIR and the previous CEQA documents produced by the CHSRA. All viable alignment options should be analyzed and described in the same level of detail in order to determine which alignment option is the environmentally superior alternative.

40-261 None of the environmental documents prepared to date provide sufficient analyses to adequately compare the various alignment alternatives and determine which is the environmentally superior alternative.

40-262 l) The technical data to support the Draft Program EIR's conclusions regarding noise, vibration, and traffic impacts were not included with the Draft Program EIR. Public access to this supporting technical data is required in order for the public to adequately determine whether valid conclusions are reached in the Draft Program EIR. The CHSRA needs to make this technical data available to the public, and must restart the 45-day comment period for the Draft Program EIR based on the date that such data is made publicly available.

m) The City of Palo Alto received the supporting technical data for the traffic analyses on Friday, February 3, 2011, but to date has not received the supporting technical data for the noise or vibration analyses. Public access to this data is necessary in order to adequately review the Draft Program EIR.

n) Earlier CEQA analyses prepared by the CHSRA had greater depth of discussion on issues such as noise and vibration impacts than the analyses included in the current Draft Program EIR. The CHSRA has continued gathering data and conducting studies on the various Bay Area to Central Valley alignment options, and therefore, presumably possesses more information for these analyses than was available for earlier iterations of the CEQA documents. The Draft Program EIR should be revised to include the additional studies and data collection since the previous iterations of the document rather than just referring to old analyses. More detail is necessary to adequately compare the various alignment alternatives and to determine which is the environmentally superior alternative.

40-263 o) The Draft Program EIR does not address the potential impacts of the use of eminent domain and impacts to land use, population and housing, etc., to acquire additional right-of-way for the project. Actions such as creating grade separations at intersections and expanding the existing Caltrain corridor beyond the current 2-track system would require the taking of additional land, including both private property (such as residences near intersections) and public property (such as one or more lanes of Alma Street). The City estimates that over 100 residences would need to be acquired through eminent domain just to create grade separations in Palo Alto (under a 4-track system with the tracks maintained at grade). An adequate comparison of alignment alternatives cannot be performed without additional information about the extent and impacts of eminent domain on the various environmental parameters.

40-264 p) The City of Palo Alto strongly believes that enough information is currently available for the CHSRA to develop a project-level EIR for the segment of the HST project from the Bay Area to the Central Valley. The City believes that the CHSRA should drop the current program-level approach, and instead prepare a project-level analysis of all of the alignment alternatives is necessary in order to adequately compare the alternatives and establish the environmentally superior alternative.

Submission 40 (Yiaway Yeh, City of Palo Alto, February 17, 2012) - Continued

40-265 | q) The Draft Program EIR does not adequately address project impacts on surface streets, particularly in regard to proposed lane closures on Alma Street. The analysis does not adequately address impacts at existing railroad crossings or impacts of the displacement of Alma Street traffic to surface streets east of the Caltrain alignment, including Middlefield Road.

**Specific Comments**

40-266 | a) Page 1-5, Table 1-1. It appears that some of the conclusions regarding the significance of various impacts have changed from those provided in the previous CEQA document, but those changes are not called out in the text or in the table. The Draft Program EIR needs to indicate which environmental impact conclusions have changed, and why.

40-267 | b) Page 1-5, Table 1-1. The City disagrees with several of the significance conclusions in this table. In particular, the City disagrees that the significant vibration impacts, traffic impacts from potential lane loss on the Peninsula, and adverse impacts from grade separation are all unavoidable. These significance conclusions differ from those in the previous CEQA document, which showed that different vertical track alignments produced different significance conclusions for many potential impacts. The conclusions in the Draft Program EIR appear to be based on certain assumptions for the type of vertical alignment of the tracks, when in fact a number of vertical options exist, including tunnel, covered trench, open trench, at grade, elevated berm, and aerial. For example, if the train tracks are in a tunnel or in a partially or completely covered trench, then the potential loss of traffic lanes on the Peninsula could be avoided, and traffic impacts from lane loss would be mitigated. This option is even presented in the Draft Program EIR in Section 3.4. Similar vertical alignment options exist that would potentially mitigate the impacts of vibration and grade separation to a less than significant level.

c) Page 1-5, Table 1-1. The City disagrees that the noise impacts from both project operation and construction can be said to be less than significant with implementation of mitigation with the limited level of detail provided in the noise mitigation. The Draft Program EIR does not adequately address the effectiveness of the noise mitigation methods outlined in the document, and therefore cannot accurately conclude that these mitigation methods will succeed in reducing noise impacts to a less than significant level. The City believes that noise impacts should be considered significant and unavoidable until a project-level analysis of noise impacts and mitigation strategies can be performed. See comments on Chapter 2: Noise for further detail.

d) Page 1-5, Table 1-1. The City also disagrees with the less-than-significant conclusion regarding the project's noise impacts, as the Draft Program EIR does not differentiate between the noise impacts for the various possible vertical track alignments. Tracks placed in a tunnel would have far lower noise impacts than tracks placed at grade, while tracks elevated on a berm or aerial tracks would likely have the greatest noise impacts, as the elevated tracks would allow noise to propagate over greater distances. The City

40-267 | would once again like to voice its strong opposition to any sort of elevated tracks in the City of Palo Alto.

2.2 NOISE AND VIBRATION

**General Comments**

40-268 | a) The previous CEQA document contained a faulty noise analysis, and it is not clear if the errors in the previous analysis have been corrected for the analysis contained in the current Draft Program EIR. As outlined in the comments submitted by CAARD on April 26, 2010 (see Attachment A), the previous noise analysis was faulty on several levels:

- The noise analysis contained incorrect baseline data, such as the number of schools and hospitals along the route. The noise evaluation was faulty.
- The noise tables contained a listing of the acres of parkland along the project route, but the noise metric formula did not have a factor for parkland.
- The results of the noise analysis were incorrectly recorded. When the various data were inserted into the noise metric formula, the resulting noise impact factor was far higher than the conclusions reached in the text of the previous EIR.

Without the detailed noise data to accompany the Draft Program EIR, there is no way to confirm whether these analysis errors from the previous EIR have been corrected, and whether the current noise analysis is likewise inaccurate. This data must be made publicly available, and the 45-day public comment period set to start on the date that this additional information is made available.

40-269 | b) Construction impacts are not addressed in this section. It is understood that the impacts are addressed in Section 4; however, the construction noise impacts would more appropriately be addressed alongside other noise impacts. Noise standards for construction and calculations of construction noise against policies and standards are not presented. See comments on Chapter 4.

40-270 | c) The impact analysis for noise uses a radius of 375 feet off of track centerline based on the FTA Guidance Manual. The radius of noise impacts is not a static number, and therefore several homes and sensitive receptors beyond the 375-foot radius will likely be impacted by noise. The radius of impacts will likely vary along any proposed alignment due to physical characteristics such as topography, type and intensity of development, and existing traffic and land use patterns. The radius of noise impacts will also vary according to the type of vertical track alignment employed.

40-271 | d) Previous iterations of the EIR have omitted sensitive receptors on the proposed Caltrain route. The City of Palo Alto requests that the CHSRA provide an updated and corrected list of the sensitive receptors in the current Draft Program EIR to confirm that the noise and vibration analyses have been updated to cover all sensitive receptors that would be affected by the project.

Submission 40 (Yiaway Yeh, City of Palo Alto, February 17, 2012) - Continued

- 40-272 e) Noise and vibration analyses have not been provided for the various route alternatives, which prevents an adequate comparison of the impacts of the project alternatives, and prevents the determination of the environmentally superior alternative.
- 40-273 f) Even at the program level, much more detail should be presented in the mitigation measures. The detail provided is inadequate to assess whether the mitigation is feasible and implementable and whether it would be effective in reducing impacts to less than significant levels as indicated in the conclusions.
- 40-274 g) Mitigation measures should first attempt to address noise and vibration impacts by reducing noise and vibration at the source and within the rail right-of-way. Noise and vibration reducing measures in the surrounding neighborhoods should only be applied if all feasible onsite mitigation measures fail to reduce impacts to a less than significant level.
- 40-275 h) Each mitigation measure should provide performance standards and evaluation criteria for the determination of its applicability to the project-level analysis to aid in determining when the measures should be applied.
- 40-276 i) An evaluation of how much each mitigation measure can reduce the noise level compared with standards needs to be presented.
- 40-277 j) The mitigation measures presented are very general and limited. Other mitigation measures to reduce potential impacts should be addressed.
- 40-278 k) Mitigation measures such as installing double- or triple-paned windows in residences and other sensitive receptors do not address outdoor noise impacts. The City is concerned that project noise impacts may render normal conversation and outdoor activities impossible within the yards of nearby residences. More information on all proposed, feasible noise mitigation measures is required in order to assess the severity of noise impacts on sensitive receptors and to adequately compare the various alignment alternatives.
- 40-279 l) The traffic analysis discusses mitigation to site the corridors above or below grade, while the noise analysis appears to be limited only to an at-grade alignment. Siting the corridor above grade could have additional noise impacts, while siting the corridor below grade could reduce noise impacts.
- 40-280 m) The noise generated by freight train operations in the Union Pacific Railroad (UPRR) corridor should be described in more detail and quantified in order to understand how mitigation would reduce such noise. The supporting data and analyses used to reach the significance conclusions in the Draft Program EIR need to be made available to the public, and the comment period restarted from the date such information is made publicly available.
- 40-281 n) The City disagrees with the conclusion that noise impacts would be less than significant with implementation of mitigation measures. The feasibility of the measures is questionable at best, no performance standards are identified for the application of the measures at the project level, and the amount of noise attenuation afforded by the

- 40-281 measures is not described. Without more detailed information, noise impacts are likely significant and unavoidable at the program level of analysis. Due to the identification of a new significant impact, the Draft Program EIR should be revised and recirculated for public review in accordance with CEQA Guidelines §15088.5.
- 40-282 o) It appears that the impact ratings of several noise and vibration impacts have been increased from medium to high, but it is not possible to tell from the insufficient data supplied in the Draft Program EIR which impact ratings have been changed, and why. Inclusion of a table similar to Table 3.4-A from the previous EIR would be beneficial in establishing what changes to impact ratings have occurred since the last EIR. An analysis should also be included in the Draft Program EIR explaining why these noise impact ratings have changed.

**Specific Comments**

- 40-283 a) Page 2-5, paragraph 4 – The methodology for the determination of the change in noise level for freight trains moved closer to sensitive receptors needs to be disclosed. What assumptions were made and how was the noise level calculated? What mitigation strategies were considered? Would a below-grade track option (tunnel, covered trench, or open trench) help mitigate these noise impacts?
- 40-284 b) Page 2-9, paragraph 4 – Noise barriers are listed as a way to mitigate noise impacts caused by the relocation of Monterey Highway vehicle traffic, as well as noise created by the HST project. The document should also indicate that noise barriers (such as sound walls and other high profile barrier options) may result in visual impacts and an assessment of those visual impacts needs to be provided.
- 40-285 c) Page 2-9, paragraph 8 – The document concludes that the identified mitigation strategies would reduce noise impacts from the shifting of Monterey Highway and from the shifting of freight train traffic closer to adjacent land uses to a less than significant level. This conclusion is not supported by any evidence. It is premature and inappropriate for this programmatic document to conclude that all project-related noise impacts can be reduced to a less than significant level. The document should conclude conservatively (as it has done for many other potential impacts) that noise impacts may continue to be significant even with mitigation. The project-level analysis is where conclusions about impact significance should be reached. See General Comments 3 and 7.

Submission 40 (Yiaway Yeh, City of Palo Alto, February 17, 2012) - Continued

**2.3 TRAFFIC, TRANSIT, CIRCULATION, AND PARKING IMPACT ANALYSIS**

GENERAL COMMENTS

Traffic Impacts on Business Operations

40-286

- a) The Partially Revised Draft Program EIR for the Bay Area to Central Valley High-Speed Train project discusses the need for lane reductions in the City of Palo Alto as part of the project:
  - One traffic lane eliminated on Alma Street between Homer Avenue and Embarcadero Road
  - Two traffic lanes eliminated on Alma Street between Embarcadero Road and California Avenue

As part of the Draft Program EIR evaluation, the following six intersections were further analyzed to determine existing Level of Service (LOS) operations and estimate LOS impacts by the project under Existing, Existing + Project, Future (2035) No Project, and Future + Project conditions:

- El Camino Real (Northbound Ramps) and University Avenue
- El Camino Real (Southbound Ramps) and Palm Drive
- El Camino Real and Embarcadero Road
- El Camino Real and Page Mill Road
- Alma Street and Homer Avenue
- Alma Street and Churchill Avenue

Alma Street becomes Central Expressway at San Antonio Road, the border between the City of Palo Alto and the City of Mountain View. The Draft Program EIR also discusses the need for lane reductions in the City of Mountain View on Central Expressway between San Antonio Road and Rengstorff Avenue.

The City of Palo Alto is concerned with any potential lane reductions on Alma Street and Central Expressway, as lane reductions may lead to significant delays in roadway operations due to a loss of roadway capacity and degradation of intersection LOS, both of which can lead to impacts to the quality of life of adjacent residential neighborhoods due to traffic intrusion and impacts to the economic engine of the City.

40-287

Business operations in the City of Palo Alto may be negatively affected during construction staging activities and permanent high speed rail operations, and these negative impacts may have regionally significant consequences. Major businesses and business centers in Palo Alto that could be negatively impacted by the project include:

- The Stanford Research Park, including companies such as Hewlett-Packard, VMware, and Tesla Motor Company

40-287

- The Downtown Palo Alto core, including companies such as Palantir and Jive Software
  - Other major companies adjacent to the Alma Street corridor such as America Online and Groupon
- b) The City of Palo Alto believes that the Partially Revised Draft Program EIR needs to address the business operation impacts of the traffic impacts and disruptions that would be caused by the HST project.

Traffic Impact Analysis and LOS Methodologies

- a) Alma Street is a north-south arterial through the City of Palo Alto that maintains a fairly consistent roadway configuration with two lanes for each travel direction. Only six east-west crossings across Alma Street exist due to conflicts with the existing Caltrain/Union Pacific Railroad corridor. These east-west crossings include:
  - University Avenue (undercrossing)
  - Embarcadero Road (undercrossing)
  - Churchill Avenue (at-grade)
  - Oregon Expressway (undercrossing)
  - East Meadow Drive (at-grade)
  - Charleston Road (at-grade)

Loop ramps facilitate intersecting movements at University Avenue and Oregon Expressway, and select left-turn storage lanes provide crossing opportunities at Churchill Avenue, East Meadow Drive, and Charleston Road.

40-288

The City of Palo Alto is a member agency of the Valley Transportation Authority (VTA) Congestion Management Program (CMP). Each member agency of the VTA has adopted the Traffic Impact Analysis (TIA) and LOS methodologies of the VTA CMP. Specifically, when analyzing LOS impacts at signalized intersections, the VTA methodologies require analysis of both AM and PM commute periods. The Draft Program EIR only evaluates a PM commute period scenario. The omission of an AM commute period analysis is a significant deficiency in the Draft Program EIR requiring additional analysis and recirculation with appropriate data. The lack of an AM commute period analysis dismisses a significant amount of traffic generated by local and regional businesses as well as school commute traffic from Palo Alto High School, located immediately adjacent to the Alma Street and Churchill Avenue intersection. The Alma Street and Churchill Avenue intersection sees some of the highest bicycle and pedestrian volume activity in the City, and the Draft Program EIR fails to consider those movements.

40-289

In addition, the Draft Program EIR includes a focused discussion of lane reductions on Monterey Highway in San Jose, but there is no similar analysis for lane reductions on Alma Street in Palo Alto or Central Expressway through the City of Mountain View. The lack of a similar lane reduction analysis provides inconsistencies in the traffic analysis

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40-289

methodologies of the Draft Program EIR and the Authority’s evaluation of significant impacts of the overall project. As a member agency of the VTA, the City of Palo Alto believes that the evaluation of traffic impacts in Palo Alto should be analyzed under the same consistent methodology as any other city within the County of Santa Clara, and that the VTA CMP guidelines need to be used as the standard for the evaluation of project impacts.

40-290

**Lack of AM Peak Hour LOS Analysis**

- a) The LOS Standards of the City and the VTA focus on a measurement of delay in seconds to drivers. Table 1 provides a definition of Signalized Intersection LOS operations and impact language and grades.

**Table 1**  
**Signalized Intersection LOS Based on Delay**

Level of Service	Description	Avg. Control Delay per Vehicle (Sec.)
A	Signal progression is extremely favorable. Most vehicles arrive during the green phase and do not stop at all. Short cycle lengths may also contribute to a very low vehicle delay.	10.0 or Less
B	Operations characterized by good signal progression and/or short cycle lengths. More vehicles stop than with Los A, causing higher levels of average vehicle delay.	10.1 to 20.0
C	Higher delays may result from fair signal progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant, though many still pass through the intersection without stopping.	20.1 to 30.0
D	The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable signal progression, long cycle lengths, or high volume-to-capacity (V/C) ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	<b>This is considered to be the limit of acceptable delay.</b> These high delay values generally indicate poor signal progression, long cycle lengths, and high V/C ratios. Individual cycle failures occur frequently.	55.1 to 80.0
F	This level of delay is considered unacceptable by most drivers. This condition often occurs with oversaturation, which occurs when arrival flow rates exceed the capacity of the intersection. Poor progression and long cycle lengths may also be major contributing causes of such delay levels.	Greater than 80.0

40-529

When analyzing impacts from lane reductions on a roadway at critical signalized intersections, the use of delay as a measurement tool is most effective in estimating true impacts from a project and for allowing identification of reasonable mitigation.

40-291

The City of Palo Alto’s definition of a significant impact at a signalized intersection is when the LOS is degraded to a LOS E or grater, or when the delay added to an intersection exceeds 10-seconds. As the City of Palo Alto is a member of the VTA CMP, any intersections analyzed in the City of Palo Alto should be measured against the LOS criteria in Table 1 for both the AM and PM commute periods. Such an analysis would better define the potential impact periods of the project when the most normal traffic patterns occur; Tables 3-1 and 3-2 of the Draft Program EIR, however, only examine the PM commute period of the day. The City of Palo Alto believes that the omission of the AM commute period from the analysis is a significant shortcoming of the Draft Program EIR.

40-292

At the Alma Street and Churchill Avenue intersection, for example, the PM-only analysis of the Draft Program EIR fails to analyze potentially significant impacts that result from the Palo Alto High School (PALY) morning commute. The Alma Street and Churchill Avenue intersection is located immediately adjacent to PALY and provides direct access the school’s south parking lot. The Alma Street and Churchill Avenue intersection also experiences higher than normal bicycle and pedestrian activity during the AM peak hour with approximately 400 bicycles alone traveling across the intersection during the AM peak hour. These morning bicycle and pedestrian movements are also not considered at all within the Draft Program EIR, as the AM commute condition was not evaluated. The lack of an AM peak hour analysis is inconsistent with the City of Palo Alto and Valley Transportation Authority (VTA) – Traffic Impact Analysis (TIA) guidelines.

Given the bicycle and pedestrian volume activity at the Alma Street and Churchill Avenue intersection, the City also requests that the CHSRA evaluate the school commute peak periods in addition to AM- and PM-peak conditions, as these volumes will likely require special accommodation and construction staging activities to further minimize traffic impacts to the community. The CHSRA should also be aware that the Alma Street and Churchill Avenue intersection includes special time-of-day signal operations as part of the Palo Alto Safe Routes to School program.

40-293

**City of Palo Alto Not Contacted to Solicit Input on Potential Lane Reductions**

- a) The City of Palo Alto was not contacted to solicit input on study intersections in relation to potential lane reduction impacts and feasible mitigation. This failure to solicit input from the City of Palo Alto may be a violation of both the California Environmental Quality Act (CEQA) and the National Environmental Quality Act (NEPA).

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40-294 **Draft Program EIR Uses Flawed Intersection LOS Data**

a) Table 2 provides a comparison of the signalized intersection LOS data used by the Draft Program EIR with the signalized intersection LOS data gathered by the City of Palo Alto. The City of Palo Alto's database system uses an industry standard measurement based on the 2000 Highway Capacity Manual (HCM 2000) and the VTA TIA guidelines.

40-295 b) As Table 2 shows, the data used in the Draft Program EIR is substantially inconsistent with existing vehicle volumes and data that is easily available from Palo Alto's database, and suggests that the signalized intersection LOS data in the Draft Program EIR is flawed and inaccurate. The Draft Program EIR data shows the signalized intersection LOS in most cases to be better than existing field conditions. The discrepancy on baseline signalized intersection LOS further calls into question the signalized intersection LOS findings in the Draft Program EIR for the Existing + Project, Future (2035) No Project, and Future + Project conditions. The City of Palo Alto believes that this discrepancy in signalized intersection LOS data results in an underestimation of the potential traffic impacts of the project.

**Table 2**  
**Draft Program EIR – Existing Signalized Intersection LOS Conditions**  
**Versus Actual Field Conditions**

Study Intersection	Draft Program EIR		City of Palo Alto		City of Palo Alto	
	Existing Conditions		Field Conditions		Field Conditions	
	Finding		Existing (AM)		Existing (PM)	
	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)
University Avenue and El Camino Real (NB)	C+	21.2	C	22.3	C	28.5
Palm Drive and El Camino Real (SB)	C	24.4	C	22.6	C	24.7
Homer Avenue and Alma Street	B+	11.4	A	8.9	B	12.2
Embarcadero Road and El Camino Real	D	48.7	D	38.9	D	41.4
<b>Churchill Avenue and Alma Street</b>	<b>C</b>	<b>25.0</b>	<b>D</b>	<b>37.1</b>	<b>D</b>	<b>47.3</b>
Page Mill Road and El Camino Real	D	49.1	D	49.7	D	48.5

40-295 Table 2 shows, for example, that the existing delay at the Alma Street and Churchill Avenue intersection is almost twice as long according to City of Palo Alto data as the Draft Program EIR data. Using the City of Palo Alto data for existing signalized intersection LOS for the Existing + Project, Future, and Future + Project year scenarios results in a degradation of that intersection to an unacceptable LOS F.

40-296 Vertical separation of the train tracks and Alma Street, with Alma Street maintained at grade and the train tracks placed below grade in a tunnel or a covered trench, would eliminate the need to reduce the lane width of Alma Street while still allowing for the widening of the Caltrain corridor right of way.

**Failure to Analyze Intersections**

40-297 a) Several intersections that are immediately adjacent to at grade crossings were not included in the analysis for impacts to traffic patterns at these intersections. Some of these intersections, such as the intersection of Alma Street and Charleston Road, currently operate at or below LOS E. The following intersections should be analyzed as part of the Draft Program EIR and future Project EIR:

- El Camino Real and Churchill Avenue - (Signalized)
- El Camino Real and Serra Street-Park Boulevard - (Signalized)
- El Camino Real and Stanford Avenue - (Signalized)
- El Camino Real and California Avenue - (Signalized)
- El Camino Real and Cambridge Avenue - (Signalized)
- El Camino Real and Charleston Road-Arastradero Road - (Signalized)
- Alma Street and Embarcadero Road (North) - (Unsignalized)
- Alma Street and Embarcadero Road (South) - (Unsignalized)
- Alma Street and Oregon Expressway (North) - (Unsignalized)
- Alma Street and Oregon Expressway (South) - (Unsignalized)
- Alma Street and Loma Verde - (Unsignalized)
- Alma Street and Alma Commons - (Signal Currently Under Construction)
- Alma Street and East Meadow Drive - (Signalized)
- Alma Street and Charleston Road - (Signalized)
- Middlefield Road and Charleston Rd - (Signalized)
- Middlefield Road and San Antonio Road - (Signalized)

b) Analysis of these intersections should also take into close consideration the traffic and traffic safety impacts to pedestrian and bicycle activity through the intersections resulting from potential lane reductions.

**Roadway Segment LOS Based on V/C Ratio**

40-298 a) Section 3.2.D of the Draft Program EIR uses V/C ratios to evaluate roadway capacity affected by lane reductions, and uses LOS for intersection analysis. Section 3.3.B of the Draft Program EIR provides a more detailed analysis of V/C

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40-298

impacts of the Monterey Highway segment where a 6-lane to 4-lane reduction is being considered. No such detailed V/C analysis is provided for the proposed lane reductions elsewhere along the Peninsula, including the Alma Street lane reductions in Palo Alto. Instead, Section 3.4 of the Draft Program EIR jumps directly into a "Tool Kit of Solutions" to help reduce the impact of potential lane reductions along the San Francisco Peninsula, without first providing a sufficient analysis of the potential impacts.

40-299

The HCM 2000 provides a recommended Volume to Capacity (V/C) LOS and ratio analysis methodology that would be appropriate for the evaluation of proposed lane reductions along Alma Street. Table 3 provides a summary of the HCM 2000 recommended V/C ratios.

Table 3

HCM 2000 – Recommended Roadway Segment LOS Based on Volume-to-Capacity Ratio

Level of Service	Description	Avg. Control Delay per Vehicle (Sec.)
A	Average operating speeds at the free-flow speed generally prevail. Vehicles are almost completely unimpeded in their ability to maneuver within the traffic stream.	Less than 0.269
B	Speeds at the free-flow speed are generally maintained. The ability to maneuver within the traffic stream is only slightly restricted, and the general level of physical and psychological comfort provided to drivers is still high.	0.270 – 0.439
C	Speeds at or near the free-flow speed of the roadway prevail. Freedom to maneuver within the traffic stream is noticeably restricted and lane changes require more vigilance on the part of the driver.	0.440 – 0.639
D	Speeds begin to decline slightly within increased flows at this level. Freedom to maneuver within the traffic stream is more noticeably limited, and the driver experiences reduced physical and psychological comfort levels.	0.640 – 0.849
E	<b>At this level, the roadway operates at or near capacity.</b> Operations in this level are volatile because there are virtually no usable gaps in the traffic stream, leaving little room to maneuver within the traffic stream.	0.850 – 0.999
F	Vehicular flow breakdowns occur. Large queues form behind breakdown points.	1.000 and greater

40-300

Given the limited amount of east-west crossing opportunities along Alma Street and the regional use of Alma Street as a parallel route to El Camino Real (State Route 82), a more detailed V/C analysis evaluating the potential impacts of lane reductions is justified.

40-301

Alma Street at the Churchill Avenue intersection, for example, experiences an Average Daily Traffic (ADT) volume of 27,000 vehicles per day. Each approach on Alma Street facilitates over 1,000 vehicles per hour under existing conditions for several hours during a typical weekday, creating consistently high volume peak periods beyond traditional normal peak hour conditions. The City peak periods range from 9:00 AM to noon, and from 4:00 PM to 8:00 PM.

To provide an understanding of how any proposed lane reductions on Alma Street may impact the City, Table 4 was prepared to measure potential lane reduction impacts near the Churchill Avenue intersection based solely on existing traffic volumes. Table 4 shows that any proposed lane reductions on Alma Street would result in unacceptable LOS E or F operations on the corridor for a majority of the day, which the City of Palo Alto would classify as a significant impact. In this case, these significant traffic impacts would clearly have potentially highly negative impact to the community, to the quality of life of adjacent residents, and to the region because of Palo Alto's influence on the economic vitality of the greater San Francisco Bay Area.

The significant impact on Alma Street, a region-serving arterial, would further degrade and exacerbate LOS operations at intersections along the corridor, and would extend well beyond the commute peak hour periods. As previously discussed within this comment letter, the Draft Program EIR fails to adequately analyze traffic impacts on Alma Street and its intersecting streets within the City of Palo Alto during varying times of the day. Table 4 further demonstrates that impacts from a proposed lane reduction would extend farther beyond the standard peak hour analysis.

Similar impacts from proposed lane reductions on Alma Street would likely be experienced near the City's other east-west crossings at East Meadow Drive and Charleston Road.

Any lane reduction considered on Alma Street would severely impact traffic movements and should not be considered.

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40-301

**Table 4**  
**Preliminary Volume-to-Capacity Ratio Analysis of Lane Reductions on Alma Street**

Alma Street Segment at Churchill Avenue	Time	Volume	Existing 4-Lane		Proposed 2-Lane	
			V/C*	LOS	V/C*	LOS
Alma Street Southbound	8AM-9AM	450	0.23	A	0.45	C
	9AM-10AM	810	0.41	B	0.81	D
	10AM-11AM	715	0.36	B	0.72	D
	11AM-12PM	522	0.26	A	0.52	C
	12PM-1PM	658	0.33	B	0.66	D
	1PM-2PM	651	0.33	B	0.65	D
	2PM-3PM	647	0.32	B	0.65	D
	3PM-4PM	825	0.41	B	0.83	D
	4PM-5PM	1,048	0.52	C	<b>1.05</b>	<b>F</b>
	5PM-6PM	1,394	0.70	D	<b>1.39</b>	<b>F</b>
Alma Street Northbound	8AM-9AM	1,259	0.63	C	<b>1.26</b>	<b>F</b>
	9AM-10AM	1,551	0.78	D	<b>1.55</b>	<b>F</b>
	10AM-11AM	1,383	0.69	D	<b>1.38</b>	<b>F</b>
	11AM-12PM	892	0.45	C	<b>0.89</b>	<b>E</b>
	12PM-1PM	751	0.38	B	0.75	D
	1PM-2PM	723	0.36	B	0.72	D
	2PM-3PM	769	0.38	B	0.77	D
	3PM-4PM	809	0.40	B	0.81	D
	4PM-5PM	900	0.45	C	<b>0.90</b>	<b>E</b>
	5PM-6PM	1,026	0.51	C	<b>1.03</b>	<b>F</b>
6PM-7PM	1,282	0.64	D	<b>1.28</b>	<b>F</b>	
7PM-8PM	1,309	0.65	D	<b>1.31</b>	<b>F</b>	
8PM-9PM	710	0.36	B	0.71	D	

\*Capacity based on 1,000 vehicles per hour per lane

40-302

**Left Turn Storage Impacts from Lane Reductions**

- a) Queue impacts from left turn lanes at intersections where lane reductions are considered should be included within the traffic impact analysis of the Draft Project EIR. These left turn queuing impacts need to be analyzed to determine the delays and effects on roadway operations that may not be captured through V/C analysis.
- b) The City of Palo Alto experiences high left turn traffic volumes at intersections adjacent to grade crossings due to the limited number east-west corridors across the rail corridor. Reducing the number of through lanes could significantly impact queue lengths and queuing potential for left turn movements.

40-303

**Neighborhood Intrusion from Alma Street Lane Reductions**

- a) Lane reductions along Alma Street would result in traffic diversions and potential neighborhood intrusions. The level of impact should be analyzed based on the *Traffic Infusion on Residential Environments (TIRE)* Index, which provides a numerical representation of residents' perceptions of the effect of traffic on residential activities such as walking cycling and playing. The City of Palo Alto considers a project to result in a potentially significant traffic impact if the change in traffic results in a 0.1 or greater change in the TIRE Index. The neighborhoods of concern for potential intrusion include:

- University South
- Old Palo Alto
- Downtown North
- Midtown
- Fairmeadow
- Greenmeadow

**Additional Transportation Concerns**

- a) The following additional transportation concerns require analysis or discussion within the Draft Program EIR and future Project EIR updates:
  - The traffic model used needs more explanation regarding how it works and the assumptions used in it, so that the reader can evaluate its applicability and better understand the impacts identified from its use.
  - The section should address the potential traffic hazards to bicycle use, pedestrians, and traffic from the reduction in traffic lanes, including the potential for increased accidents.
  - The section should address the potential traffic hazards of the project, particularly the loss of one or more lanes on Alma Street, on Palo Alto's "Safe Routes to Schools" program.

40-304

40-305

40-306

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40-307 • The section and mitigation includes the potential removal of parking; however, socioeconomic impacts to businesses from the loss of parking could be significant and needs to be addressed.

40-308 • Sources of information to substantiate several assertions need to be provided. See Specific Comments, below.

40-309 • The year 2035 scenario addresses the fact that the baseline condition will result in significant traffic impacts and reductions of level of service, without the High Speed Train project. The impacts of the narrowing of the Monterey Highway on traffic are assessed against the baseline condition. While this approach may be allowable under CEQA, it should be noted that the narrowing of lanes may preclude future projects necessary to adjust the capacity of the highway to accommodate growth.

40-310 b) The Draft Program EIR does not indicate what level of cumulative traffic analysis has been performed for the project. Known and anticipated projects must be added to any cumulative traffic analysis performed for the HST project. A partial list of the upcoming projects in and around the City of Palo Alto is provided below. Please contact the City of Palo Alto for additional information on these projects.

- Stanford University Medical Center
- Facebook (City of Menlo Park)
- VMware
- Mitchell Park Library
- 101 Lytton
- Minh’s building on Embarcadero/East Bayshore
- Alma Plaza
- Stanford Campus and Stanford Housing Improvements
- Summerhill Homes (multiple projects)
- San Antonio Shopping Center (City of Mountain View)
- Residential project at the former Mayfield Mall location at San Antonio Road/Nita (City of Mountain View)

40-311 c) The CHSRA has previously stated that it would only consider a mid-Peninsula HST station in communities that express support for such a station. The City of Palo Alto has stated in previous comment letters that it is opposed to an HST station in Palo Alto.

40-312 d) If an HST station is considered in Palo Alto, then traffic impacts (including potential lane reductions) on the northern segment of Alma Street must also be analyzed. The Draft Program EIR fails to provide such an analysis.

e) The Draft Program EIR does not address the traffic and parking impacts if an HST station stop is constructed in Palo Alto. The parking needs for such a station, and location for such parking, needs to be addressed.

40-313 f) The Draft Program EIR does not address weekend traffic in the City of Palo Alto, and the impacts of lane closures on Alma Street on this traffic. Locations such as shopping centers and events such as sporting events on the Stanford University campus generate a substantial amount of weekend traffic in Palo Alto, and this traffic would be disrupted by the loss of one or more lanes on Alma Street. Weekend traffic impacts need to be analyzed in the EIR in order to adequately compare the various alignment alternatives.

40-314 g) The Draft Program EIR does not address weekday traffic impacts during non-peak hours. The City of Palo Alto experiences altered vehicular, bicycle, and pedestrian traffic patterns during the hours where students are going to and from the various schools in the City. The project’s traffic impacts, particularly the loss of one or more lanes of Alma Street, could significantly disrupt traffic and create traffic hazards during these non-peak hours.

40-315 h) The intersection of Churchill Avenue and Alma Street has altered signalization timing between 7:45 AM and 8:30 AM. This altered signalization is designed to allow improved traffic flow for students arriving to school. During this time period, the left lane on Alma Street northbound becomes backed up for several blocks, as this lane fills with vehicles waiting to turn left onto Churchill Avenue. If one of the two northbound lanes on Alma Street was lost as a result of the HST project, then northbound traffic movements on Alma Street between 7:45 AM and 8:30 AM would be severely affected. This potential traffic impact is not addressed in the Draft Program EIR.

40-316 i) The Draft Program EIR makes the erroneous assumption that the loss of one or more lanes of Alma Street would force the majority of the displaced traffic onto El Camino Real. In reality, many motorists already use the residential streets east of the Caltrain alignment as a cut through route due to traffic congestion on Alma Street. It would be reasonable to assume that a portion of the displaced traffic would use the residential streets to the east of the Caltrain alignment rather than cross the train tracks to access El Camino Real to the west. The Draft Program EIR traffic analysis needs to be revised to analyze the effects of increased cut through traffic in the residential neighborhoods east of the Caltrain alignment.

40-317 j) The Draft Program EIR fails to adequately address project construction impacts on traffic, particularly the construction impacts on the loss of one or more lanes of Alma Street. The Draft Program EIR does not indicate whether project construction may result in the temporary closure of all lanes of Alma Street, and the effects that such a street closure would have on traffic. The Draft Program EIR also fails to address the traffic impacts of temporary road closures at the various track crossings during construction of grade separations. The alignment

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40-317 alternatives cannot be adequately compared without a sufficient understanding of the traffic impacts of both project construction and operation.

40-318 k) The Draft Program EIR fails to address the traffic hazards for bicyclists that would be created due to the loss of one or more lanes of Alma Street. Bicyclists on Alma Street currently share the lane with vehicular traffic in both the northbound and southbound directions. The current lane configuration of Alma Street allows for the safe passing of bicyclists by motorists. The loss of one or more lanes of Alma Street, however, would force motorists into oncoming traffic in order to pass bicyclists. Such a lane closure would create a hazardous traffic situation that is not addressed in the Draft Program EIR.

40-319 l) The Draft Program EIR fails to address both construction and operation project impacts to the Special-Use Stanford Stadium Caltrain Station located at Alma Street and Embarcadero Road. The Special-Use Stanford Stadium Caltrain Station is in operation during Stanford football games, special Stanford events that generate high Caltrain ridership such as Parent Day, and as a critical stop when the region applies for major sporting events such as the Olympics and World Cup soccer events. If the HST project proposes to maintain access to the Stanford Station, then the Draft Program EIR needs to address what upgrades would be required for this station (including a new station platform and station access), and how the use of this station would factor into the combined Caltrain/HST train schedule. If the HST project proposed to remove the Stanford Station, then the Draft Program EIR needs to address the increase in vehicular traffic that would result from the loss of the rail transit option, as well as the negative impact on the Bay Area economy if Stanford University no longer hosts special events and sporting events on its campus. The Draft Program EIR's omission of the project's potentially significant impacts on the Special-Use Stanford Stadium Caltrain Station should result in a recirculation of the DEIR.

**Specific Comments**

40-320 a) Page 3-2, Section 3.1-B, Paragraph 1 -- Explain in understandable terms how the Santa Clara Valley Travel Demand Model (VTA Model) works.

40-321 b) Page 3-4, Paragraph 1 -- Hazards should be addressed in the bulleted list of potential significant impacts from the road narrowing.

40-322 c) Page 3-4, Paragraph 2 -- The paragraph states that the affected environment presented in the 2008 Final Program EIR remains accurate and unchanged. Have the traffic volume and traffic counts changed over the last four years?

40-323 d) Page 3-6, Paragraph 4 -- The source of information should be provided for the assertion that PM peak conditions are generally more impacted than AM peak hour conditions.

40-324 e) Page 3-15, Paragraph 5 -- The paragraph states that travelers will shift routes to the highways, which are already operating under congested conditions, including US 101, I-

40-324 280, SR-87, and SR-85. Additional information on the LOS on these highways and the predicted changes in LOS should be provided in the paragraph.

40-325 f) Page 3-16, Paragraph 2 -- The source of information should be provided to support the assertion that motorists shift their time of day travel to utilize available roadway capacity or avoid congested segments.

40-326 g) Page 3-17, last paragraph -- The vertical alignment of the rail corridor on an aerial structure is presented as mitigation; however, the construction impacts of a raised corridor are not addressed and neither are the increased noise impacts or visual impacts from operation of a raised structure. These impacts should be addressed.

40-327 h) Page 3-18, first paragraph, last bullet -- Reduction of on-street parking could have socio-economic impacts to businesses that need to be addressed.

40-328 i) Page 3-18, last paragraph -- We do not agree that the mitigation strategies presented in the section could be expected to substantially avoid or lessen impacts to less than significant levels in most circumstances. More evidence needs to be presented on the feasibility of these measures and the quantification of reduction in impacts before this conclusion can be made.

2.4 CONSTRUCTION

**General Comments**

40-329 a) Construction impacts should be presented with the general project impacts by resource area. The analysis in the construction section does not provide enough detail to adequately address impacts and does not demonstrate that impacts would be reduced to less than significant levels.

b) Construction noise impacts would likely be significant and unavoidable. The analysis does not provide quantification of impacts or enough detail to demonstrate that mitigation would reduce impacts to less than significant levels.

**Specific Comments**

40-330 a) Page 4-4, 5<sup>th</sup> paragraph, 1<sup>st</sup> bullet -- The discussion of impacts of traffic lane closure for lane narrowing needs a more detailed description of impacts. What would be the change in LOS? What sorts of traffic hazards may occur as a result of construction?

40-331 b) Page 4-4, 5<sup>th</sup> paragraph, 2<sup>nd</sup> bullet -- Some level of quantification of air impacts from construction is typical and appropriate, even at a program level. Emissions for similar types of construction are known or can and should be calculated.

40-332 c) Page 4-4, 5<sup>th</sup> paragraph, 3<sup>rd</sup> bullet -- The description states that noise would be the same as discussed generally in Chapter 3.4 of the 2008 Final EIR. However, the construction would be closer to sensitive receptors and therefore would likely be greater. The closer proximity of construction to sensitive receptors should be addressed and quantified. Page 4-15 -- The list of mitigation strategies for noise and vibration construction impacts should include the use of "state-of-the-art" construction equipment, materials, and

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40-332 abatement techniques to achieve the greatest feasible reduction in noise and vibration impacts. The same wording should apply to operational noise and vibration impacts as well.

d) Page 4-15 – The list of mitigation strategies for noise and vibration should also include measures to include a complaint hotline to receive and respond to residents’ concerns regarding noise, vibration, and light disturbances. The measure should also include resident notification prior to construction.

40-333 e) Page 4-18, first paragraph and first list of bulleted items – Without a detailed, project-level analysis, it is premature and inappropriate to conclude that the efficacy of identified mitigation strategies would reduce certain impacts to a less than significant level. Each of these resource categories should be considered to have significant and potentially unavoidable impacts at the program level of analysis. Refinement of the level of impacts after mitigation should occur during the project-level analysis.

40-334 f) Page 4-18, second and third paragraphs – The second list of bulleted items includes the resources for which sufficient information is not currently available to conclude the significance level of impacts post mitigation. However, the final paragraph inappropriately truncates this list. For example, biological resources are listed in the bulleted list, but the final paragraph only mentions possible impacts to wildlife movement corridors. Other biological resource impacts, such as loss of habitat and impacts to special status species, could also result from the project and should not be excluded from the list of potentially significant impacts. The document should conclude conservatively that the broad range of impacts listed in the bulleted list may continue to be significant even with mitigation. Conclusions about impact significance should be reached in the project-level analysis.

2.5 NEW INFORMATION AND CHANGED CONDITIONS SINCE THE SEPTEMBER 2, 2010, PRIOR DECISIONS

Specific Comments

40-335 a) Page 5-4, paragraphs 2 and 3, and page 5-9, first paragraph – The City of Palo Alto understands that the concept of a “blended system approach” is in the early stages of design. The City looks forward to seeing the eventual details of this blended system approach, particularly in regard to grade separations, right-of-way and eminent domain requirements, and other possible system upgrades and changes that will be necessary to implement a blended approach. As stated at the beginning of this comment letter, however, the City would like to see the 2-track blended system considered as its own alternative, without a future expansion to a 4-track system. The City would also like to see both Pacheco Pass and Altamont Pass alternatives analyzed where the HST system terminates at Oakland or San Jose, and then existing systems (such as Caltrain or BART) take HST passengers the remainder of the distance to San Francisco. The City believes that one of these alternatives may be a viable option for meeting the goals of the CHSRA

40-335 while minimizing the environmental impacts of the project, particularly on the communities of the Peninsula.

40-336 b) Page 5-9, last paragraph – The fourth sentence in this paragraph should read, “These impacts include the need for real property, displacement of existing land uses, impacts on biological, hydrological, and parks resources, visual effects, the potential for impacts to cultural resources or public utilities, potential hazardous materials effects, as well as traffic, air quality, and noise and vibration effects.”

2.6 PARTIALLY REVISED DRAFT PROGRAM EIR AND RECOMMENDATIONS OF A PREFERRED NETWORK ALTERNATIVE FOR CONNECTING THE BAY AREA TO THE CENTRAL VALLEY

General Comments

40-337 a) The City of Palo Alto would disagree that the impacts of project phasing or of implementing a blended system alternative are not distinguishable between the Altamont Pass and Pacheco Pass options. Impacts for the Altamont Pass alternatives would depend on how the rail line enters the Bay Area, and whether it terminates in San Jose or travels across the Dumbarton.

40-338 b) Were the traffic and ridership impacts of the Livermore BART extension considered in determining ridership numbers for both the Altamont Pass and Pacheco Pass options?

Specific Comments

40-339 a) Page 6-2, third bullet – Use of the Caltrain corridor should not be a criterion for selection of the preferred network alternative. A more appropriate selection criterion would be use of existing rail corridors, without identifying specific corridors.

40-340 b) Page 6-2, fourth bullet – The Pacheco Pass option is also strongly opposed by various Bay Area cities, agencies, and organizations. Similarly, the Altamont Pass option is both strongly supported and strongly opposed by various Bay Area cities, agencies, and organizations. This criterion appears to be inappropriate for use in selecting a preferred network alternative.

40-341 c) Page 6-2, sixth bullet – The last sentence indicates that both noise and vibration impacts from the potential movement of freight operations closer to adjacent land uses would be potentially significant. This conclusion contradicts the statement on page 4-18, where the document indicates that noise impacts would be reduced to a less than significant level through mitigation. The appropriate conclusion in this programmatic document should be that noise impacts may continue to be significant even with mitigation. Conclusions about the efficacy of noise mitigation strategies should not be rendered until the project-level analysis is performed.

40-342 d) Pages 6-7 and 6-23 – The City of Brisbane is not included in the list of PCC cities.

40-343 e) Page 6-9 – The Draft Program EIR calls attention to the conditions requested by the Tri-Valley PAC and Representative Costa, but does not provide the conditions requested

Submission 40 (Yiaway Yeh, City of Palo Alto, February 17, 2012) - Continued

40-343 | by Senator Simitian, Assembly Member Gordon, and Representative Eshoo. These latter  
 three individuals have all requested conditions for a blended system alternative, and  
 40-344 | these conditions should be included in the Draft Program EIR.  
 f) Page 6-22, items 4 and 5 – The City of Palo Alto disagrees that the Pacheco Pass  
 alignment is still supported by the Bay Area region, and that the Pacheco Pass alignment  
 has the fewest impacts to communities because it makes the best use of available rail and  
 transportation rights of way. The City of Palo Alto supports an Altamont Pass  
 alternative over a Pacheco Pass alignment, and believes that insufficient evidence has  
 been shown to indicate that the Pacheco Pass alignment has fewer impacts to  
 communities than the Altamont Pass alignment options.

**3. COMMENTS FROM PREVIOUS DOCUMENT REVIEWS THAT  
 ARE STILL NOT ADEQUATELY ADDRESSED**

**3.1 PREVIOUS COMMENT LETTERS**

40-345 | The City of Palo Alto has submitted comment letters on previous iterations of CEQA and NEPA  
 environmental documents related to the project. These comments letters include the following:

- April 23, 2010 comment letter regarding the March 2010 Bay Area to Central  
 Valley High-Speed Train Revised Draft Program EIR Material
- June 30, 2010 comment letter regarding the April 2010 Preliminary Alternatives  
 Analysis Report for the San Francisco to San Jose Section of the California High-  
 Speed Train Project
- September 1, 2010 comment letter regarding the Final Bay Area to Central Valley  
 High-Speed Train Revised Final Program EIR
- January 25, 2012 letter requesting an extension on the Draft Program EIR review  
 period

The City of Palo Alto believes that all of the comments submitted in these previous letters are  
 still valid, and is including all four comments letters as Attachment B. Some of the comments  
 contained in these previous comment letters apply to the contents of the current Draft Program  
 EIR. These relevant comments are hereby contained in this letter via reference. However, since  
 the City believes that all aspects of the EIR (including previous iterations of the CEQA  
 documents) are still open to comment, the entire text of the previous comment letters are  
 attached to this letter.

**3.2 APRIL 23, 2010 COMMENTS**

40-346 | The following comments from the April 23, 2010 City of Palo Alto comment letter are hereby  
 incorporated into this letter via reference. Where appropriate, the comment has been expanded  
 to better address the current Draft Program EIR.

40-347 | Comment A.2-1

40-348 | Comment A.2-3

40-349 | Comment A.2-4 – The Draft Program EIR expands upon the analysis of Monterey Highway  
 impacts, but does not adequately address these potential impacts.

40-350 | Comment A.2-5

40-351 | Comment A.2-6

40-352 | Comment A.3-1 – The flawed fundamental assumptions and underpinnings of the analysis lead  
 the City of Palo Alto to once again urge that the CHSRA reopen the analysis of alternative  
 routes, including the Altamont Pass options.

40-353 | Comment A.4-1

40-354 | Comment B.1-7

40-355 | Comment B.1-10

40-356 | Comment B.1-11

40-357 | Comment B.2-9

40-358 | Comment C.1-2

40-359 | Comment C.1-5

40-360 | Comment C.1-7

40-361 | Comments C.5-1 and C.5-2 – The Draft Program EIR concludes that length of alignments and  
 acreage of wetland, floodplain, stream, and water body impacts were used to determine the  
 environmentally superior alternative, but the Draft Program EIR fails to justify why one acre of  
 wetlands in one location is equivalent to one acre elsewhere. Values must be given to the areas  
 that would be affected to better determine the severity of project impacts.

40-362 | Comment C.5-3

40-363 | Comment C.5-4

40-364 | Comment C.5-5

40-365 | Comment C.6-1

40-366 | Comment C.11-2

40-367 | Comment C.11-3

40-368 | Comment C.11-5

Submission 40 (Yiaway Yeh, City of Palo Alto, February 17, 2012) - Continued

40-369 | Comments C.13-1and C.13-2 – In addition to the other types of sensitive receptors listed in  
 Comment C.13-1, the City of Palo Alto believes that residences need to be considered sensitive  
 receptors as well. The Draft Program EIR is not clear regarding whether the noise and vibration  
 impact analysis includes residential uses as sensitive receptors.

40-370 | Comment C.13-3

40-371 | Comment C.13-5

40-372 | Comment C.13-6

40-373 | Comment C.13-10 – This comment is also relevant to the discussion of freight train traffic on  
 either the inside or the outside tracks in a four-track configuration.

40-374 | Comment C.13-14

40-375 | Comment C.13-16

40-376 | Comment C.13-17

40-377 | Comment C.13-20

40-378 | Comment C.15-1

40-379 | Comment C.16-1

40-380 | Comment C.17-5

40-381 | Comment C.17-6 – This comment is particularly relevant to the analysis of potential lane  
 closures, such as those being considered for Alma Street in Palo Alto.

40-382 | Comment C.17-7 – This comment is particularly relevant to any proposed station in the City of  
 Palo Alto.

40-383 | Comment C.17-8

40-384 | Comment C.17-9

40-385 | Comment C.17-10

40-386 | Comment C.17-11

40-387 | Comment C.17-13

40-388 | Comment D-3 – The sixth bullet point is particularly relevant to the route alternatives that do  
 not include a station in the City of Oakland.

40-389 | Comment D-6

40-390 | Comment D-7

40-391 | Comment D-8

40-392 | 3.3 JUNE 30, 2010 COMMENTS  
 The following comments from the June 30, 2010 City of Palo Alto comment letter are hereby  
 incorporated into this letter via reference. Where appropriate, the comment has been expanded  
 to better address the current Draft Program EIR.

40-393 | Comment A. Introductory Comments – The City of Palo Alto continues to believe that  
 alternative alignments other than the Caltrain right-of-way remain viable options that should be  
 evaluated further by the CHSRA. The 15 guiding principles included at the end of Comment A  
 continue to be the principles that the City of Palo Alto is using to evaluate the HSR project.

40-394 | Comment C.1-10

40-395 | Comment C.1-13

40-396 | Comment C.5-1

40-397 | Comment C.5-2

40-398 | Comment C.5-12

40-399 | Comment C.5-13

40-400 | Comment C.5-42

40-401 | Comment C.5-43

40-402 | Comment C.5-46

40-403 | Comment C.7-2

40-404 | Comment C.7-6

40-405 | Comment C.7-7

40-406 | Comment C.8-3

40-407 | Comment C.8-4

40-408 | Comment C.8-18

40-409 | Comment C.8-19

40-410 | Comment C.8-21 – The historic nature of many of the residential neighborhoods in Palo Alto  
 that would be affected by the HST project may preclude the use of certain mitigation methods,  
 such as installation of sound-reducing windows or other physical alterations.

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## Submission 40 (Yiaway Yeh, City of Palo Alto, February 17, 2012) - Continued

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- 40-411 | 3.4 SEPTEMBER 1, 2010 COMMENTS  
The following comments from the September 1, 2010 City of Palo Alto comment letter are hereby incorporated into this letter via reference. Where appropriate, the comment has been expanded to better address the current Draft Program EIR.
- 40-412 | Standard Comment 9 – The City of Palo Alto continues to urge the CHSRA to evaluate alignment alternatives outside of the Caltrain right of way, particularly in light of Union Pacific Railroad’s continued opposition to shared use of its right-of-way for high-speed trains.
- 40-413 | Comment L003-51
- 40-414 | Comment L003-53
- 40-415 | Comment L003-69
- 40-416 | Comment L003-111
- 40-417 | Comment L003-140 – This comment is particularly relevant to the discussion of noise impacts in the Draft Program EIR.

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## Response to Submission 40 (Yiaway Yeh, City of Palo Alto, February 24, 2012)

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### **40-254**

The Authority acknowledges Palo Alto's comment regarding analysis of a blended system for the Caltrain Corridor. Please refer to Standard Response 1 for a discussion of the blended system and phased implementation, as well as an explanation for why it is consistent with CEQA to maintain analysis of a four-track system for the Caltrain Corridor in this Program EIR.

### **40-255**

New potential significant and unavoidable impacts have been identified for traffic and circulation, vibration, connecting commuter rail services, construction effects, and grade separation effects, based on the additional analysis in this document. The Authority has made every effort to develop mitigation strategies for consideration and adoption at the program level, which will be refined and applied as part of second-tier, project-level EIRs. In some instances, in the judgment of the analysts preparing the impact analysis, the ability of mitigation strategies to reduce impacts to a less than significant level was unclear. More detailed analysis at the second tier may result in a conclusion that impacts are fully mitigated based on more detailed mitigation measures. Please refer to Standard Response 3 regarding the level of analysis and mitigation provided as being consistent with a program EIR.

### **40-256**

At the program level of analysis for a statewide project, local methodology and impact criteria are not used as different municipalities employ differing approaches and thresholds of significance. An analysis employing these local standards would not result in a consistent analysis where it would be possible to compare between alternatives that travel through different cities. Therefore, this analysis uses guidance provided by federal agencies, including FHWA guidance for motor vehicle noise, and FTA and FRA guidance for rail operations noise, to conduct a consistent analysis for a regional or statewide project such as the HST.

It would be impossible to consistently evaluate the project's impacts using the methodologies of each city that the alternatives pass through as many local noise ordinances and guidelines use different methodology, or are out of date. Instead, the federal lead agencies for the HST project (FRA and FTA) have provided guidance for how to consistently evaluate noise and vibration impacts using a screening methodology, which is the approach undertaken in this 2012 Partially Revised Draft Program EIR and previous program-level documents. The FRA and FTA guidance does not suggest that local criteria should be used. Noise and vibration limits during construction will be established by the Authority, which will consider the land use activities adjoining the construction sites. These criteria will be developed with consideration to local noise ordinances that limit the hours or noise levels of construction.

### **40-257**

The Authority does not agree with the comment that the analysis in the Program EIR is inadequate or biased.

The rationale for identifying the Pacheco Pass network alternative serving San Francisco via San Jose as the environmentally superior alternative is discussed in Chapter 6. The Superior Court in the Atherton 1 litigation specifically concluded as follows: "The Court finds that the FPEIR studied a reasonable range of alternatives and presented a fair and unbiased analysis." The Atherton 1 ruling from 2009 is available on the Authority's website for the Partially Revised Draft/Final Program EIR.

### **40-258**

The scope of the January 2012 Partially Revised Draft Program EIR is identified in Chapter 1 of the January 2012 Partially Revised Draft Program EIR. The requirement of the court rulings to revise and recirculate portions of the program EIR does not require the Authority to start the program EIR process anew. (*Protect the Historic Amador Waterways v. Amador Water Agency* [2004] 116

Cal.App.4th 1099, 1112.) Recirculation of the EIR “may be limited by the scope of the revisions required.” (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* [2007] 40 Cal.4th 412, 449.) Where the scope of revisions is limited to certain chapters or portions of the EIR, a lead agency need only recirculate the chapters or portions that have been modified. (*Id.*; citing CEQA Guidelines, § 15088.5, subd. (c)). The 2012 Partially Revised Draft Program EIR therefore contains the revised information and analysis to address the issues that the Court identified in its ruling, as well as an assessment of new information since September 2010. The final court judgment did not require the Authority to revise and recirculate the entire 2008 Final Program EIR or to start the CEQA process from scratch.

Regarding the Authority’s duty to respond to comments under CEQA, the Authority has followed the direction in CEQA Guidelines Section 15088.5(f)(2). This provision indicates that, where a lead agency is revising and recirculating only a portion of an EIR, “the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR.” The provision further indicates that the lead agency need respond only to those comments received during the recirculation period that relate to the portions of the EIR that were revised and recirculated. Following this CEQA Guideline section, the Authority’s responses to comments address all the comments received that pertain to the 2012 Partially Revised Draft Program EIR. In addition, the Authority has gone beyond the minimum requirements by providing responses to comments on all significant environmental issues raised in the comments.

The timing of the release of the January 2012 Partially Revised Draft Program EIR was appropriate. The Sacramento Superior Court issued a ruling in both the Atherton 1 and Atherton 2 cases on November 10, 2011. The rulings, and the scope of the January 2012 Partially Revised Draft Program EIR, are addressed in Chapter 1 of the January 2012 Partially Revised Draft Program EIR. The public review period for the January 2012 Partially Revised Draft Program EIR was from January 6, 2012, to February 21, 2012, a period of 47 days. The formal filing of the writ for the Sacramento Superior Court ruling on February 13 did not affect the public’s ability to review the November 10, 2011 rulings and compare the contents of the January

2012 Partially Revised Draft Program EIR. Refer to Standard Response 2 regarding the Authority’s compliance with CEQA’s procedural requirements.

The rationale for identifying Pacheco Pass as the environmentally superior alternative is discussed in Chapter 6 of the January 2012 Partially Revised Draft Program EIR.

The Authority disagrees that the development of the San Jose to Merced Section Draft EIR/EIS was premature. As described on Section 1.5 of this Program EIR, in the process of responding to the Atherton 1 and Atherton 2 litigation the court has not required the Authority to halt the second-tier project-level environmental studies for the Bay Area to Central Valley second-tier project sections, which includes the San Jose to Merced section. However, in the event that the Board chooses a different network alternative and/or preferred alignments than those which have previously been selected, it may be necessary to make an adjustment to the San Jose to Merced Section project-level environmental work currently underway or to halt it entirely. Work on the San Jose to Merced section remains preliminary. No second-tier Draft EIR/EIS document has been released. Please refer to Standard Response 2 regarding the Authority’s compliance with CEQA’s procedural requirements.

#### **40-260**

The Authority acknowledges Palo Alto’s request that the blended system be treated as its own alternative in the EIR, without any future expansion. Please refer to Standard Response 1 for an explanation of why a blended system is not its own alternative at the first tier, program EIR stage. Standard Response 1 also provides an explanation for why it is consistent with CEQA to maintain the discussion of a four-track HST system for the Caltrain Corridor. The Authority has not received input from the Office of the Attorney General to date on its request for advice related to Proposition 1A. Please refer to Standard Response 1 for an explanation of why a continued discussion of a four-track system for the Caltrain Corridor is appropriate at the program level of analysis, but would not constrain the Authority from focusing any second-tier EIR on a blended system approach.

Chapter 5 of the Partially Revised Final Program EIR provides an amplified discussion of the environmental consequences of a blended system approach between San Francisco and San Jose, including both reduction of adverse impacts and reduction of project benefits. See Section 5.1.3C for further details. For any network alternative that would utilize the San Francisco to San Jose alignment, these differences in consequences would be the same. This information provides a sufficient basis for a first-tier decision on a network alternative.

#### **40-261**

The Authority does not agree with the comment that the Program EIR discounts Altamont Pass network alternatives. The 2008 Final Program EIR presented a total of eleven representative network alternatives that would utilize the Altamont Pass. Of these eleven, five network alternatives would utilize the Caltrain Corridor between San Francisco and San Jose in whole or in part. Please refer to Chapter 7 of the 2008 Final Program EIR, Figures 7.2-1, 7.2-3, 7.2-5, 7.2-8, and 7.2-9. The impacts analysis in the 2008 Final Program, as supplemented by the 2010 Revised Final Program EIR and the 2012 Partially Revised Final Program EIR has identified that both Pacheco Pass and Altamont Pass network alternatives that utilize the Caltrain Corridor would have impacts on communities. The Authority does not agree with the comment that impacts along Altamont Pass network alternatives would have fewer effects on communities. As discussed in Chapter 6, while the preferred Pacheco Pass Network Alternative would also have construction issues and logistical constraints, particularly on the Caltrain Corridor, these issues are comparatively less than through the Tri-Valley and Alameda County because of the existing, publicly owned commuter rail right-of-way and tracks that Caltrain and the HST would share.

The Authority notes that the current 2012 Partially Revised Draft Program EIR and the 2010 Revised Final Program EIR provided a greater emphasis on impacts analysis for certain alignments based on the outcome of litigation that the City of Palo Alto participated in. The Authority believes that all alignments and network alternatives have been subjected to an equal level of analysis and consideration in the Program EIR process.

With regard to the comment that a phased or blended system approach would be possible at the future, planned Livermore BART station, it would be possible to implement phased implementation of an Altamont Pass Alternative to an intermodal station in Livermore. From Livermore to the Bay Area, however, a blended system approach would not be implementable because HST is not compatible with BART, and cannot run on BART tracks. There would therefore be no steel rail tracks for HST to blend for it to reach the major Bay Area city destinations of San Jose, Oakland, and San Francisco from Livermore station.

#### **40-262**

Technical memoranda for traffic and noise and vibration analyses that are the basis of the information for the Partially Revised Draft Program EIR were listed in the references chapter (Chapter 9) and were available upon request. As the comment indicates, the City of Palo Alto requested and received the traffic technical memoranda and supporting traffic model outputs. The noise analysis was not requested by the City of Palo Alto.

The Authority believes that the analysis of impacts of the first-tier project has been adequately examined. The purpose of the 2012 Partially Revised Draft Program EIR was to specifically address additional issues identified by the court in the Atherton CEQA lawsuits, and additional study of these specific issues is included.

As the comment (letter n) indicates, project-level work was started for the San Francisco to San Jose Segment but was put on hold in May of 2011, before any analysis was completed. Nevertheless, to fully document all possible traffic impacts associated with lane closures, an AM peak hour analysis was completed and is incorporated into Chapter 3 of the Partially Revised Final Program EIR. This AM peak hour analysis shows that during the AM peak hour a significant traffic impact is found at one location that did not have significant traffic impacts during the PM peak hour: Churchill Avenue and Alma Street. Evaluating the corridor as a whole at the first-tier, there continues to be a significant traffic congestion impact for the San Francisco to San Jose Corridor as described in the Partially Revised Draft Program EIR. No new significant impact has been

identified and recirculation is not required. Please also refer to Standard Response 3 regarding the appropriate level of detail in a program-level analysis.

#### **40-263**

Refer to Chapter 3.2.2 of the 2010 Revised Final Program EIR where the potential property impacts of a widened Caltrain Corridor were discussed. The ranking of property impacts for the San Francisco to San Jose Corridor were increased due to the need for additional right-of-way. Also refer to Chapter 5.3 in the 2012 Partially Revised Draft Program EIR where the potential for property impacts was identified for grade separations. More detail at the project-level will be required to identify specific property impacts of grade separations. The information presented in the 2008, 2010, and 2012 environmental documents provides adequate detail at the program level for comparison of alignment alternatives and network alternatives.

#### **40-264**

The Authority and FRA previously decided to use a tiered environmental review process and prepared the 2005 Statewide Program EIR/EIS, and the 2008 Bay Area to Central Valley Program EIR/EIS. This first tier of environmental review makes only programmatic decisions about the general location of alignments and stations, while site-specific environmental impacts related to planned improvements and facilities will be evaluated in subsequent project-level environmental documents. The Authority has intentionally tailored the scope of this programmatic analysis to the conceptual nature of the proposed decisions, consistent with the concept of tiering in CEQA. The Authority believes that the general level of detail in the impacts analysis and the general nature of the mitigation strategies are appropriate for the broad decisions to be made based on the Partially Revised Final Program EIR. The Program EIR process does not purport to be able to identify all of the detailed impacts of each alignment or station location option but rather focuses on identifying and describing key differences in potential impacts for each of the alternatives. More detailed analyses will be provided in future project-level environmental documents. Project-level work has been started for the San Francisco to San

Jose and for the San Jose to Merced Sections, although work for the San Francisco to San Jose Section was put on hold in May 2011.

#### **40-265**

As proposed, the four-track shared use corridor would be a grade separated system, thereby removing all existing rail crossings. Implementation of grade separation and the associated effect on traffic is addressed as part of the traffic modeling in the program-level analysis but will be more comprehensively evaluated in project-level environmental documents.

Because of the presence of a fully developed urban environment with an extensive grid network of streets, it is likely that traffic from streets with proposed lane closures will be diverted to several parallel roadways. However for the Partially Revised Draft Program EIR, the traffic was assumed to shift to the nearest arterial roadway to provide the most conservative estimation of potential impacts. In the case of the potential Alma Street closure, the nearest arterial is El Camino Real. El Camino Real is 515 feet from Alma just north of University, while Middlefield Road is 3360 feet (over half a mile) away. Generally, Middlefield Road operates considerably better than El Camino Real, with only limited intersection congestion, while El Camino has many intersections operating at capacity. Since El Camino Real experiences congestion at several locations, shifting all of the diverted traffic onto this corridor was a conservative approach representing a "worst case scenario" and avoids an under-estimation of possible traffic impacts.

#### **40-266**

Table 1-1 of the Partially Revised Draft Program EIR identifies the conclusions of the January 2012 Partially Revised Draft Program EIR. New potential significant and unavoidable impacts have been identified for traffic and circulation, vibration, connecting commuter rail services, construction effects, and grade separation effects. Refer to Chapter 7 of the January 2012 Partially Revised Draft Program EIR for a summary of these specific impacts. Refer to Chapters 2 through 5 for specific information regarding these new impacts.

**40-267**

The Authority acknowledges Palo Alto's opposition to elevated tracks in the City of Palo Alto. At a program level, appropriate noise and vibration mitigation strategies have been developed consistent with a first-tier, screening level analysis of noise and vibration impacts. These strategies include noise barriers, building sound insulation, and acquisition of noise easements. Elimination of train horn noise by grade separation of both Caltrain and HST would greatly eliminate some existing noise sources, as explained in Chapter 3.4 of the 2008 Final Program EIR. Second-tier environmental documents will examine the specific impacts and benefits of implementing HST on selected alignments, and define any necessary mitigation measures at a more localized scale.

The Authority acknowledges that vertical profile variations, particularly below grade options, may contribute to reducing or eliminating noise impacts of HST. The Authority previously committed to consider vertical profile variations at the second-tier of planning and environmental review. It is anticipated that a similar commitment would be included in any project decisions based on the 2012 Partially Revised Final Program EIR. Chapter 2 is revised to specifically include a statement to this effect.

**40-268**

The comment indicates that the noise evaluation in the 2010 Revised Program EIR is "faulty." The Authority disagrees with this comment. The noise analysis in the 2008 Final Program EIR was challenged in the first *Atherton 1* case. The 2009 *Atherton 1* court ruling concluded the noise analysis as a whole was adequately detailed and satisfied the requirements of a program EIR. The November 2011 rulings in *Atherton 1* and *Atherton 2* determined that the 2010 Revised Program EIR failed to analyze the potential noise and vibration impacts associated with moving freight closer to existing land uses in a four-track corridor. All other aspects of the 2010 Revised Program EIR's analysis of noise and vibration impacts on the Peninsula were either not challenged in litigation and are presumed adequate, or were determined by the court to comply with CEQA.

The analysis in the Partially Revised Draft Program EIR confirms the findings in the previous CEQA document for operational noise impacts. The following discussion is provided to assist the City in better understanding the program-level noise analysis. For additional information, please refer to Chapter 15 of the 2010 Revised Final Program EIR, which provides a detailed response to the letter from CAARD submitted on that document.

- The "noise metric" accounts for potential impacts (rated High, Medium or Low) to land uses with a high density of sensitive receptors (such as schools) and those with nighttime occupancy (residences and hospitals) as well as those that are particularly sensitive to noise during the day (schools).
- The land use category evaluated in Palo Alto in the 2008 Program EIR and 2010 Revised Program EIR was Category 2, as the data available did not indicate any parkland along the San Francisco to San Jose Corridor and in close proximity to the Caltrain right-of-way that rises to that level of sensitivity as Category 1 use. As indicated in the 2005 FRA Manual, if a park is set aside for "serenity and quiet" it qualifies as a Category 1 land use. If it contains uses such as an outdoor amphitheater or concert pavilion, or contains National Historic Landmarks with significant outdoor use, then it is treated as being as a Category 2 land use, the same category that into which residences fall. General park use is categorized under Category 3, as it is sensitive to noise but is not considered as sensitive as other receptors in that most parks allow and have recreational activity (sports, dogs) that often creates noise. Table 3-1 in the 2005 FRA Manual provides thresholds for increases in noise associated with a project that result in various levels of noise impact based on the existing ambient noise. In this context, Category 3 is five decibels (i.e., 5 dBA) less sensitive than Category 1 and 2. Consequently a screening distance to address general use parks could be as little as 65 feet where buildings shield the tracks or 95 feet where there are no intervening buildings, much less than the 375 feet that was used in the analysis. Therefore, the noise metric used in the 2008 Program EIR is conservative in its estimation of impacts and consistent with the screening methodology.

The noise technical memorandum is listed in the references chapter (Chapter 9) of the Partially Revised Draft Program EIR. The City did submit a request for the traffic technical information and received this information (Refer to Response to Comment 40-262). The Authority received no request for the noise and vibration technical memorandum from the City of Palo Alto.

#### **40-269**

As the comment notes, construction impacts were addressed in Chapter 4 of the Partially Revised Draft Program EIR. The first paragraph of Chapter 4 notes that this discussion is *in addition to* the discussion of construction impacts in Chapter 3 of the 2008 Final Program EIR, by resource topic. Construction noise and vibration impacts were addressed in the 2008 Final Program EIR in Chapter 3.4, Noise and Vibration, and briefly in Chapter 3.18, Construction Methods and Impacts. Examples of noise and vibration levels from typical construction activities and equipment were provided in Chapter 3.4. They are intended to give a sense of the typical noise levels that would be involved in construction. Chapter 4 of this document provides similar information and concludes that construction noise impacts can likely be reduced to a level of less than significant with implementation of the mitigation strategies provided on Page 4-15.

FRA and FTA do not have a separate construction noise screening procedure for program-level evaluations but consider that the screening distance adequately captures sensitive receptors that could be adversely affected by construction noise.

Noise standards and the methodology for assessing construction noise impacts at the project level are provided by the FRA and FTA manuals. These will be used in second-tier, project-level EIR/EIS documents once a preferred alignment is selected to determine noise impacts and address specific mitigation measures.

#### **40-270**

The screening methodologies in the current FRA (October 2005) and FTA (May 2006) Guidance Manuals (Manual) are very similar and provide specific guidance for program-level analysis. The intent of the screening methodology is to conservatively quantify the number

of potentially impacted sensitive receptors (“upper bound on the potential for impact”) along a corridor. The screening distance provided in both manuals takes into account several factors such as train speed, noise emission characteristics of current train technology, and the nature of the corridor (characterized by typical existing ambient noise levels for different land use patterns).

- The 1998 FRA Guidance Manual did not address HST speeds less than 125 mph, whereas the 1995 FTA Guidance Manual did. The Statewide Programmatic EIR/EIS was published prior to the issuance of the 2005 FRA Manual and the 2006 FTA Guidance Manual and used 375 feet as the screening distance for train speeds up to 125 mph, such as between San Francisco and San Jose and in some areas along Monterey Highway. This screening distance accounts for use of diesel locomotives, which tend to be noisier than current high speed trains. For consistency, the 2008 Final Program EIR used the screening distance (375 feet) from the centerline of the guideway (i.e., alignment) that was used in the 2005 Statewide Programmatic analysis. This data was used in subsequent program EIRs.
- The 2005 FRA Manual indicates three HST speed regimes (Regime I, Regime II, and Regime III) used to characterize in general the noise emission from HST. Speed Regime I is characterized by noise dominated by propulsion and machinery and applies up to a transition speed of 60 mph. Speed Regime II (transition speed of up to 170 mph) noise is due primarily to wheel/rail interactions. In Regime III (greater than 170 mph) aerodynamic noise is dominant. Figure 2-7 in the 2005 FRA Manual indicates that high speed train noise is higher at higher speeds (i.e., the greater the speed the greater the noise).
- The 2005 FRA Manual provides two sets of screening distances for HSTs: one for Regime II and one for Regime III (none for Regime I). The manual indicates that the screening distance for Regime II with steel-wheeled trains in an urban/noisy suburban area next to a railroad corridor where there are intervening buildings is 200 feet as “measured from the centerline of guideway or rail corridor.” The noise screening analyses performed for the 2008 Final Program EIR used 375

feet, which is 175 feet greater than what is recommended in the current FRA Guidance Manual and conservatively captures potentially affected receptors.

**40-271**

Refer to Response to Comments 40-268 and 40-270. The Authority feels that the noise analysis is conservative and adequately provides an assessment of potential noise impacts for different alternatives. Noise measurements at sensitive receptors were not conducted at the program level, nor required. Refer to Page 3.4-26 of the 2008 Program EIR regarding subsequent project-level analysis. A more detailed noise analysis that identifies and considers impacts on specific sensitive receptors will be provided in the project-level EIR once a preferred alternative has been selected.

**40-272**

The 2008 and 2010 Program EIR documents provide comparisons of the noise and vibration impacts for each alternative under consideration, consistent with the FRA and FTA manuals. The noise analysis in the Partially Revised Draft Program EIR confirms that noise and vibration impact conclusions are consistent with the analysis in these prior documents. Potential noise and vibration impacts during construction are addressed in Chapter 4 of the Partially Revised Draft Program EIR document. Construction-phase impacts are identified at a programmatic level that would occur regardless of the alignment selected. Please refer to Figure 3.46 in the 2008 Final Program EIR with a comparative graphic for noise impacts.

**40-273**

Please refer to the Responses to Comments 40-267, 40-275, and Standard Response 3 in this document, all of which addresses the appropriate level of detail in discussing mitigation strategies in a program-level analysis and the potential efficacy of these measures. Sound barriers and building insulation are effective methods of mitigating noise impacts and are identified as appropriate in the federal guidance manuals.

**40-274**

Comment acknowledged. The 2008 program-level analysis considered mitigation strategies, one of which is minimizing source levels as much as feasible taking into account train technology available at the time of implementation. Additional mitigation measures addressing source reduction may be analyzed during the project-level analysis.

**40-275**

In the project-level analysis specific mitigation measures will be evaluated and their effectiveness will be based on their ability to reduce impacts. For example the effectiveness of noise walls is determined based on their height and extent at the project level.

Refer to Standard Response 3 regarding the appropriate level of definition of mitigation measures at this programmatic level of analysis.

**40-276**

Chapter 3.4 of the 2008 Final Program EIR explained in general the effectiveness of certain types of noise mitigation. The FRA Guidance Manual, chapter 5 provides more detailed information about the effectiveness of mitigation measures such as sound barriers, building sound insulation, and acquisition of buffer zones. Sound barriers close to HST vehicles can reduce noise by 6-10 dB, sound barriers at the right of way line 5-8 dB, and building sound insulation 5-15 dB. The effectiveness of noise easements would depend on the particular facts of each case. Please refer to Response to Comments 40-267, 40-275, and Standard Response 3 in this document, all of which addresses the appropriate level of detail in discussing mitigation measures in a program-level analysis and the potential efficacy of these measures.

**40-277**

For noise and vibration effects at the program-level, FTA and FRA guidelines indicate that a screening analysis is to be used to determine general levels of impact. General mitigation strategies are acceptable to indicate potential mitigation measures that can be later applied during the project-level analysis. A quantitative assessment

of the projected reductions in noise or vibration associated with different mitigation measures will be provided for specific impacts identified during the project-level analysis.

The comment suggests other mitigation strategies should be addressed, but does not identify what strategies the Authority should consider. The Authority believes that it has appropriately identified the generally recognized approaches to noise mitigation, however, it can add mitigation for further consideration as part of second-tier planning and environmental review.

#### **40-278**

Noise barriers near to the noise source mitigate outdoor noise. Noise insulation is generally only implemented when the indoor noise levels cannot be adequately mitigated by a feasible height noise wall, such as for residences that have more than one story and are close enough to the alignment not to be fully shielded by a noise wall. These impacts and mitigations are highly location specific and will be addressed in the second-tier, project-level evaluation.

#### **40-279**

As the comment notes, some vertical alignments may reduce or increase potential impacts that would be associated with vertical alignments. At this program level of analysis, appropriate noise and vibration mitigation strategies have been developed that are consistent with FTA and FRA guidance for a program-level screening analysis. The FRA and FTA screening analysis guidelines do not distinguish between different vertical alignments.

The project-level analysis will take into account the vertical profile characteristics and options for the alignments selected at the conclusion of this Program EIR process. Please see added text in Chapter 2. Future project-level analysis may evaluate different vertical alignment alternatives and will provide site-specific mitigation measures for the different vertical alignments.

#### **40-280**

Refer to Response to Comment 40-283.

The noise technical memorandum is listed in the references chapter (Chapter 9) of the Partially Revised Draft Program EIR. The City did submit a request for the traffic technical information and received this information (refer to Response to Comment 40-262). To our knowledge, there was not a request for the noise and vibration technical memorandum from the City of Palo Alto.

#### **40-281**

The text presents mitigation strategies for potential impacts. Once a preferred alignment is selected, the project-level analysis will determine location-specific impacts and, if necessary, specific mitigation measures will be developed to avoid or reduce these impacts. The Authority disagrees that the noise impact would be significant and unavoidable after implementation of the mitigation strategies as identified in Chapter 3.4 of the 2008 Final Program EIR and the 2012 Partially Revised Draft Program EIR. For additional information on the appropriateness of mitigation strategies at the program-level of analysis, please refer to Standard Response 3.

#### **40-282**

There were no changes in the noise ratings for the corridor from those shown in the 2010 Program EIR. The Partially Revised Draft Program EIR dealt exclusively with freight noise and vibration and found no change in impact ratings associated with this source.

#### **40-283**

A noise technical memorandum was prepared for the 2012 Partially Revised Draft Program EIR and was listed in the references. This technical memorandum is available by request from the Authority; however, no such request was received by the Authority from the City of Palo Alto. The City of Palo Alto did request the traffic technical memorandum, which was provided, as was additional traffic information specific to Palo Alto.

The noise technical analysis memorandum provides an assessment of the potential for additional operational noise impacts related to moving rail freight traffic closer to existing land uses along the corridor. The noise measure (Ldn) used 24-hour equivalent noise level with a 10 dB penalty for nighttime operation accounting for

increased sensitive at night, consistent with FRA (or FTA) guidelines and a common unit of measure used by many of the communities in the corridor. The following summary below is provided as a courtesy to the reader:

- Two cases were analyzed to address the effect of moving freight trains closer to residences and other sensitive receptors in the corridor: freight trains on the inner tracks (where they operate now) and freight on the outer tracks of a four track alignment.
- It was conservatively assumed that all freight activity occurs at night (normally there are two during the day and two at night) and the freight movement was all on one side of the alignment, the side on which noise levels were calculated.
- The difference in Ldn was 0.5 dBA between the two freight scenarios at the closest receptors, which is an imperceptible difference. Therefore, this difference is not likely to result in new adverse effects on homes presently adjoining the rail corridor and would not change the screening distance or the programmatic rating of impact for the corridor. Therefore, noise screening analysis conducted in the 2008 Final Program EIR adequately reflects the level of impact from noise associated with all train activity in the corridor.

For a discussion of different vertical alignments, please refer to the Response to Comment 40-279.

#### **40-284**

The Partially Revised Draft Program EIR addresses those topics identified in the final judgment for the *Atherton 1* and *Atherton 2* litigation as requiring corrective work under CEQA. The range of noise mitigation strategies and potential secondary effects from the use of these mitigation strategies were one of those topics.

The design of noise barriers appropriate for the proposed HST would depend on the location of noise-sensitive buildings after Monterey Highway and the freight train tracks have been shifted. More detailed consideration of noise impacts and mitigation measures such as the height of soundwalls or other noise reducing measures will be included in project-level environmental documents.

Secondary effects, such as visual impacts, relating to the use of noise mitigation strategies were considered in the 2008 Final Program EIR, chapter 3.9, at a very broad scale, which is appropriate for this program-level of analysis. The discussion of secondary visual impacts from sound barriers was found adequate in the first *Atherton 1* case. Furthermore, although these program EIRs provide a base from which project-level EIRs may tier from, they do not restrict the type of mitigation measures that may be considered to mitigate impacts. The aesthetic and community effects of sound barriers will be addressed in more detail as part of second-tier project development and environmental review when it will be possible to identify specific locations and size of sound barriers. With respect to Monterey Highway, the corridor already includes many soundwalls and property walls of varying age, condition, and associated landscaping (Kiesling, Memorandum on Existing Sound Barriers/Property Walls along Monterey Highway, 2012). With implementation of the project, these existing walls may be replaced with consideration of maintaining a high level of visual quality in neighborhood areas by implementing such measures as visual buffers, trees, and other landscaping, architectural design, and public artwork as noted in Chapter 3.7 of the 2008 Final Program EIR. Refer to Chapter 7A in the Partially Revised Final Program EIR for an additional mitigation strategy regarding the aesthetic treatments of sound walls, which would apply regardless of location along the HST system, and the shifting of Monterey Highway.

#### **40-285**

The noise analysis conducted at the program level shows that the noise level at adjacent noise sensitive land use areas due to the shifting of Monterey Highway or train tracks would increase no more than 1 to 2 dBA. A noise increase of this degree can be reduced to a less-than-significant level by incorporating mitigation strategies such as the construction of soundwalls or increasing the height of replacement property walls. A more detailed noise impact and mitigation analysis will be conducted at the project level to further substantiate these findings.

**40-286**

The Partially Revised Draft Program EIR identified possible traffic impacts should lane reductions be required on Alma Street based on very preliminary design. At some locations, acceptable levels of traffic congestion at these intersections would become unacceptable with the lane closures unless mitigated.

It is understood that the City has concerns regarding the loss of roadway capacity and the Authority will work to refine the project design to avoid lane closures where feasible. The analysis provided in this Partially Revised Draft Program EIR was completed to identify at a program level potential traffic impacts if lane reductions were to in fact occur. Impacts associated with the loss of lanes will be evaluated in greater detail in the project-level EIR if such lane reductions are determined to be required. This will include a more detailed assessment of traffic impacts during construction and operation of the project that could affect nearby residents and businesses. As part of this project-level analysis secondary impacts associated with changes in traffic patterns will also be evaluated, including loss of access and quality of life issues, such as noise impacts.

**40-287**

During project construction, localized traffic impacts could occur related to congestion, circulation, and access. During project operation and construction, any traffic that traverses intersections where HST-related congestion could occur, including trips destined for business centers in Palo Alto, could experience additional delay. Chapter 4 of the Partially Revised Draft Program EIR contains information on generalized construction impacts at the programmatic level and Chapter 3 addresses traffic, parking, and circulation, but the analysis does not in general specifically address local vehicular, pedestrian, or other transit access impacts. These impacts will be specifically identified by location in the project-level EIR and specific mitigation measures will developed at this time.

Refer to also the Response to Comment 40-286.

**40-288**

Traffic volumes are generally higher during the PM peak hour than the AM peak hour and the PM peak hour is usually representative of the highest level of traffic during any period of the day. Since the PM peak hour usually is the highest concentration of traffic it is the best gauge of worst case traffic effects. If an intersection does not experience a significant impact during the PM peak hour it will likely not be impacted during other times periods. However, if a significant impact is encountered during the PM peak hour, an impact may also occur during other time periods. In cases where an adverse traffic effect is projected during one peak hour, the mitigation indicated would also apply to the other peak hour time period as well.

Nevertheless, in response to comments from the City, an AM peak hour analysis was also conducted and has been incorporated into Chapter 3 of the Partially Revised Draft EIR for both existing plus project and 2035 plus project conditions. In Responses to Comments 40-292 and 40-295, updated traffic counts for the intersection of Churchill/Alma were conducted in March 2012 and were incorporated into this analysis for both the AM and PM peak hours. Based on these new counts, the analysis found that the intersection of Churchill/Alma is currently very congested and that LOS is expected worsen in the AM peak hours under both scenarios (Existing plus project, 2035 plus project). This intersection has been added to the list of seven potentially impacted intersections in Chapter 3 (Page 3-7) of the Partially Revised Final Program EIR and there continues to be a significant traffic congestion impact for the San Francisco to San Jose Corridor as described in the Partially Revised Draft Program EIR. However, no new significant impacts or mitigation measures have been identified and recirculation is not required.

**40-289**

The analysis of the loss of travel lanes on Monterey Highway and on Alma Street were not conducted in the same manner because of the difference in the functionality of the two roadways. The loss of a travel lane on Monterey Highway results in a shift of traffic from that corridor to a parallel facility including US 101, I-280, SR-85 and SR-87. Therefore, traffic was shifted from one corridor to another and the volume to capacity ratio was recalculated with a lesser roadway

width. Although Alma Street carries through traffic it also has the function of providing local access to and from residential areas along the corridor and to and from commercial areas, particularly downtown Palo Alto and the Stanford area. Since traffic was not simply removed from Alma Street and placed on a parallel corridor, instead it was shifted from Alma Street to El Camino Real via turning movements at locations such as Homer, University, Embarcadero, and Page Mill, it was determined that the correct way to analyze traffic impacts for the loss of travel lanes on Alma would be through an intersection delay analysis. As stated on Page 12 of the City of Palo Alto's comment letter, "When analyzing impacts from lane reductions on a roadway at critical signalized intersections, the use of delay as a measurement tool is the most effective in estimating true impacts from a project and for allowing identification of reasonable mitigation". The Alma Street lane reduction analysis was based on intersection delay.

Please refer to Response to Comment 40-256 regarding the use of local methodologies.

#### **40-290**

The City included a table from the Highway Capacity Manual which is also included in VTA's Congestion Management Program (CMP) Traffic Impact Analysis and LOS methodologies. The table shows Level of Service A through F with a written description of each LOS along with the numerical ranges in average control delay associated with each LOS. This is consistent with the analysis that was employed for the traffic analysis.

#### **40-529**

The traffic analysis in the Partially Revised Draft EIR based the assessment of possible traffic impacts on intersection delay as suggested in the comment. When the traffic analysis was begun it was determined that intersection delay was the most appropriate means of determining project impacts. Please refer to Response to Comment 40-289 for additional information on why intersection LOS was used to calculate these impacts.

#### **40-291**

Please refer to Response to Comment 40-288 regarding the AM traffic analysis.

In general, at the program level of analysis for a statewide project, local methodology and impact criteria are not used as different municipalities employ differing approaches and thresholds of significance. An analysis employing these local standards would not result in a consistent analysis where it would be possible to compare between alternatives that travel through different cities. However, the Partially Revised Program EIR's programmatic traffic analysis was conducted with reference to the second-tier, project-level guidance provided in the Authority's Memorandum Traffic Impact Analysis Guidelines, September 2010. That document establishes conditions that result in a significant impact at the second-tier. As stated in Section 2.3 of that document, "an impact on CMP facilities will be analyzed and assessed significance in accordance with county-adopted CMP criteria." The programmatic traffic analysis along the Peninsula used the appropriate county CMP criteria to assess impacts on CMP intersections.

#### **40-292**

Please refer to Response to Comment 40-288 regarding an AM analysis. Chapter 4 of the Partially Revised Draft Program EIR contains information on generalized construction impacts at the programmatic level and Chapter 3 addresses traffic, parking, and circulation, but the analysis does not specifically address local pedestrian and bicycle volumes and their effect on intersection capacity. These impacts will be specifically identified by location in second-tier project-level environmental studies and specific mitigation measures will developed at that time. An analysis of school commute peak periods and any impacts related to the Palo Alto Safe Routes to School program is most appropriately addressed in the project-level document once an alignment is selected and the potential to avoid lane closures can be further investigated.

#### **40-293**

A pre-analysis meeting with the City of Palo Alto was not considered necessary to consider the magnitude of impacts between

alternatives and is not required by CEQA. Traffic count information was readily available from prior project-level work and new counts were obtained where necessary. This program-level analysis focused on the highly congested intersections in the study area. Once a preferred alternative has been selected, project-level analysis will look at specific intersections of concern to the City and the City's input will be welcome and sought.

#### **40-294**

The City provided a table that compares Level of Service data from the program EIR document and the City's database. The comments states that the City's database uses an industry standard measurement based on the 2000 Highway Capacity Manual and the VTA TIA guidelines. The program-level EIR analysis was also based on the 2000 Highway Capacity Manual and VTA TIA guidelines.

#### **40-295**

The level of service comparison provided by the City compared traffic operations at six intersections included in the program-level EIR analysis. The level of service letter designation provided in the comment was the same as the designation within the Partially Revised Program EIR's analysis at most intersections, with the exception of Churchill/Alma where the program-level EIR analysis reported LOS C and the City's database reported LOS D. The traffic counts used in the analysis at Alma/Churchill were collected in the fall of 2008 and were obtained from the City. Updated AM and PM peak hour traffic counts were collected in 2012 at the Churchill/Alma intersection and the level of service analysis was recalculated. Chapter 3 has been revised and contains the updated information for Churchill/Alma in the AM and PM peak hours for existing, existing plus project, 2035, and 2035 plus project. The revised analysis found that this intersection currently operates at or near a failing level of service (E+), which indicates more congestion than the level of service D reported by the City.

The comparison tables show a comparison of LOS and of average control delay. In some cases the average control delay is greater as reported in the program-level EIR and in some cases the delay is greater for the City's database. This is a function of the traffic counts

used to assess the intersection conditions. These traffic volumes can vary substantially on a given day depending on local events, weather, and the day of the count, and will sometimes result in a different finding of impact at a given intersection than what is shown in the City's database.

These traffic counts are also used to create the future forecasts. The MTC travel demand model was used to calculate growth factors which were then applied to the traffic counts to determine a reasonable 2035 scenario for traffic impacts. When the growth factor is applied to intersections where there are existing traffic impacts, the project conditions magnifies that impact. The revised traffic analysis for the program-level EIR analysis found that the intersection of Churchill/Alma functions at or near a failing level of service (LOS D or E) under existing and 2035 conditions without the project. With the project traffic applied, the level of service and delay gets slightly worse and thus the Churchill/Alma intersection has been added to the list of potentially impacted intersections in Chapter 3 (page 3-7) of the Partially Revised Final Program EIR. There continues to be a significant traffic congestion impact for the San Francisco to San Jose corridor as described in the Partially Revised Draft Program EIR.

#### **40-296**

The 2008 Program EIR, the 2010 Revised Program EIR, and the 2012 Partially Revised Draft Program EIR evaluate alignment alternatives that would run along different corridors, through different cities and mountain passes. At this program-level, different vertical alignments are not considered. The comment notes that vertical separation of the tracks and Alma Street, with Alma Street remaining at-grade and the tracks depressed in a tunnel section or a covered trench, would eliminate the need for a loss of travel capacity on Alma. This statement is correct and in fact the program-level EIR notes on Pages 3-17 and 3-18 that "Adjust Vertical Alignments" is a design solution to avoid lane closures. Once a preferred alternative is selected, the project-level analysis will consider different alignments that incorporate different vertical segments. During this process, the Authority will work with affected cities to reduce or avoid any potential lane closures.

**40-297**

The comment lists 16 additional intersections that should have been included in the program-level EIR along El Camino Real, Alma Street, and Middlefield Road. Specifically, the comment notes that Alma/Charleston operates at LOS E and that traffic safety impacts on pedestrian and bicyclists should be addressed.

The traffic analysis assumes that most of the traffic would shift to the nearest arterial roadway, El Camino Real. Since El Camino Real experiences congestion at several locations, shifting all traffic onto this corridor is a conservative approach that would avoid an under-estimation of possible traffic impacts by distributing traffic to a number of parallel roadways. El Camino Real is considerably closer to Alma Street (one tenth of a mile) than Middlefield Road (approximately two thirds of a mile); another reason traffic was assumed to shift to El Camino Real.

Most of the intersections listed in the comment are minor intersections, and some are unsignalized. The program-level analysis focused on the major congested intersections where there was a higher likelihood of triggering a significant impact. The comment also specifically called out Alma/Charleston. This intersection is located outside of the limits of the possible lane closures. Therefore, there will be no loss of roadway capacity but there will be some diversion of through traffic away from Alma in the vicinity of Alma/Charleston, resulting in an improvement in traffic operations at this location.

Finally, some of the intersections on this list may be included in the more detailed analysis which will be part of the project-level EIR analysis, particularly if the loss of travel lane on Alma Street becomes a reality. The traffic safety impacts on pedestrian and bicycle activity would also be a part of the project-level analysis.

**40-298**

Please refer to Response to Comment 40-289 regarding the differences between the Alma Street analysis and the Monterey Highway analysis and why intersection LOS analysis is more appropriate for Alma Street.

**40-299**

The comment provides a table that equates level of service to volume to capacity (V/C) ratios. The table is taken from the 2000 Highway Capacity Manual. The table as printed contains an error in the first row, which labels the third column is labeled as average control delay, when it should be labeled as V/C.

It was determined that an intersection LOS analysis was the appropriate means to address loss of lane capacity on Alma Street, please refer to Response to Comment 40-289 for a full explanation. If a volume to capacity ratio analysis was also conducted, it would use the relationships between level of service and V/C shown in Table 3 in the comment.

**40-300**

Please refer to Response to Comment 40-289 regarding why an intersection delay analysis providing level of service (LOS) ratings was considered more appropriate than a volume to capacity ratio analysis.

**40-301**

The comment provides a volume to capacity ratio analysis of Alma Street at Churchill Avenue for several hours of the day for northbound and southbound traffic. Table 4 in the comment shows existing traffic volume by hour of the day and then calculates a volume to capacity ratio and corresponding level of service for the existing 4-lane roadway width and for a proposed 2-lane roadway width. However, this analysis assumes there would be no diversion of traffic. The volume to capacity ratio and resulting level of service comparison from 4-lanes to 2-lanes cannot do anything other than worsen because none of the traffic is diverted to parallel streets. Non-diversion of traffic as a result of the roadway capacity being cut in half is thought to be an erroneous assumption.

The analysis contained in the Partially Revised Draft Program EIR is a more representative means of assessing the effect of a loss of capacity on Alma Street.

**40-302**

The comment states that a queuing analysis at intersections should have been completed and that this situation is particularly acute in Palo Alto because of the limited number of east/west crossings across the rail corridor.

Such a queuing analysis as requested in the comment is not appropriate for consideration in a program-level environmental document. Intersection queue lengths and the ability of existing turn bays to accommodate these queue lengths is the type of detail that is covered in a project-level analysis.

Please refer to Standard Response 3 regarding level of detail at the program level.

**40-303**

The analysis recognizes the grid street network and that some traffic will filter through multiple streets. However, Alma Street retains significant traffic capacity even as a two-lane roadway because of limited signals and cross streets and will continue to provide local access. The primary loss of Alma Street traffic carrying capacity is to subregional through traffic which is assumed to be shifted to a parallel through arterial, El Camino Real. The minor shift in traffic to adjacent residential streets is considered too small to measure using the TIRE analysis methodology. Traffic diversions and possible pass through traffic impacts in neighborhoods will be evaluated in the project-level analysis once a preferred alignment is selected.

Please refer to Standard Response 3 regarding level of detail at the program level.

**40-304**

The traffic model used in the Peninsula lane closure analysis for the Partially Revised Draft Program EIR is the MTC travel demand model used for the 2009 update to the Regional Transportation Plan. This is consistent with what the City and the VTA use to conduct traffic analyses. The following discussion is provided to assist readers in understanding how the model works.

The key inputs to that model are future land use projections (growth in population and employment) and the transportation network assumed to be in place in 2035 (both roadways and transit linkages). The model contains mathematical algorithms that replicate the interaction between land uses such as travel between the residential land use and the employment site, travel between the residential land use and commercial centers, travel between the residential land use and other attractions, and travel between the various land uses without a home origin or destination. Once the model determines the land use interactions it assigns that travel to specific modes such as automobiles, transit, or non-motorized based on the availability of those modes of travel. An iterative assignment process is used that balances the amount of traffic on any one facility to the relative capacity of that facility. The traffic assignment process is complete once equilibrium is reached.

**40-305**

An analysis of possible traffic hazards to bicycle and pedestrian travel associated with lane reductions including an increase in accidents, an important consideration, would be addressed in the project-level environmental document.

The Authority will refer the comments to the Authority staff and consultants who will prepare the applicable project-level EIR/EIS. Please refer to Response to Comment 40-286 and Standard Response 3 regarding level of detail at the program level.

**40-306**

An analysis of possible traffic hazards associated with a loss of traffic capacity on Alma Street on Palo Alto's Safe Routes to Schools program is most appropriately addressed in the project-level document once an alignment is selected and the potential to avoid lane closures can be further investigated. Please refer to Standard Response 3 regarding level of detail at the program level.

**40-307**

A possible loss of parking along Alma Street has not been identified as of yet. However, as noted at Page 3-18 of the Partially Revised Draft Program EIR, reducing on-street parking on one or both sides

could be an approach to eliminating the need to remove a lane of traffic. Additional engineering design will need to be completed to determine first if right-of-way from adjacent public streets is actually needed and second, if removal of parking instead of travel lanes meets the needed right-of-way requirements. This analysis, if necessary, will be a subject of the project-level environmental document and will evaluate the trade-offs between the loss of travel lanes versus the loss of parking, with any impacts clearly identified and mitigated, if necessary and feasible.

#### **40-308**

The comment states that substantiation of several assertions needs to be provided. These are included later in the comment letter under the heading Specific Comments. Responses to Comments 320 through 328 address the Specific Comments.

#### **40-309**

As the comment notes, the approach taken in the 2012 Partially Revised Draft Program EIR to evaluate the impacts of the project against a year 2035 baseline condition, as well as an existing condition, complies with CEQA. The narrowing of Monterey Highway is included in the *Envision San Jose 2040 General Plan* which was adopted on November 1, 2011. The impacts associated with land use buildout along the corridor and the roadway narrowing were fully evaluated and disclosed in the Final Program Environmental Impact Report for the General Plan.

#### **40-310**

New information and changed conditions since the September 2010 certification of the 2010 Revised Program EIR were analyzed in Chapter 5 of the Partially Revised Draft Program EIR. Specific development projects are listed in the New Information and Changed Conditions Technical Memorandum listed as a reference in Chapter 9 of the Partially Revised Draft Program EIR. As explained in Chapter 5.2 of the Partially Revised Draft Program EIR, it was determined that the description of the environmental setting of the study corridors and station area cities described in the 2008 Final Program EIR, and as augmented by the 2010 Revised Final Program EIR, remains accurate. While the specific projects listed in the comment

were not approved at the time of the prior Program EIRs, a similar level of development was assumed on these sites in the regional travel demand model. The possible lane closure analysis used the 2035 MTC travel demand model to project future traffic volumes. This model utilizes the land use forecasts for population and employment growth from ABAG. The ABAG forecasts are based on direct input from individual cities. Planned development has thus been taken into account.

#### **40-311**

The comment states that Authority will only consider HST stations within communities that support such a station. The City in previous comment letters has indicated they are opposed to a station in Palo Alto. The Authority is aware of this position by the City.

#### **40-312**

A first-tier analysis of traffic and parking impacts to potential HST station areas was performed as part of the 2008 Final Program EIR. Please refer to Chapter 3.1 of the 2008 Final Program EIR, including Table 3.1-3. Additionally, Chapter 4 of the Partially Revised Final Program EIR analyzes construction impacts to HST station-area traffic at a first-tier level of detail. At this time, a mid-Peninsula station location option has not been selected, and the Authority is aware of Palo Alto's opposition to a HST station in Palo Alto. Neither design alternatives for any potential station location, nor grade separations, have been refined to a sufficient level of detail for second-tier traffic congestion impacts to be quantified. Once station locations are selected and design alternatives are developed, the project-level analysis reflecting the station location will address traffic impacts to determine if they are significant. If so, appropriate mitigation will be developed. Inadequate parking capacity, addressed in the 2008 Final Program EIR, was removed from Appendix G of the CEQA Guidelines in 2010. Inadequate parking is no longer considered an environmental impact per se. Rather, this issue only falls within the purview of CEQA if there is substantial evidence that a significant secondary environmental impact may occur as a result of an identified lack of parking. Parking issues fall outside the scope of environmental review and are not required to be addressed as part of this Partially Revised Program EIR.

**40-313**

The comment suggests that a weekend traffic analysis be conducted to assess the possible lane closures and their effect on the surrounding land uses such as shopping centers and Stanford University.

Once a preferred alternative is selected at the program-level, the Authority will consult with affected local governments to determine the appropriate scope of future project-level analysis. If this alternative includes HST service in the Caltrain Corridor, it will be determined if the loss of travel lanes on Alma Street is necessary, or if it can be avoided through design refinements. If the loss of lanes is determined to be required, the project-level analysis could include an analysis of weekend traffic conditions if, in consultation with the City, such an analysis is determined to be required. Such issues will be identified and resolved in the scoping process for the project-level document.

**40-314**

Analysis of traffic conditions outside of the traditional weekday peak periods is rarely done. As noted in Response to Comment 40-313, once a preferred alternative is selected at the program-level, the Authority will consult with affected local governments to determine the appropriate scope of future project-level analysis. The project-level analysis will consider bicycle and pedestrian safety and hazards, and could include an off-peak traffic analysis if it is determined to be necessary. This would be discussed and resolved in the scoping process for the project-level document.

**40-315**

The Partially Revised Program EIR did not include an AM traffic analysis. However, an AM analysis has been completed and is included in Chapter 3 of the Partially Revised Final Program EIR. The traffic analysis in Chapter 3 has also been updated with new traffic counts in the AM peak hour that capture this signal's modification and the school traffic. Please refer to the Response to Comment 40-288 for a discussion of the results of the AM analysis.

**40-316**

Please refer to the Response to Comment 40-297 for a discussion of why El Camino Real is conservatively assumed as the route that would receive the majority of the diverted traffic.

Alma Street is a very efficient commuter route because of the absence of a large number of crossing intersections and traffic signals. Traffic on crossing streets from the east of Alma Street is associated with traffic that is generated locally and uses local streets to travel to and from destinations in the immediate area, such as downtown Palo Alto. The loss of traffic capacity on Alma Street would mainly affect the through traffic capacity (commuters through the area). This through traffic is assumed to divert to El Camino Real. Traffic to and from the neighborhood that is generated locally would continue to use the remaining capacity on Alma Street and crossing streets.

**40-317**

Potential construction impacts are addressed in Chapter 4 of the Partially Revised Draft Program EIR. The impacts on traffic are considered to be potentially significant, and it is not known at this time whether the impacts can be avoided or reduced through mitigation measures. Design alternatives have not been refined to a sufficient level of detail for construction impacts on be quantified. Once a preferred alignment is selected, additional engineering detail will be developed prior to commencing the project-level environmental analysis and will consider the location-specific potential impacts of construction, different vertical alignments, and grade crossings. The project-level analysis will address construction impacts on determine if they are significant. If so, appropriate mitigation will be developed.

The potential impacts of grade separations, including traffic impacts, are addressed in Chapter 5.3 of the Partially Revised Draft Program EIR. At the program level, the impacts associated with grade separation are considered significant even with the application of mitigation strategies, particularly in light of the uncertainty associated with how they would be accomplished.

Please also refer to Standard Response 3 regarding the appropriate level of detail in a program-level EIR.

**40-318**

The analysis to date has indicated that a loss of lane capacity may occur on Alma Street, but engineering detail has not been completed to determine what the geometric configuration of Alma Street may ultimately be. For example, the removal of 4 to 5 feet from a travel lane to provide right-of-way to the HST would certainly reduce the traffic carrying capacity by one lane; however, the remaining lane width could be reallocated as an on-street, striped bicycle lane. Sufficient engineering detail has not been prepared to state whether an impact on bicycle travel would or would not occur. Prior to completing the project-level environmental document, that engineering detail will be available and potential hazards to pedestrians and bicyclists will be addressed in the project-level traffic analysis.

**40-319**

This Program EIR is specifically designed to assist the Authority in making the fundamental choice of a preferred alignment within the broad corridor between and including the Altamont Pass and Pacheco Pass for the HST segment connecting the San Francisco Bay Area to the Central Valley. As a programmatic document, the Program EIR does not analyze detailed, site-specific impacts of future projects to construct sections of the HST system. For this reason, in selecting alignments and station locations, the Authority will not be selecting a precise footprint for improvements, but rather a conceptual corridor alignment subject to further refinement. Future tiered project-level environmental documents will assess the impacts of constructing and implementing individual HST projects for sections of the HST system and will examine specific project location alternatives for the selected corridor alignment and alternative station sites for the selected location options.

The Special-Use Stanford Stadium Caltrain stop is not used on a daily basis but is, as the name implies, used on rare occasions for Stanford athletics home games, particularly football games. At this

program level of analysis, no decisions are being made that would preclude the future consideration and use of this station

**40-320**

The VTA Model is a conventional four-step traffic demand model. The model is updated periodically to reflect forecasted changes in local land use. The VTA Model as of spring 2011 was utilized to conduct the traffic modeling for the revised program-level analysis. The changes to the model as of spring 2011 include enhancements to reflect the most current Association of Bay Area Governments (ABAG) and Association of Monterey Bay Area Governments (AMBAG) projections of population and employment growth, but do not include the mode-shift due to the California HST Project. The project-level traffic report will have a detailed explanation describing the VTA Model.

**40-321**

No substantial traffic hazards are expected during construction due to the narrowing. As explained in Section 3.18.3 of the 2012 Partially Revised Draft Program EIR, to maintain traffic flow during construction, traffic would be first shifted to one side of the existing roadway while the opposite side is improved, then shifted onto the newly improved portion while the other side is improved. During times of low traffic volumes, additional lanes would be coned off to provide temporary additional work space. Multiple stage reconstruction would be used to accommodate the existing traffic flows through the project area and provide adequate space for safe and cost-effective construction operations. More details of construction staging would be determined at the project level.

**40-322**

As the text indicates, the regional transportation context discussed in the Affected Environment section of the 2008 Final Program EIR is still correct. While there have been new roadway and development projects in the region (please refer to Response to Comment 40-310), the analysis was found to still be accurate and adequate for the purposes of this programmatic evaluation. The new discussion of potential lane closures in the Peninsula required some new traffic modeling because not all of the studied intersections had been

evaluated in previous program-level analysis. Rather than using the existing model data, the traffic volumes used in the analysis were updated to reflect some of the roadway and development projects that have come on line. New intersection traffic counts were used from data assembled in 2010 when the initial traffic work was begun for the project-level analysis. Additionally, new traffic counts were conducted in late 2011 and 2012 at some intersections that were analyzed in the lane closure analysis but that were not analyzed in previous work.

#### **40-323**

In response to this and other comments from the City, an AM peak analysis has been provided in Chapter 3 of the Partially Revised Final Program EIR. One new intersection is shown to have traffic impacts during the AM peak hour (Churchill/Alma). Please refer to revised Chapter 3 and Response to Comment 40-288 for additional information on the AM peak analysis and this intersection.

#### **40-324**

Chapter 3 of the Partially Revised Draft Program EIR provided an analysis of the first-tier effects of Monterey Highway narrowing on surrounding streets, including US-101, I-280, SR-87 and SR-85. The level of detail for this analysis identified increases in traffic volumes on roadways nearby to Monterey Highway. Please refer to Figures 3-2, 3-3, 3-4, and 3-5 of the Partially Revised Draft Program EIR. The comment requests that additional information on the LOS of these highways be included. This level of detail will require in-depth analysis, which is outside the scope of a program-level traffic study. The second-tier impacts of narrowing Monterey Highway and that of mode-shift due to the HST on the surrounding roadway network will be analyzed at the project level.

#### **40-325**

Peak hour traffic spreading is a well-documented phenomenon that occurs in urban settings. As congestion builds in the peak hour and volume to capacity ratios reach 1.0, additional capacity is not available during the peak hour to serve more traffic and it must shift to the hours on either side of the peak. It is theoretically impossible for the volume to capacity ratio to exceed 1.0. However,

existing traffic volumes sometimes are found to have a volume to capacity ratio of up to 1.05, but rarely any greater than that. The Partially Revised Draft Program EIR recognizes peak hour spreading and states that it could occur. However, peak hour traffic volumes were not reduced in an attempt to demonstrate peak hour spreading and thereby reduce the possible traffic impacts during the peak hour.

#### **40-326**

Contrary to the suggestion in the comment, adjusting vertical alignments represent a design modification practice, not mitigation. If an aerial structure is ultimately recommended for an above grade alignment through Palo Alto, the construction impacts, such as additional construction traffic and temporary road closures due to construction, will be evaluated in the project-level analysis. If the construction impacts are found to be significant, appropriate mitigation will be recommended. Please also refer to Response to Comment 40-286 for a discussion of secondary impacts.

#### **40-327**

Please refer to Response to Comment 40-307 regarding potential reductions of on-street parking and Response to Comment 40-287 for a discussion of effects to businesses and the scope of future project-level analysis.

#### **40-328**

The Partially Revised Program EIR included possible design modifications that included modifying the HST alignment either horizontally and/or vertically, or modifying the affected roadways. These potential design modifications, or other mitigation strategies, require a certain level of engineering design to prove their effectiveness. The engineering design to mitigate lane closure traffic impacts will not be completed until it is determined that the lane closures are in fact necessary. As written, the text indicates that it is anticipated that most of the impacts can be reduced to a less-than-significant level, but acknowledges that it is possible that lane reductions could result in some impacts that cannot be reduced to less than significant. The project-level environmental document will contain this more detailed analysis for the preferred alternative.

**40-329**

Because this is a program-level document, potential construction impacts on each resource area are not site-specific. The construction methods that would most likely be employed during construction of the HST project, and their resulting environmental impacts, are described in individual resource chapters in Chapter 3, of the 2008 Final Program EIR, in Chapter 3.18 of the 2008 Final Program EIR and Chapter 4 of this 2012 Partially Revised Final Program EIR.

Furthermore, the general level of detail in the EIR's impacts analysis, including that related to construction noise, and the general nature of the mitigation strategies are appropriate for the broad decisions to be made. The Program EIR identifies critical environmental impact differences between the Altamont Pass, Pacheco Pass, and Pacheco Pass with Altamont Pass (local service) alternatives for connecting the Bay Area with the Central Valley. More detailed consideration of impacts and mitigation measures will be included in the next tier of project-level environmental documents.

Refer to Standard Response 3 regarding an appropriate level of detail in this program EIR.

**40-330**

The impacts on Monterey Highway and the surrounding street network due to the narrowing (without considering the mode-shift to HST) are presented in Section 3.3 of the 2012 Partially Revised Draft Program EIR. All roadway segments which would degrade from LOS D or better to LOS E and the roadway segments already operating at LOS E and forecasted to have 100 or more additional vehicles per hour due to the narrowing are presented in Figures 3.2-b, 3.3-b, 3.4-b and 3.5-b. More detailed results than what is presented in these figures would require in-depth analysis, which is outside the scope of a program-level traffic study. The impact of narrowing Monterey Highway and that of mode-shift due to the HST on the surrounding roadway network will be analyzed at the project level.

No substantial traffic hazards are expected during construction due to the narrowing. As explained in Section 3.18.3 of the 2012 Partially Revised Draft Program EIR, to maintain traffic flow during construction, traffic would be first shifted to one side of the existing

roadway while the opposite side is improved, then shifted onto the newly improved portion while the other side is improved. During times of low traffic volumes, additional lanes would be coned off to provide temporary additional work space. Multiple stage reconstruction would be used to accommodate the existing traffic flows through the project area and provide adequate space for safe and cost-effective construction operations. More details of construction staging would be determined at the project level.

**40-331**

The Authority disagrees that quantification of construction emissions is typical or appropriate for the Program EIR. At the program level, the broad potential impacts of construction can be identified, but the detailed, project-level information needed to prepare a quantification of construction emissions is not available. The information required to complete a detailed construction air quality impact assessment, such as the type, scale, and duration of construction activities along with the precise type and amount of construction equipment that would be used for these activities are not available at the first-tier, programmatic stage. To further underscore the fact that a quantification of construction air quality impacts is not typically completed at the program-level, the reader is referred to the BART to Livermore Extension Program EIR (BART 2010). Furthermore, the Partially Revised Draft Program EIR addresses those topics identified in the final judgment for the *Atherton 1* and *Atherton 2* litigation as requiring corrective work under CEQA. The potential for construction air quality impacts was not one of those topics. Refer to Chapter 3.3, Air Quality and Global Climate Change, of the 2008 Final Program EIR and Chapter 4 of the Partially Revised Final Program EIR for a discussion of construction air quality impacts and mitigation strategies at the program level.

Refer to Standard Response 3 regarding an appropriate level of detail in this program EIR.

**40-332**

An assessment of typical construction operations and noise construction impacts will be conducted and presented in the project-level noise technical report and EIR/EIS. A specific quantification of

noise impacts due to construction cannot be effectively determined until the final design phase. The information required to complete a detailed construction noise impact assessment, such as the type, scale, and duration of construction activities along with the type and amount of construction equipment that would be used for these activities are not available during the first-tier, program stage. Therefore, the detailed noise impact and mitigation analysis for construction noise using exact equipment specifications, and input from the public will be developed as part of the second-tier environmental review process. The list of mitigation strategies in Chapter 2 of the 2012 Partially Revised Final Program EIR for noise and vibration construction and operations impacts has been revised to affirm that "state-of-the-art" construction equipment, materials, and abatement techniques will be used to achieve the maximum feasible reduction in noise and vibration impacts.

The list of mitigation strategies for noise and vibration construction impacts in Chapter 4 of the 2012 Partially Revised Final Program EIR has been revised to include resident notification prior to construction activities and the establishment of a 24-hour noise hotline to receive and respond to residents' concerns regarding noise, vibration, and light disturbances.

#### **40-333**

Chapter 4 concludes that construction impact mitigation strategies will be effective at reducing construction impacts to less than significant in the areas of air quality, noise, energy, hazardous materials and wastes, geology and soils, and hydrology and water resources. The Authority does not agree with the comment that these areas must be described as significant and unavoidable impacts until a detailed, project-level evaluation has been prepared. The text notes that the mitigation strategies in the listed areas are generally accepted best practices and consistent with mitigation typically implemented for heavy civil construction. These measures are also generally effective. For example, the mitigation strategies for construction noise are consistent with those identified in the FRA Guidance Manual.

Please refer to Standard Response 3 regarding an appropriate level of detail in this program EIR.

#### **40-334**

Comment acknowledged. The Partially Revised Draft Program EIR reiterated the conclusions reached in the 2008 Program EIR that construction impacts may be significant, even with the application of mitigation strategies in specific resource areas. The discussion following the second list of bulleted items has been revised to clarify the conclusions reached in the 2008 Program EIR. More detailed consideration of impacts and mitigation measures will be included in the next tier of project-level environmental documents.

#### **40-335**

The 2008 and 2010 programmatic EIRs and the 2012 Partially Revised Draft Program EIR are all focused around assisting with making the fundamental choice of a preferred alignment for HST service to the San Francisco Bay Area. This is explained in Section 1.4 of the Partially Revised Draft Program EIR. Refer also to Response to Comment 40-258.

Please refer to Standard Response 1 and Chapter 5 in this document for additional information on the blended-system concept. The reason that the 2012 Business Plan focuses on the San Francisco to Los Angeles and not a connection to Oakland via San Jose is because a connection to Oakland is not part of the Phase I system described in Proposition 1A. While a connection to Oakland via San Jose is a viable corridor identified in Proposition 1A, the first priority of Proposition 1A is creating a system between San Francisco and Los Angeles.

Network alternatives with an Oakland Station were studied as part of the Program EIR document and found to be a viable network alternative with good ridership demand. The Authority will be evaluating a "Blended System" between San Francisco and San Jose (refer to Standard Response 1), which should be similar with the two-track system that the commenter is suggesting. Connecting San Francisco and San Jose via a blended system will be the Authority's first priority evaluation. A high-speed rail connection to Oakland would most likely be evaluated only after the initiation of service on the Caltrain Corridor.

The 2008 and 2010 Program EIRs, in combination with this Partially Revised Final Program EIR, provide an in-depth program-level analysis of the potential impacts of different network alternatives.

#### **40-336**

Comment acknowledged. The fourth sentence of the last paragraph on Page 5-9 has been revised to clarify that grade separations may result in potential vibration impacts.

#### **40-337**

The 2008 Bay Area to Central Valley HST Final Program EIR/EIS considered impacts for HST network alternatives covering an area reaching from near the cities of Chowchilla and Manteca in the San Joaquin Valley to San Jose, Oakland, and San Francisco in the Bay Area. Considered for the entire study area, the impacts of project phasing or a "blended system" are not distinguishable at the program level, as they consider HST service under similar operations to similar phased terminals. The blended or phased approach would not include an HST crossing at Dumbarton. A phased terminal for Altamont alternatives would be Union City. A phased terminal for Pacheco alternatives would be San Jose. Travel times are similar to each terminal and each option connects to a regional rail service that can bring passengers to San Francisco.

There would be different impacts from each alternative, such as the likelihood of more Caltrain service between San Jose and San Francisco under Pacheco alternatives, or more BART service on the Fremont line under Altamont alternatives, but those impacts would be similar in nature. The HST construction from the Central Valley in to reach either interim terminal, San Jose or Union City, would create similar impacts for either alternative when analyzed at a program level.

#### **40-338**

There was no defined Livermore BART extension when the Bay Area to Central Valley HST analysis was undertaken, and therefore no traffic generation or impact data associated with a Livermore BART extension to consider. The 2008 Bay Area to Central Valley HST Final Program EIR/EIS pre-dated environmental work on BART's

Livermore extension. The Draft Program EIR for BART was released in November 2009, the Preferred Alternative Memorandum was issued in June 2010, and Final Program EIR adopted in July 2010. A project-level document for the BART to Livermore extension has just commenced as of February 2012.

#### **40-339**

The Caltrain Corridor is the only continuous rail corridor between San Jose and San Francisco so it is appropriate for it to be identified as such. One of the fundamental benefits of using the Caltrain Corridor is that the Caltrain system benefits from the synergies of having both HST and Caltrain trains share the same infrastructure. Below is an explanation of the benefits of this shared corridor opportunity.

The full text, on Page S-20 of the 2008 Final Program EIR, provides a more complete explanation of the rationale:

*The Pacheco Pass alternative would enable the early, incremental implementation of the entire Caltrain Corridor section between San Francisco, San Jose, and Gilroy. The HST system is complementary to Caltrain and would utilize the Caltrain right-of-way and share tracks with express Caltrain commuter rail services. Caltrain intends to use lightweight, electrified trains that would be compatible with HST equipment. Because it utilizes the Caltrain corridor, environmental impacts would be minimized. Utilizing the Caltrain Corridor (between San Francisco and San Jose) allows the Authority to maximize the use of local and regional funds dedicated to train service improvements, and thereby helping to reduce the need for state funds.*

Nevertheless the heading in Chapter 6 has been revised.

#### **40-340**

Statements of support and opposition for various alternatives provide decision-makers with information on individual, community and agency reactions. Reporting the level of support/opposition for alternative is but one criterion that decision-makers use to select an alternative, but it is the one that provides a consolidated reporting of community reaction to every alternative. A detailed discussion of statements of support and opposition for various alternatives was

provided in Chapter 6 of the Partially Revised Draft Program EIR. The Authority acknowledges that public input on the Partially Revised Draft Program EIR has been less clear in support or opposition to the network alternatives, and has focused much more on a preference for “no project” in the Bay Area to Central Valley study area and no HST system at all.

**40-341**

The comment refers to a brief bullet point discussion of noise and vibration as related to operational noise and indicates that significant noise and vibration impacts may occur in the San Francisco to San Jose Corridor on adjacent land uses. The discussion on Page 4-18 is related to construction impacts, and clearly states with respect to vibration impacts that *“Sufficient information is not available at this programmatic level to conclude with certainty that the above mitigation strategies would reduce the impacts from construction of the project to a less than significant level in all circumstances.”* Therefore, the text in both sections is consistent in identifying potential noise and vibration impacts on adjacent land uses during both project construction and operation.

**40-342**

The reference to the Peninsula Cities Consortium refers to comments made during the public review process for the Draft Bay Area to Central Valley HST Program EIR/EIS in 2010. The City of Brisbane joined the Peninsula Cities Consortium in October 2010, and was not a party to those comments. No change to the January 2012 Partially Revised Draft Program EIR is necessary.

**40-343**

Comment acknowledged. Chapter 6 has been revised to include the requested information.

**40-344**

The City of Palo Alto's support for an Altamont Network Alignment is noted. A discussion of comments of support is included in the Partially Revised Draft Program EIR on Page 6-10.

**40-345**

The Authority has reviewed the City of Palo Alto's prior comment letters on the 2010 Revised Draft Program EIR, the 2010 Revised Final Program EIR, and the 2010 Preliminary Alternatives Analysis Report for the San Francisco to the San Jose Section, and has reviewed its responses to those comment letters. The Authority's prior responses are still valid, and the Authority offers additional responses to individual comments in the following responses.

**40-346**

Please refer to Response to Comment 40-346.

**40-347**

This appears to be a comment specific to the 2010 Revised Final Program EIR. This comment did not identify any significant new information that would have required recirculation of the 2010 document. To the extent this comment also applies to the Partially Revised Draft Program EIR, the comment does not identify any significant new information that would require recirculation of the Partially Revised Draft Program EIR. More detailed responses will be provided where the commenter offers a more detailed rationale for why it contends further recirculation is necessary.

**40-348**

This appears to be a comment specific to the 2010 Revised Program EIR. In response to this comment, the Authority previously indicated that the detailed information being developed as part of project-level environmental studies did not require recirculation of the Revised Draft Program EIR. The purpose of tiering is to allow the Authority to select a preferred network alternative and general mitigation strategies at the program level to be followed by more detailed, project-specific analysis and development of more detailed and refined alternatives and mitigation measures. In response to the November, 2011 Town of Atherton rulings, which required recirculation to address certain specific impacts based on information that was developed as a part of project-level environmental studies, the Authority released the Partially Revised Draft Program EIR. To the extent this comment also applies to the Partially Revised Draft

Program EIR, as discussed in Chapter 5, no significant new information has been generated for the project-level sections for San Francisco to San Jose and for San Jose to Merced since the September 1, 2010 certification of the Revised Program EIR.

It should be noted, that the Authority placed its project-level work for San Francisco to San Jose on hold in May 2011. No decisions have been made about a second-tier project or the scope of environmental analysis in a second-tier EIR. At this time, it is anticipated that any further work on a second-tier project would have to start afresh, with a new second-tier planning and CEQA process and a new notice of preparation.

#### **40-349**

This appears to be a comment specific to the 2010 Revised Program EIR. In response to this comment, the Authority previously indicated that the program-level land use compatibility evaluation for this alignment is provided in Section 2.2 of the 2010 Revised Final Program EIR. The revised program-level property evaluation is also provided in Section 2.2 of the 2010 Revised Final Program EIR, as is the revised evaluation of Environmental Justice.

To the extent this comment also applies to the Partially Revised Draft Program EIR, please refer to the noise analysis in Chapter 2 of the 2012 Partially Revised Program EIR related to Monterey Highway. Detailed noise analyses will occur for the alignments and station locations at the second tier. Please also refer to Standard Response 3 regarding the level of detail for impacts analysis and mitigation. Additional information is provided in Chapter 3 of the 2012 Partially Revised Program EIR regarding traffic impacts of lane reduction on Monterey Highway and Chapter 4 regarding construction impacts.

#### **40-350**

Based on Caltrans documents, the San Mateo bridge retrofit was completed in 2000 followed by the widening of the structure from four to six lanes completed in 2003. The commenter may be referring to the planned seismic retrofit of the Dumbarton Bridge which will strengthen the existing bridge to withstand a Maximum Credible Earthquake. This design of the retrofit of the existing bridge

structure is complete and construction began in 2010. The Authority has reviewed a reasonable range of alternatives. Please refer to the 2010 Revised Final Program EIR and Response to Comment L003-7 in that document.

#### **40-351**

This appears to be a comment specific to the 2010 Revised Program EIR. In response to this comment, please refer to Response to Comment L003-8 in the 2010 Revised Final Program EIR. Several alternatives from the East Bay to the Central Valley were considered as part of the Bay Area to Central Valley Program EIR process. As noted in Table 2.5-4 of the 2008 Final Program EIR (Page 2-43), SR-84/South of Livermore Alignment Alternative and the SR-84/I-580/UPRR Alignment Alternative were screened out from further study in the program environmental documents. As shown in the table, principal reasons for rejection of these alignments included natural resources, habitat and endangered species, agricultural lands, and water resources impacts. Please also see Appendix 2-G1.4 in the Final Program EIR for a discussion of alignment alternatives and station location options eliminated from further consideration.

#### **40-352**

This appears to be a comment specific to the 2010 Revised Program EIR. To the extent this comment also applies to the Partially Revised Draft Program EIR, the November, 2011 Town of Atherton rulings found that only those issues in the Partially Revised Draft Program EIR required further CEQA compliance. However, the Authority has responded to all comments received on the Partially Revised Draft Program EIR and has gone beyond the requirements of CEQA Guidelines Section 15088.5 by not only responding to comments on topics outside the scope of the Partially Revised Draft Program EIR but has also responded to old comments on prior documents, such as this comment.

The Authority respectfully disagrees that "the ridership projections and business plan, have been shown to be flawed" and the comment provided no information about "flawed fundamental assumptions and underpinnings of the analysis." The rulings in the Atherton 1 and Atherton 2 cases did not find fault with the information relied upon

from the 2009 Business Plan in the 2010 Revised Final Program EIR. Refer to Standard Response 4 in the 2010 Revised Final Program EIR, Comments about the Ridership forecasts, and Standard Response 8 in the 2010 Revised Final Program EIR, The Authority's Business Plan (refer to Chapter 12 of the 2010 Revised Final Program EIR).

#### **40-353**

The purpose of the discussion in Chapter 6 in the 2012 Partially Revised Program EIR is to revise and update the discussion of the preferred alternative in the 2010 Revised Program EIR based on the Partially Revised Draft Program EIR information. The text regarding those who support or have expressed concern over the Pacheco or Altamont network alternatives is intended to disclose the wide divergence of opinion in the San Francisco Bay area over which mountain pass should be selected.

#### **40-354**

The Authority acknowledges that the FRA may be requested to provide an exemption for non-compliant equipment to operate in the same corridor with the HST project, if the Caltrain alignment between San Francisco and San Jose is included in the network alternative ultimately selected by the Authority for further study. This is discussed in the May 2008 Final Program EIR in Chapter 2, pp. 2-16 to 2-17, with respect to the Caltrain Corridor. In May 2010, the FRA provided a waiver to the Peninsula Corridor Joint Powers Board to allow for non-compliant equipment to operate on the Caltrain Corridor as part of Caltrain Electrification.

#### **40-355**

Streets and Highways Code Section 2704.09 sets forth certain HST system characteristics, including trip times between certain cities, Oakland among them. Also, Section 2704.09(b) states that nothing in this section shall prejudice the Authority's determination and selection of the HST alignment from the Central Valley to the Bay Area. The 2008 Final Program EIR considers alternatives that would serve Oakland, includes three potential station locations in Oakland, and notes the ability to meet the requisite express (non-stop) trip times between cities. For example see the Final Program EIR Volume

1, Chapter 2, summary table 2.5-1 (p. 2-23 to 2-26), text and diagrams; Volume 2, Appendix 2-F-16 through 24, and Volume 1, Chapter 7, p. 7-9. Oakland was not included in the preferred alternative. See the Final Program EIR Volume 1, Chapter 8. The information in the 2012 Partially Revised Draft Program EIR did not alter the preferred alternative identified in the 2008 or 2010 program EIRs. See Page 6-2 of the 2012 Partially Revised Draft Program EIR.

#### **40-356**

This appears to be a comment specific to the 2010 Revised Program EIR. The Authority disagrees that the project description of the 2008 Final Program EIR, or the 2010 Revised Program EIR, did not adequately describe or disclose that there was an HST segment along the San Francisco Peninsula between San Francisco and San Jose. See Chapter 2, Section 2.5.1, of the 2008 Final Program EIR for a description of segments including between San Francisco and San Jose and also see Chapter 10 for a discussion of outreach. See Chapter 1 in the 2010 Revised Draft Program EIR for the basis for preparing and circulating the Revised Draft Program EIR.

To the extent this comment also applies to the Partially Revised Draft Program EIR, please refer to Chapter 1 in 2012 Partially Revised Draft Program EIR for the basis for preparing and circulating the Partially Revised Draft Program EIR.

The public process undertaken for outreach regarding the Program EIR process was comprehensive and fully compliant with CEQA. Public notification of the release of the 2008 Program EIR, the 2010 Revised Program EIR, and the 2012 Partially Revised Program EIR was extended to include notification a large population of individuals, public entities, and organizations. The Notice of Availability and Notice of a Public Meeting for the Partially Revised Draft Program EIR was published in 11 newspapers and distributed to 16 libraries throughout Bay Area and Central Valley. CEQA includes no specific requirements for holding public meetings in conjunction with release of a Draft EIR or a revised Draft EIR. The Authority did more than CEQA requires by holding two public meetings: one to receive comment on the Revised Draft Program EIR in April 2010 in San Jose, and one in February 2012 in San Jose to receive comment on the Partially Revised Program EIR.

**40-357**

Detailed and updated cost estimates will be included in the Project EIR/EIS documents for each section. 2006 costs were used to compare with other cost estimates prepared as part of the 2008 Final Program EIR. The use of cost figures expressed in 2006 dollars is discussed at Page 6-1 of the Partially Revised Draft Program EIR.

**40-358**

The comment does not identify any specific mitigation strategy that is inadequate. Mitigation strategies are discussed in an adequate level of detail in the 2008 Final Program EIR, 2010 Revised Final Program EIR, and the 2012 Partially Revised Draft Program EIR. Refer to Standard Response 3 regarding the level of detail for impacts analysis and mitigation.

**40-359**

This topic was not identified by the Superior Court as an area requiring additional work under CEQA in the Town of Atherton litigation. Appropriate significance criteria have been used for the Authority's CEQA program-level documents.

**40-360**

This appears to be a comment specific to the 2010 Revised Program EIR. The 2010 Revised Draft Program EIR addressed the issues identified by the Superior Court in the Town of Atherton case for further CEQA compliance, including the issue of property impacts as they relate to UPRR's denial of use of its right-of-way. Other types of local impacts were not identified by the court as requiring further CEQA compliance. The court did hold that local impacts such as noise, visual, and effects on mature and heritage trees were adequately assessed for a program EIR. To the extent this comment also applies to the Partially Revised Draft Program EIR, the level of detail in the Partially Revised Draft Program EIR is appropriate for a first-tier document. Refer to Standard Response 3 regarding the level of detail appropriate at the program level.

**40-361**

This appears to be a comment specific to the 2010 Revised Program EIR, and cites text from the 2010 Revised Program EIR. In response to this comment, the Authority previously indicated that impacts on biological resources were considered in Chapter 3.15 of the May 2008 Final Program EIR. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. The analysis in Section 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific wetland type, quality, habitat conditions, and impacts along the HST alternative and surrounding areas. At the project level, the Authority is committed to working with the resource agencies to identify alignments that would further avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

The Authority did not "only equate miles of disturbance with environmental impacts" as suggested. However, in some cases, miles of disturbance can be helpful towards explaining differences in potential impacts between alternatives. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 3.15 of the 2008 Final Program EIR. As noted in Chapter 8 of the Final Program EIR, the U.S. EPA and the U.S. Army Corps of Engineers concurred with this level of information to identify the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008. To the extent this comment also applies to the Partially Revised Draft Program EIR, the discussion in Chapter 6 identifies length of alignments and acreage of wetland, floodplain, stream, and water body impacts as factors

that were considered in determining the preferred alternative. The Authority did not determine that “one acre of wetlands in one location is equivalent to one acre elsewhere.” However, comparing acreage of wetlands can be helpful towards explaining differences in potential impacts between alternatives. The analysis of wetlands was appropriate for a first-tier environmental analysis.

#### **40-362**

This appears to be a comment specific to the 2010 Revised Program EIR. In response to this comment, the Authority previously indicated that impacts on biological resources were considered in Chapter 3.15 of the 2008 Final Program EIR. The biological analysis was based on the thresholds and criteria set in CEQA Appendix G. Impacts on nonsensitive species and habitats were not considered a criterion to base decisions of identifying a preferred alternative. Methods of impact evaluation for the project were developed with input from both state and federal resource agencies. Additional detailed information regarding potentially affected species will be provided in the subsequent project-level environmental evaluation and documentation. This information will include species descriptions, distribution, seasonal activity, range, reproduction, habitat characteristics, population status, threats, conservation status, and a detailed evaluation of effects of the project and proposed mitigation.

To the extent this comment also applies to the Partially Revised Draft Program EIR, the Authority’s previous response as set forth above remains valid.

#### **40-363**

This appears to be a comment specific to the 2010 Revised Program EIR. In response to this comment, the Authority previously referred the commenter to Chapter 3.15 of the 2008 Final Program EIR. The analysis in Section 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific habitat conditions and impacts along the entire preferred HST network alternative and surrounding areas. This detailed analysis will identify specifically where there are construction and operation impacts, including noise, vibration, and

potential pollution concerns, on critical wildlife corridors, wetlands, sensitive habitat, and special-status species. At the project level, alignments would be further designed to avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

To the extent this comment also applies to the Partially Revised Draft Program EIR, the Authority’s previous response as set forth above remains valid.

#### **40-364**

This appears to be a comment specific to the 2010 Revised Program EIR. In response to this comment, the Authority previously indicated that the 2010 Revised Final Program EIR included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the mainline right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of biological resources and wetland impacts as included in the May 2008 Final Program EIR. Moreover, the study area as discussed in the 2008 Final Program EIR extended out 1,000 ft. in urban areas and 0.25 mile in rural areas on each side of the alignment. The impacts analysis in the 2008 Final Program EIR therefore remains valid.

To the extent this comment also applies to the Partially Revised Draft Program EIR, the Authority’s previous response as set forth above remains valid.

#### **40-365**

Nothing about the Partially Revised Program EIR changes anything about the prior analyses of cultural resources. The revised project description between San Jose and Gilroy provided in Chapter 2 of the 2010 Revised Final Program EIR did not result in changes to the discussion of cultural resources from the 2008 Program EIR beyond the Keesling’s shade trees. The analysis for cultural resources in

Chapter 3.12, Cultural Resources and Paleontological Resources, in the May 2008 Final Program EIR evaluated an Area of Potential Effect (APE) of 500 ft. on each side of the centerline of proposed HST alignments where additional right-of-way could be needed; 100 ft. on each side of the centerline for HST alignments along existing highways and railroads where very little additional right-of-way would be needed; and 500 ft. around station locations. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact at the program level beyond what was identified in the Revised Draft Program EIR. A detailed cultural resources investigation and evaluation of measures to minimize and mitigate impacts consistent with Section 106 of the National Historic Preservation Act will be conducted as part of project-level environmental documents.

Throughout the program environmental process, the Authority and FRA have consulted with the State Historic Preservation Office (SHPO) regarding the HST project. At the program level, the FRA and the Authority initiated consultation with the California Native American Heritage Commission (NAHC) and requested a search of their Sacred Lands file to identify any traditional cultural properties that could be potentially impacted or affected by the project, and requested lists of Native Americans to contact for the areas that could be affected by the project, as required by 36 CFR § 800.4(1)(4). The FRA and Authority have coordinated with Native Americans as part of the program environmental process identifying proposed project alternatives and requesting information about any archaeological sites, traditional cultural properties, or sacred sites that could be affected by the project. Authority staff contacted tribal representatives to discuss the HST Alignment Alternatives under consideration for the Bay Area to Central Valley.

Cultural resources studies for the program included records searches obtained from the appropriate California Historical Resources Information System (CHRIS) Information Centers. The records searches identified the general locations of previously recorded archaeological sites in the APE. Prior studies were also reviewed to identify site locations and to identify areas with high archaeological sensitivity. The method used to predict potential effects and impacts of the HST program on historic properties and historical resources

was based upon estimating the amount of historic development that occurred along each proposed alignment alternative and the records search. These estimates were based upon review of existing documentation, including historical maps, aerial photographs, and local inventories, and the preparers' knowledge of the history of the region. No field surveys to identify archaeological resources or historic-period properties/resources were conducted, nor would this be appropriate for a program-level analysis. Surveys will be conducted as part of the project-level EIR/EIS. The Authority and FRA worked with the SHPO on the phased approach for cultural resources.

See Chapter 3.12 of the 2008 Final Program EIR for mitigation strategies. Resource-specific cultural resources mitigation measures such as those resulting from noise, vibration, and visual intrusion will be developed as part of the project-level EIR/EIS and through Section 106 of the National Historic Preservation Act. Under Section 106 (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level.

#### **40-366**

One purpose of the 2010 Revised Program EIR was to examine the potential effects on the need for property of UPRR denying use of its right-of-way. Chapter 3 of the 2010 document analyzes the potential for land use compatibility and property impacts, concluding that at the first tier, these impacts are significant. The 2010 Revised Program EIR analyzed the different corridors under study to determine whether there were any new land use or property impacts related to UPRR's denial of use of its right-of-way. Chapter 3 of the 2010 document explains that the Caltrain Corridor between San Francisco and San Jose is unique because the rail right-of-way is publicly owned by the Peninsula Corridor Joint Powers Board

(PCJPB), which has expressed its willingness to cooperate with the Authority on HST service on this corridor. Thus, we disagree that it is likely that the HST system would have to be relocated outside the Caltrain right-of-way. The 2010 Revised Program EIR concluded that land use impacts of the HST alternatives overall would be considered significant. Nothing about the Partially Revised Program EIR changes this significance conclusion.

#### **40-367**

Chapter 3 of the 2010 Revised Final Program EIR explains that the need to widen the size of the existing rail right-of-way in the San Francisco to San Jose Corridor to accommodate four tracks and UPRR freight operations would result in a need for property acquisition at a higher level than previously disclosed in the 2008 Final Program EIR. The 2010 Revised Program EIR concluded that land use impacts of the HST alternatives overall would be considered significant, based upon the analysis in Chapter 3. The Authority disagrees that the rail corridor would need to be relocated. Refer to Response to Comment 40-366 explaining why the Authority does not agree there is a need to locate the corridor completely outside such a publicly-owned right-of-way. The Authority has analyzed land use impacts adequately at the first tier, as described in Chapter 3 of the 2010 Revised Final Program EIR. The Authority will not make a decision on the vertical profile of the track, as the vertical profile of the track is a design detail that will be considered as part of second-tier project planning and environmental review.

#### **40-368**

Chapter 4 of the Partially Revised Draft Program EIR contains a first tier, program-level analysis of construction impacts and mitigation strategies, and concludes that construction impacts would be significant event with the application of mitigation strategies in some resource areas, including land use impacts. A detailed impacts analysis of the addition of the HST service to the Caltrain Corridor will be undertaken as part of project-level engineering and environmental analyses. It is assumed in the Program EIR that for HST alternatives using the Caltrain Corridor, HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies

(temporary detours for railway tracks) would be necessary. The specific project design and temporary construction impacts cannot be fully assessed until additional engineering design detail is provided and the full extent of impacts cannot be understood until studies are conducted during the project-level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. See Chapter 4 of the Partially Revised Draft Program EIR.

#### **40-369**

Please see Chapter 3.4 of the 2008 Final Program EIR and Chapter 2 of the 2012 Partially Revised Draft Program EIR. More detailed information and analysis of noise and vibration impacts on sensitive receptors and mitigation measures will be part of a project-level EIR/EIS because the determination of impact is a product of more detailed HST system design and engineering, and requires additional study at the project level. Refer also to Standard Response 3 regarding the level of detail for impacts analysis and mitigation.

The noise and vibration analysis in the 2008 Final Program EIR identified potential noise and vibration impacts on sensitive receptors or receivers, such as residences, schools, hospitals, and parklands. Chapter 3.4 also discusses the potential benefits of adding grade separations for existing railroads. Because this is a program-level environmental document, the analysis of potential noise and vibration impacts broadly compares the relative differences in

potential impacts between the alternatives and HST alignment options. General mitigation strategies are also discussed. Refer also to Response to Comment 40-271.

**40-370**

More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs. The 2008 Final Program EIR and 2012 Partially Revised Draft Program EIR identified that the HST project would result in significant impacts on the physical environment. Mitigation for noise and vibration impacts are presented in Chapter 3.4 of the 2008 Final Program EIR and Chapter 2 of the 2012 Partially Revised Draft Program EIR, and will be further reviewed and evaluated in project-level environmental documents for selected alignments, stations, and other system facilities when more detailed information will be available regarding system engineering and design and alignment locations. Also see Chapter 3.12, Cultural Resources and Paleontological Resources in the 2008 Final Program EIR. Refer to Standard Response 3 regarding the level of detail for impacts analysis and mitigation and Response to Comment 40-365.

**40-371**

Refer to the Response to Comment 40-369.

**40-372**

Refer to the Response to Comment 40-370.

**40-373**

Refer to the Response to Comment 40-369. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives is being carried forward in the project-level analyses.

**40-374**

Refer to the Responses to Comments 40-268 and 40-369.

**40-375**

Refer to the Response to Comment 40-369. The project-level noise analysis will address the noise levels with mitigation in place, including noise from other sources.

**40-376**

Refer to Response to Comment 40-243.

**40-377**

Refer to Response to Comment 40-256.

**40-378**

The program-level environmental process does not involve design detail sufficient to be able to determine impacts on the tree canopy along Alma Street. A second-tier analysis would require a greater understanding of the planned vertical profile of the track, a design detail that will be considered as part of second-tier project planning and environmental review. Possible avoidance or minimization of impacts on mature and heritage trees will be reviewed in detail and mitigation for any loss of trees will be developed.

**40-379**

The issues of noise, visual, dust, and access are discussed in Chapter 3.16 Section 4(f) and 6(f) Resources (Public Parks and Recreation) of the 2008 Final Program EIR at an appropriate level for a program-level review. More detailed analyses related to impacts on recreational resources during construction and operation will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. Refer also to Standard Response 3 regarding the level of detail for impacts analysis and mitigation.

**40-380**

See Chapter 3 of the 2012 Partially Revised Program EIR and Chapters 3.1 and 2 of the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material, respectively. The analysis conducted was appropriate at the program level. The transportation

plans and policies of local jurisdictions will be reviewed and included in the project-level traffic analysis.

#### **40-381**

See Chapter 3 on traffic impacts and Chapter 4 on construction impacts of the 2012 Partially Revised Program EIR and See Chapters 3.1 and 2 of the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material, respectively. The analysis conducted was appropriate at the program level. The program-level EIR/EIS provided a general overview of construction impacts. More detailed analysis of construction impacts will be fully analyzed at the project-level EIR/EIS. Potential changes in traffic volumes on regional roadways that result from project construction and effect of the changed traffic volumes on operations of roadways and critical intersections will be evaluated. A detailed traffic analysis identifying construction-period road closures is not feasible at this stage of project development because the project design has not sufficiently progressed to determine these location-specific effects. Please refer to Response to Comment 40-265 on Partially Revised Program EIR's analysis of the potential for lane closures.

#### **40-382**

HST station-area impacts are addressed at a level of detail appropriate to the first tier Program EIR. Station-area parking and traffic impacts are discussed in Chapter 3.1 of the 2008 Final Program EIR, and Chapter 3 of the Partially Revised Program EIR. The Partially Revised Program EIR discloses that construction impacts may be significant at the program level relating to station-area traffic. A detailed analysis of traffic and potential parking impacts near HST stations and feasible mitigation measures will be included in the traffic impact analysis study at the project-level EIR/EIS. The analysis of number of parking spaces required and the placement of the parking facilities will be conducted in the project-level EIR/EIS. This information will be documented in a Traffic, Transit, Circulation and Parking Report. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent

neighborhoods. Please refer to Responses to Comments 40-311 and 40-312 for a discussion of a Palo Alto HST station in particular.

#### **40-383**

The Partially Revised Program EIR disclosed the potential, at the program level, for adverse impacts on connecting commuter rail service, including Caltrain, related to phased implementation. Detailed analysis of traffic, circulation, parking, pedestrian and bicycle facilities and transit services will be provided at the project-level EIR/EIS. Information about rental cars will also be provided at this stage.

#### **40-384**

Refer to Response to Comment 40-383.

#### **40-385**

Detailed analysis of traffic, circulation, parking, pedestrian and bicycle facilities and transit services will be provided at the project-level EIR/EIS.

#### **40-386**

This comment is addressed in Sections 3.2 and 3.3 of the 2012 Partially Revised Draft Program EIR. Table 3-2a and Table 3-2b of the document present the 2010 and 2035 traffic conditions including traffic volumes on Monterey Highway with and without the narrowing. As seen in Table 3-2a, without the narrowing, the eight segments of Monterey Highway between Southside Drive and Bailey Road operate primarily at LOS A during the peak hours, showing mostly free-flow conditions in the corridor. Only two segments are projected to operate at LOS D during the morning peak hour, in the northbound direction.

As shown in these tables, there would be significant impacts due to the narrowing. In 2010 during the morning peak hour, two of the eight northbound segments of Monterey Highway are forecasted to have potentially significant impacts due to the narrowing. In 2035 one to five of the eight segments on Monterey Highway are projected to have potentially significant impacts, depending on the peak hour and travel direction. However, it should be noted that this

analysis does not take into account the traffic that would be diverted from the local roadway system to the HST. This diversion could reduce the aforementioned impacts. This level of analysis will be conducted at the project level and will be documented in the project-level environmental document and traffic report.

Lane narrowing that reduces a roadway's capacity to handle a particular volume of traffic will frequently result in drivers diverting to adjacent roadway facilities. As shown in Tables 3-2a and 3-2b, due to the reduction in roadway capacity, traffic volumes on Monterey Highway are projected to decrease. Section 3.3 presents the projected impacts on the surrounding street network due to the narrowing (without considering the mode-shift to HST). All roadway segments which would degrade from LOS D or better to LOS E and the roadway segments already operating at LOS E and forecasted to have 100 or more additional vehicles per hour due to the narrowing are presented in Figures 3.2-b, 3.3-b, 3.4-b and 3.5-b.

#### **40-387**

Please see Chapter 3 of the 2012 Partially Revised Draft Program EIR for a first-tier analysis of traffic impacts resulting from the loss of lanes on the San Francisco Peninsula.

#### **40-388**

Refer to Response to Comment 40-355. A reference to express trip times means no need to change trains between the cities noted. See discussion in Chapter 2 of the 2008 Final Program EIR of a route from San Jose to Oakland via Altamont alternatives. More detailed budget costs for Altamont alternatives are beyond the scope of this program EIR and more detailed station designs for San Jose will properly be considered in future project EIR/EIS analyses.

#### **40-389**

Refer to Response to Comment 40-350.

#### **40-390**

Refer to Standard Response 10, Alternatives, of the 2010 Revised Final Program EIR.

#### **40-391**

The Superior Court in the Town of Atherton cases did not find fault with the ridership forecasts or the project definition between San Francisco and San Jose. Refer to Standard Response 4 in the 2010 Revised Final Program EIR, Comments about the Ridership forecasts, and Standard Response 8 in the 2010 Revised Final Program EIR, The Authority's Business Plan (refer to Chapter 12 of the 2010 Revised Final Program EIR). The Final Program EIR includes both Pacheco Pass and Altamont Pass HST Alternatives that include direct HST service to both the East Bay and Peninsula.

#### **40-392**

Comment noted. The project-level analysis that these comments refer to is presently on hold for the section from San Francisco to San Jose. The comments from 40-392 to 40-410 are comments on the second tier Supplemental Alternatives analysis report from San Francisco to San Jose. These are not comments on any of the program EIR documents. The Authority is making every effort to respond to these comments as they may relate to the program EIR analysis.

#### **40-393**

The City's position and the guiding principles provided in the comment letter are noted. Please refer to Chapter 2 of the 2008 Final Program EIR and Standard Response 10, Alternatives, of the 2010 Revised Final Program EIR, for a discussion of the alternatives evaluation and selection process.

#### **40-394**

Comment noted. Existing Caltrain road crossings in Palo Alto are presently a mixture of grade separated and at-grade crossings. This first tier program-level analysis is designed to assist in the selection and approval of a regional network alternative including preferred alignments and station locations for future study in the project-level analysis. Once a preferred alignment is approved, vertical design options will be designed and the beneficial and adverse impacts of grade separations over the tracks will be evaluated, including potential impacts on community cohesion, land acquisition, and

traffic. For adverse impacts identified during the project-level analysis, specific mitigation measures will be provided to reduce or avoid these impacts. Please refer to Chapter 5 of the Partially Revised Draft Program EIR for a discussion of grade separations.

Please refer to Standard Response 3 regarding the level of detail required at this phase of project development and the analysis that will be undertaken for the second-tier evaluation once a preferred network alternative is approved.

#### **40-395**

The comment proposed a blended-system concept similar to that presently in development by the Authority as discussed in the 2012 Business Plan. Please refer to Standard Response 1 for additional information on the planning process for this blended system concept.

#### **40-396**

This comment relates to work that was prepared during the Preliminary Alternatives Analysis related to land acquisition and project costs, and does not appear to address the Partially Revised Final Program EIR. To the extent this comment applies to the Partially Revised Program EIR, please refer to Chapter 6 of the Partially Revised Draft Program EIR for a discussion of the staff recommendation for a preferred network alternative.

#### **40-397**

This comment relates to work that was prepared during the Preliminary Alternatives Analysis related to land acquisition and project costs, and does not appear to address the Partially Revised Draft Program EIR. To the extent this comment applies to the Partially Revised Program EIR, please refer to Chapter 6 of the Partially Revised Program EIR for a discussion of the staff recommendation for a preferred network alternative.

#### **40-398**

A preliminary evaluation of potential traffic impacts related to lane closures along Alma Street has been provided in Chapter 3 of the Partially Revised Final Program EIR. Additional information on the potential traffic and secondary impacts of any lane closures or

roadway width reductions determined to be necessary will be provided in the second-tier analysis once a preferred alignment alternative is approved. Emergency response access will be a consideration in subsequent engineering and environmental work for each alternative studied at the project level.

#### **40-399**

This appears to be a comment specific to the 2010 Preliminary Alternatives Analysis Report for the San Francisco to San Jose Section. To the extent this comment also applies to the Partially Revised Draft Program EIR, the program-level environmental process does not involve design detail sufficient to be able to determine impacts on the tree canopy along Alma Street. A second-tier analysis would require a greater understanding of the planned vertical profile of the track, a design detail that will be considered as part of second-tier project planning and environmental review. Possible avoidance or minimization of impacts on mature and heritage trees will be reviewed in detail and mitigation for any loss of trees will be developed.

Please refer to Standard Response 3 regarding the level of detail required at this phase of project development and the analysis that will be undertaken for the second-tier evaluation once a preferred programmatic alternative is approved.

#### **40-400**

Two separate comments are numbered in the comment letter as comment C.5-42. A response has been provided for each.

This first tier program-level analysis is designed to assist in the selection and approval of a regional network alternative including preferred alignments and station locations for future study in the project-level analysis. Once a preferred alignment is approved, vertical design options will be designed and the beneficial and adverse impacts of grade separations over the tracks will be evaluated, including potential impacts on community cohesion, land acquisition, and traffic. For adverse impacts identified during the project-level analysis, specific mitigation measures will be provided to reduce or avoid these impacts.

Please refer to Standard Response 3 regarding the level of detail required at this phase of project development and the analysis that will be undertaken for the second-tier evaluation once a preferred network alternative is approved.

**40-401**

The Authority is working with Caltrain and other transit providers to evaluate potential opportunities for a phased construction and/or a blended-system option that could reduce project costs, construction time, and local disruptions. For a discussion of this planning process, please refer to Chapter 5 of the Partially Revised Draft Program EIR and Standard Response 1.

**40-402**

In this program-level analysis the four-track system being evaluated along the San Francisco peninsula assumes that the four tracks would be interoperable for any type of rail service. This provides the most flexibility in rail operations and is the most conservative assumption in regards to where freight trains may operate in the corridor. Potential impacts on individual stations are possible to accommodate this shared-use system and will be evaluated in project-level engineering and environmental work once a preferred programmatic alternative alignment is selected. Chapter 3 of the Partially Revised Draft Program EIR includes an analysis of potential impacts associated with freight traffic being moved closer to neighboring land uses. The project design has not been sufficiently developed to identify precisely how freight service will operate on the corridor, but it is anticipated based on preliminary design that the infrastructure to maintain freight service in the San Francisco to San Jose Corridor can be accommodated within the project alignment studied in the 2008, 2010 and 2012 programmatic EIRs.

**40-403**

This comment relates to text in the Preliminary Alternatives Analysis. An extensive analysis of the potential environmental and land use impacts associated with different network alternatives and alignments is the subject of the 2008, 2010, and 2012 program-level EIRs.

**40-404**

This appears to be a comment specific to the 2010 Preliminary Alternatives Analysis Report for the San Francisco to San Jose Section, and the mitigation discussed in that report. To the extent this comment also applies to the Partially Revised Program EIR, the Partially Revised Final Program EIR presents general mitigation strategies that are appropriate in a program-level evaluation to indicate potential mitigation measures that can be later applied during the project-level analysis. For additional information on the appropriateness of mitigation strategies at the program-level of analysis, please see Standard Response 3.

**40-405**

Funding for the California High Speed Train project will come from a variety of sources. The Authority, through its business planning activities has identified local funding as one possible source of funds for paying for overall project costs.

Environmental mitigation costs are included in overall project costs and a project cost and funding evaluation study will be part of the tier 2 (project level) environmental process. As the Authority works to identify appropriate funding opportunities for its project partners including federal, state, local and private entities, "who pays for what" will be determined and considered in the funding plan.

**40-406**

At this level of design, no changes to local access to the Palo Alto High School have been identified, including pedestrian, bicycle and automobile access. The Authority is aware of the constraints presented by the high school and will work with the City during the project-level design phase to avoid impacts if possible if the Pacheco Pass, San Francisco via San Jose network alternative is approved as the preferred alternative.

**40-407**

It is not anticipated that HST-generated noise and vibration would increase noise and vibration levels such that it would render the school site unviable. The project-level noise evaluation will specifically evaluate noise-sensitive land uses along the selected

corridor, including schools and provide mitigations for any impacts identified at these locations. Please see Chapter 3.4 in the 2008 Final Program EIR and Chapter 2 in the 2012 Partially Revised Draft Program EIR. Please refer to Response to Comment 40-268.

#### **40-408**

A preliminary evaluation of potential traffic impacts related to lane closures along Alma Street has been provided in Chapter 3 of the Partially Revised Final Program EIR. Additional information on the potential traffic and secondary impacts of any lane closures or roadway width reductions determined to be necessary will be provided in the second-tier analysis once a preferred alternative alignment is approved.

#### **40-409**

Comment noted. Existing Caltrain road crossings in Palo Alto are presently a mixture of grade separated and at-grade crossings. This first tier program-level analysis is designed to assist in the selection and approval of a regional network alternative including preferred alignments and station locations for future study in the project-level analysis. Once a preferred alignment is approved, vertical design options will be designed and the beneficial and adverse impacts of grade separations over the tracks will be evaluated, including potential impacts on community cohesion, land acquisition, and traffic. For adverse impacts identified during the project-level analysis, specific mitigation measures will be provided to reduce or avoid these impacts. Please refer to Chapter 5 of the Partially Revised Draft Program EIR for a discussion of grade separations.

Please refer to Standard Response 3 regarding the level of detail required at this phase of project development and the analysis that will be undertaken for the second-tier evaluation once a preferred network alternative is approved.

#### **40-410**

Comment noted. Impacts of HST construction, operation, and maintenance on the historic homes in Palo Alto, which are listed on the National Register of Historic Places, will be further analyzed as part of the project-level EIR/EIS. A discussion of cultural resources in

or near the alternative alignments under consideration is provided in Section 3.12 in the 2008 Final Program EIR. Resource-specific cultural resources mitigation measures such as those resulting from noise, vibration, and visual intrusion will be developed as part of the project-level EIR/EIS and through the Section 106 consultation process. Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level. Subsequent project-level environmental analysis will evaluate historic structures and districts and will consider this historic status if mitigation measures are required that would require physical alterations to such structures. Please refer to Response to Comment 40-365.

#### **40-411**

Comment noted. Responses to the comments incorporated by reference are provided. The project-level analysis that these comments refer to is presently on hold for the section from San Francisco to San Jose.

#### **40-412**

The Authority did evaluate a range of alternatives that did not rely on the UPRR's ROW. Chapter 3 of the 2010 Revised Final Program EIR evaluates a range of feasible alternatives for both the Pacheco and Altamont network alternatives that are outside of the UPRR ROW. Potential land use, agriculture, traffic, and aesthetics impacts are evaluated in Chapter 2 of the 2010 Revised Final Program EIR. Additional noise and traffic studies for the Caltrain and Monterey highway alignments are presented in this 2012 Partially Revised Final Program EIR. Air quality was not revisited as part of either of the documents due to the fact that the potential impacts are regional in nature and would not change based on the shifting of alignments.

**40-413**

In this programmatic phase, the Authority will be making decisions on whether to approve a network alternative, preferred alignments, and preferred station locations for further study in project-level EIRs. Once the preferred programmatic alignment has been approved, subsequent project-level analysis will evaluate different vertical alignment alternatives within the selected programmatic alignment. Please refer to the discussion of grade separations in Chapter 5 of the Partially Revised Draft Program EIR.

It should be noted, that the Authority placed its project-level work for San Francisco to San Jose on hold in May 2011. No decisions have been made about a second-tier project or the scope of environmental analysis in a second-tier EIR. At this time, it is anticipated that any further work on a second-tier project would have to start afresh, with a new second-tier planning and CEQA process and a new notice of preparation.

**40-414**

This revised description of the HST alignment in the 2010 Revised Final Program EIR clarifies that the HST tracks would be placed adjacent to, and not within, the mainline right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of farmland impacts as included in the May 2008 Final Program EIR, however, because that analysis already considered land beneath a road or railroad right-of-way as potential farmland, as defined by the California Department of Conservation Farmland Mapping and Monitoring Program. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact. The mitigation strategies included in the May 2008 Final Program EIR include permanent protection for farmlands by securing easements or participating in mitigation banks, and coordination with local, state, federal, and private farmland protection programs. Although the Authority's decisions related to the 2008 Final Program EIR were rescinded, similar mitigation strategies are expected to be considered by the Authority in future decisions on the Partially Revised Final Program EIR, including a programmatic mitigation monitoring and reporting plan, and would be further refined and

applied in the second-tier project-level EIR/EISs as more detailed information becomes available.

**40-415**

This appears to be a comment specific to the 2010 Revised Program EIR, and cites text from the 2010 Revised Program EIR. Please refer to Response to Comment 40-361.

**40-416**

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose Corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously exist would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project-level alternatives screening.

Please refer to Response to Comment 40-284.

**40-417**

Refer to Chapter 3, Sections 3.1 through 3.17, in the 2008 Final Program EIR where definition of each of the study corridors of each of the impact categories is discussed. See the methodologies within each of these sections for detail on study corridor widths. More detailed analysis of specific direct and indirect impacts will be included as part of project-level analyses. With respect to noise impacts in particular, please refer to Response to Comment 40-270.

# Submission 41 (Marian Lee, Caltrain Peninsula Corridor Joint Powers Board February 21, 2012)



February 21, 2012

Mr. John Mason  
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Sacramento, CA 95814

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02-21-12 10:07 RCVD

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RE: Bay Area to Central Valley High-Speed Train Partially Revised Draft Program EIR

Dear Mr. Mason,

Thank you for the opportunity to comment on the Bay Area to Central Valley High-Speed Train Partially Revised Draft Program EIR.

41-34  
41-35  
41-36  
41-37

While we understand that the document reflects primarily the changes mandated by the court, we are compelled to state for the record that a full-build, four-track option along the Caltrain corridor is not under consideration.

We are working diligently with representatives of local communities and other stakeholders in pursuing the blended system as referenced in the draft business plan produced subsequent to the Program Level EIR. The blended system is the only approach we are willing to embrace.

Additionally, a number of the stakeholders with whom we are working have expressed a desire for an extension of the time allotted for their comments. We would appreciate it if you would give consideration to such a time extension.

We are pleased to see a discussion of the blended system concept in Section 5 and it is our intention to continue to proceed with current planning efforts in partnership with our local stakeholders.

Throughout the partially revised draft program EIR, there is continued discussion of a full-build project in the Caltrain corridor and associated impacts. As stated in our comment letter on the draft high-speed rail business plan, we are not willing to pursue a planning process that contemplates a full-build project.

If you have any questions, please feel free to contact me at [leem@samtrans.com](mailto:leem@samtrans.com), 650-622-7843.

Sincerely,

Marian Lee, AICP  
Director, Caltrain Modernization Program

Copy:  
Michael Scanlon, JPB  
Seamus Murphy, JPB  
Dom Spaethling, Consultant to CHSRA  
Katherine Strehl, Consultant to CHSRA

PENINSULA CORRIDOR JOINT POWERS BOARD  
1250 San Carlos Ave. – P.O. Box 3006  
San Carlos, CA 94070-1306 650.508.6269

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## Response to Submission 41 (Marian Lee, Caltrain (Peninsula Corridor Joint Powers Board), February 21, 2012)

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### **41-34**

Please refer to Standard Response 1 in this document, which discusses the planning and coordination process on-going for developing the blended-system concept.

### **41-35**

The commenter requests that consideration be given to extend the comment period for review of the Partially Revised Draft Program EIR. The Partially Revised Draft Program EIR was circulated for public review for a period of 45 days. The Partially Revised Draft Program EIR contains information on a limited number of topics in response to the *Atherton* November 2011 court rulings (refer to Section 1.2). The Authority has determined that a 45-day review period is an adequate length of time for a complete review of the topics contained therein.

### **41-36**

Comment acknowledged. Please refer to Standard Response 1 in this document, which discusses the planning and coordination process on-going for developing the blended-system concept.

### **41-37**

The Authority acknowledges the concerns regarding a full-build project raised by Caltrain. Refer to Standard Response 1 for a discussion of the blended system concept.

# Submission 42 (Carter Mau, San Francisco Bay Area Rapid Transit District, February 16, 2012)



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P.O. Box 12688  
Oakland, CA 94604-2688  
(510) 464-6000

3949  
02-21-12/10:03 RCYD

2012

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5TH DISTRICT

42-38

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6TH DISTRICT

Lynette Sweet  
7TH DISTRICT

James Fang  
8TH DISTRICT

Tom Radulovich  
9TH DISTRICT

February 17, 2012

Roelof van Ark  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

Subject: Comments from BART on Bay Area to Central Valley Partially Revised Draft Program Environmental Impact Report

Dear Mr. van Ark:

This letter provides the comments of the San Francisco Bay Area Rapid Transit District (BART) on the Bay Area to Central Valley Partially Revised Draft Program Environmental Impact Report (Revised DPEIR) of the California High Speed Rail Authority (CHSRA). BART appreciates the opportunity to comment on this document.

As you know, BART has been working with CHSRA and its consultants for several years on the planning and environmental work in two corridors – San Francisco to San Jose, and the Altamont Corridor. BART has submitted comments during scoping and also to comment on a number of prior CHSRA documents, and BART staff has consistently supported connectivity with the high speed train system.

In prior letters on the Altamont Corridor project, we have identified issues that would need to be addressed because of the geographic overlap between the Altamont Corridor project and the BART to Livermore extension. We have noted the need to ensure a viable connection between the projects in the vicinity of Livermore, and the need to recognize the difficulties in funding two major rail projects in the same corridor. In December 2009 and May 2011, we submitted letters that requested that CHSRA evaluate phasing options that could first provide improvements in the Altamont Corridor to the east of Livermore, connecting to an extended BART line in Livermore, to be followed at a later date by improvements west of Livermore as ridership increases. We have discussed this concept with your consultants on the Altamont project, but we do not yet see this concept reflected in your documents.

The Revised DPEIR does discuss several potential phasing concepts for the statewide system, for both the Pacheco Pass and the Altamont corridors. For the statewide system Altamont alternative, discussed on pages 5-7 and 5-8, CHSRA proposes a possible temporary northern terminus for the statewide system at Union City BART, with all passengers transferring at Union City to BART for regional distribution to San Francisco, Oakland, and other Bay Area destinations. Union City currently experiences

42-38

BART Comments on Bay Area to Central Valley Partially Revised Draft Program EIR  
February 17, 2012

approximately 4000 entrances and 4000 exits per weekday. The figures cited in your draft document describe potentially an additional 25,000 entrances and 25,000 exits per day at this station, or a 625% increase in station usage.

If this concept advances, it will obviously require much more in-depth analysis and identification of substantial mitigations and investments for the BART system. The Revised DPEIR suggests that BART could potentially handle the additional riders by running more frequent trains with additional cars. BART is already planning for reduced headways by the Year 2035 to handle the additional future riders anticipated from the Silicon Valley Rapid Transit (SVRT) project and from background ridership growth in the region, and increasing capacity further would require substantial investments on many portions of the BART system; beyond what has already been considered to accommodate the SVRT extension and background regional growth. The document identifies some types of impacts that could be expected, but does not go far enough in anticipating the level of investment on the BART system that would be required to accommodate transfers from high speed trains at this station. Depending on the level of ridership anticipated, BART would require, at a minimum, substantial upgrades in the number of rail vehicles in the fleet, increases in station capacity, additional track capacity, additional maintenance facility capacity, upgrades to traction power and train control systems, and station access improvements. We would expect the details of these to be identified in the project-level environmental work for the Altamont Corridor.

Any temporary northern terminus at Union City is also likely to affect the Capitol Corridor operations. Consideration of the potential impacts or benefits to the Capitol Corridor should also be part of your analysis.

We look forward to working closely with the CHSRA in developing further information on this project. If you have any questions, please contact Duncan Watry in BART Planning at (510) 287-4840.

Sincerely,

Carter Mau  
Executive Manager, Planning and Budget

cc: Paul Oversier, Operations  
Charles Stark, TSD  
Jim Gravesande, TSD  
Don Allen, M&E  
David Kutrosky, Capitol Corridor  
Jim Allison, Capitol Corridor  
Val Menotti, Planning  
Marianne Payne, Planning  
Malcolm Quint, Planning  
Thomas Tumola, Operations Planning  
Duncan Watry, Planning

---

## Response to Submission 42 (Carter Mau, San Francisco Bay Area Rapid Transit District, February 21, 2012)

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### **42-38**

The Authority appreciates BART's participation in the planning process for the San Francisco to San Jose second-tier project, as well as for the separate Altamont Corridor Rail Project (ACRP). The Authority agrees that the HST's connectivity with other transportation systems such as BART is crucial to ensuring the mutual transportation benefits of both systems.

The first part of the comment is directed at the Altamont Corridor Rail Project, not the Program EIR for the HST project. Specifically, the comment notes BART's prior requests for a phasing option to be evaluated that would provide for the ACRP to be constructed to Livermore first, then allowing passengers to connect with BART to Livermore. Regarding the ACRP, a Supplemental Alternatives Analysis Report (SAA) is being prepared in anticipation of presentation to the Authority Board in the fall of 2012. The SAA will address phasing options specifically and the potential location(s) of connections with BART in Livermore. The SAA also will address any potential adjustments to the ACE and BART operating plans that would be required to facilitate such connections.

The Authority understands that there is a plan for Capitol Corridor trains to stop at the new Union City intermodal station in the near future, however since there is not current Capitol Corridor service at Union City this particular issue doesn't have sufficient information to be analyzed in this document. Should the Authority Board select an Altamont Pass network alternative with a final or temporary northern terminus at Union City BART at the conclusion of this Program EIR process, then second-tier, project-level analysis of such an alternative would be required, including consideration of impacts on existing transit systems such as the Capitol Corridor.

San Jose Diridon Station will most likely be a temporary northern terminal under the "Bay to Basin" step of the development of the statewide system. Under this scenario, passengers arriving from the south on the high speed train will have to transfer to a waiting

Caltrain trains to complete their journey to destinations on the Peninsula. At the project-level environmental evaluation, the Authority will further analyze potential impacts on Caltrain at San Jose Diridon Station.

As part of the regional rail service proposed by the ACRP, which is a separate project from the HST Project, the SAA will consider a BART connection at Union City and clarify how this interface would function. The impacts of the ACRP on Union City Station and BART system operations would be determined as part of a future project-level environmental analysis for the ACRP.

Submission 45 (John Ristow, Santa Clara Valley Transportation Authority, February 21, 2012)



3956  
02-21-12P02:03 RCVD



February 14, 2012

Mr. John Mason  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

**Subject: Bay Area to Central Valley HST Partially Revised Draft Program EIR Comments**

Dear Mr. Mason,

45-53 | Santa Clara Valley Transportation Authority (VTA), the Congestion Management Agency (CMA) and transit operator for Santa Clara County, has reviewed the Bay Area to Central Valley HST Partially Revised Draft Program EIR. As stated in our letter of April 9, 2010, VTA strongly supports the project and the recommended Bay Area alignment which includes the Pacheco Pass alignment as the preferred alternative – the alignment through Gilroy with a station running parallel to the UPRR corridor and joining the Caltrain right-of-way from San Jose to San Francisco.

45-54 | The Partially Revised Draft Program EIR addresses the Court ruling that the original and revised EIR did not adequately address a number of issues and should be used as a basis to complete a Project level EIR and EIS.

Thank you for the opportunity to review the program level EIR. We look forward to reviewing the project level transportation impact analysis in the future. In the meantime, VTA will continue to work with the Authority and our local cities to implement the Project.

Sincerely,  
  
John Ristow  
Chief CMA Officer

3331 North First Street • San Jose, CA 95134-1927 • Administration 408.321.5555 • Customer Service 408.321.2300

April 9, 2010

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

**Subject: Bay Area to Central Valley Revised Draft Program-Level EIR**

Dear Mr. Leavitt,

Santa Clara Valley Transportation Authority (VTA), the Congestion Management Agency (CMA) and transit operator for Santa Clara County, strongly supports the findings in the Revised Draft Program EIR for the Bay Area to Central Valley segment of the High-Speed Train Project which recommends the Pacheco Pass alignment as the entry point of the High-Speed Train system into the Bay Area. The recommended alignment through Gilroy, with a station, parallels Union Pacific Railroad (UPRR) tracks without using operating right-of-way and then joins the Caltrain right-of-way at San Jose Diridon Station. This best serves the travel needs of Santa Clara County by connecting the job centers of Silicon Valley with the statewide high speed rail network.

The Revised Draft Program EIR addresses Judge Kenny's ruling, that the original EIR did not adequately describe the alignment between Gilroy and San Jose. The revised project description parallels portions of the Union Pacific alignment in south Santa Clara County but will not use UPRR's operating right-of-way, instead using portions of the current Monterey Highway right-of-way. The Revised Draft Program EIR also addresses issues raised by UPRR regarding potential impacts to their freight operations.

The cooperative process between the California High-Speed Rail Authority, VTA, and the Cities of San Jose, Morgan Hill and Gilroy to identify a viable alignment through south Santa Clara County demonstrates the commitment the local governments of the County have to the Project and the spirit of the ongoing relationship we have with the Authority as we collectively continue to address the many challenging issues that are ahead of us.

VTA will continue to work with the Authority and our local cities to implement the Project and recommends the Authority, once again, affirm its support for the Pacheco Pass alignment and approve the Revised Draft Program EIR.

Sincerely,  
  
John Ristow  
Chief CMA Officer

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---

Response to Submission 45 (John Ristow, Santa Clara Valley Transportation Authority, February 21, 2012)

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**45-53**

The VTA's continued support for the HST project and the Pacheco Pass alignment via Gilroy and San Jose is noted.

**45-54**

Comment acknowledged.

# Submission 49 (David Warner, San Joaquin Valley Air Pollution Control District, February 21, 2012)



February 21, 2012

John Mason  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

**Project: Bay Area to Central Valley HST Partially Revised Draft Program EIR Comments**

**District CEQA Reference No: 20120027**

Dear Mr. Mason:

49-431

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of partial revisions to the draft Program Environmental Impact Report for the Bay Area to Central Valley High-Speed train project in CA, specifically addressing the San Francisco to San Jose section. The District has no comments at this time.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Patia Siong at (559) 230-5930.

Sincerely,

David Warner  
Director of Permit Services

  
Arnaud Marjollet  
Permit Services Manager

DW:ps

cc: File

Seyed Sadredin  
Executive Director/Air Pollution Control Officer

**Northern Region**  
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Modesto, CA 95356-8718  
Tel: (209) 857-8400 FAX: (209) 557-6475

**Central Region (Main Office)**  
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Fresno, CA 93726-0244  
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**Southern Region**  
3494B Flyover Court  
Bakersfield, CA 93308-9725  
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[www.valleyair.org](http://www.valleyair.org) [www.healthyairliving.com](http://www.healthyairliving.com)

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Response to Submission 49 (David Warner, San Joaquin Valley Air Pollution Control District, February 24, 2012)

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**49-431**

Comment acknowledged. The section teams will engage with District staff during the project-level EIR/EIS process.

Submission 50 (Brandt Grotte, City of San Mateo, February 21, 2012)



OFFICE OF THE CITY COUNCIL

February 21, 2012

John Mason
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Attn: Bay Area to Central Valley HST Partially Revised Program EIR Comments

Dear Mr. Mason:

The City of San Mateo submits the following comments on the Partially Revised Draft Program Environmental Impact Report (EIR) prepared for the high speed rail project.

- 50-168 The Partially Revised Draft Program EIR is based upon information presented in the Supplemental Alternatives Analysis. The Supplemental Alternatives Analysis assumes only an elevated alignment option south of SR 92. The City of San Mateo City Council has requested the analysis of a below grade alignment option for this segment. The evaluation of the underground option must be included in the Project Level Environmental Impact Report. It is important to understand how potential noise and vibration impacts might be mitigated with a below grade option.
50-169 Closure of one lane on Railroad Avenue between Mt. Diablo and 3rd Avenue in San Mateo would have significant and irreversible access impacts to adjacent businesses. We believe that these impacts can best be addressed through a covered trench alignment in the area under a Blended System that is limited to two tracks in this narrowest portion of the Caltrain Corridor.
50-170 Closure of one lane on Pacific Boulevard near the Hayward Park Caltrain Station would have significant impacts on our Rail Corridor Transit Oriented Development Plan, would limit access to the Hayward Park Station and could limit the intensity of development planned in the area.
50-171 Closure of one lane on Pacific Boulevard near the Hayward Park Caltrain Station would also restrict access into the City's Corporation Yard which relies on Pacific Boulevard as its sole access route.
50-172 The development of the Bay Meadows site includes connecting Pacific Boulevard to Delaware Street adjacent to the Hillsdale Station. Closure of lanes on Pacific Boulevard near Hillsdale Boulevard will adversely impact this new parallel route to El Camino Real. In addition the new connection between Pacific Boulevard and Delaware Street will provide a new "Main Street" for the transit oriented development being constructed on the Bay Meadows site.

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San Mateo, California 94403-1388
Telephone: (650) 522-7048
Fax: (650) 522-7041
TDD: (650) 522-7047
www.cityofsanmateo.org

John Mason
High Speed Rail Authority
Bay Area to Central Valley HST Partially Revised Program EIR Comments
Page 2 of 2

- 50-173 Potential impacts to Pacific Boulevard and its interchange with Hillsdale Boulevard could result in significant land use impacts that are unacceptable to the City and are not adequately evaluated in the Partially Revised Draft Program EIR.
50-174 Level of service impacts at the El Camino interchange with Hillsdale Boulevard will adversely impact the Hillsdale Shopping Center and any normal congestion impacts will be exacerbated during the holiday shopping season.
50-175 The Supplemental Alternatives Analysis included creation of two new grade separations and relocation of the Hillsdale Station north to better serve the transit oriented development under construction on the former Bay Meadows site. It is extremely important that these grade separations are retained as part of the high speed rail plan. The City is setting aside funds to partially offset the additional costs of these new grade separations.
50-176 The City of San Mateo is supportive of current efforts to evaluate phased implementation and the Blended System and looks forward to more information regarding the feasibility, impacts and benefits of this promising approach.
50-177 The City of San Mateo appreciates the expanded review of noise and vibration impacts of the proposed high speed rail system. However, the level of analysis provided in the Program EIR is insufficient. We remain concerned regarding the potential noise and vibration impacts on our residents and businesses.
50-178 We recognize that there will be impacts that result from construction of a massive project like that proposed with high speed rail. We encourage the Authority to work with local agencies to review construction methods and how best practices can reduce the impacts of the project on our residents and businesses.
50-179 The Partially Revised Draft Program EIR indicates that grade separations constructed as part of the high speed rail project may result in significant and unavoidable impacts. The City believes that grade separations will likely also have beneficial safety, traffic and other impacts.

The City of San Mateo understands that the Partially Revised Draft Program EIR was prepared based on the Supplemental Alternatives Analysis for the San Jose to San Francisco segment and does not fully reflect subsequent design efforts to reduce project impacts and does not reflect phased implementation and the Blended System as envisioned in the 2012 Business Plan. We look forward to participating in the current process initiated by high speed rail and Caltrain to evaluate the Blended System.

Sincerely,
CITY OF SAN MATEO

Brandt Grotte, Mayor

Q:\pw\PWENGA\_AR\High Speed Rail ARs\2-21-12 Comment Letter (3).docx

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## Response to Submission 50 (Brandt Grotte, City of San Mateo, February 23, 2012)

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### **50-168**

The Partially Revised Draft Program EIR identified potential lane reductions on very preliminary design as provided in the San Francisco to San Jose Supplemental Alternatives Analysis for the second-tier project in this section. In this programmatic phase, the Authority will be making decisions on whether to approve a network alternative, preferred alignments, and preferred station locations for further study in project-level EIRs. Once the preferred programmatic alignment has been approved, subsequent project-level analysis will evaluate different vertical alignment alternatives within the selected programmatic alignment. As the comment notes, some vertical alignments may reduce or increase potential noise or vibration impacts in comparison to other vertical alignments. Please refer to Response to Comment 40-279 for a discussion of how this will be assessed during the project-level analysis.

It should be noted, that the Authority placed its project-level work for San Francisco to San Jose on hold in May 2011. No decisions have been made about a second-tier project or the scope of environmental analysis in a second-tier EIR. At this time, it is anticipated that any further work on a second-tier project would have to start afresh, with a new second-tier planning and CEQA process and a new notice of preparation.

### **50-169**

The Partially Revised Program EIR recognizes that if it is found in subsequent design phases that closure of Railroad Avenue is necessary, new access would have to be planned for the businesses and homes that front Railroad Avenue. If access cannot be provided, the parcels that use this parking and access would no longer be considered viable and may need to be acquired by the HST project. The analysis also notes that possible lane closures may be avoided through design refinements that result in adjustments to the vertical alignments, including having the vertical alignment for the rail corridor lowered into a trench with the road continuing to operate above the depressed rail corridor.

For more information on the planning process for the blended-system concept, please refer to Standard Response 1 in this document.

### **50-170**

The analysis of the closure of one lane of Pacific Boulevard near the Hayward Park Caltrain Station did not identify any significant traffic impacts. However, the analysis does recognize that out-of-direction travel would occur if Pacific Boulevard were converted to one-way. As the analysis notes, the street system in the area could likely accommodate the change in circulation patterns without other secondary effects.

### **50-171**

The analysis of the closure of one lane of Pacific Boulevard near the Hayward Park Caltrain Station did not identify any significant traffic impacts. The conversion of Pacific Boulevard from two-way to one-way will require that certain trips, depending on their origin and their destination, experience out-of-direction travel as noted in the analysis. Since the City's Corporation Yard uses Pacific Boulevard, out-of-direction travel will be experienced for some trips to and from the Corporation Yard if this alignment were selected and if this lane closure could not be avoided.

### **50-172**

The Partially Revised Draft Program EIR identified potential lane reductions on very preliminary design as provided in the San Francisco to San Jose Supplemental Alternatives Analysis. The loss of up to four lanes on Pacific Boulevard at the Hillsdale Boulevard interchange would affect the current geometric configuration of the Pacific Boulevard/Hillsdale Boulevard interchange. As stated in the traffic analysis, the existing interchange could be rebuilt farther east as an at-grade intersection. The connection between Pacific Boulevard and Delaware Street could still be made.

It is understood that the City has concerns regarding the loss of roadway capacity and the Authority will work to refine the project design to avoid lane closures where feasible. The analysis provided in this Partially Revised Draft Program EIR was completed to identify at a program-level potential traffic impacts if lane reductions were to in fact occur. Impacts associated with the loss of lanes will be evaluated in greater detail in the project-level EIR if such lane reductions are determined to be required. This will include a more detailed assessment of access and secondary impacts associated with changes in traffic patterns. This evaluation will include existing, and reasonably foreseeable projects, including those presently under construction.

### **50-173**

The Partially Revised Draft Program EIR analyzed potential lane closures and describes the potential for circulation, access or parking impacts, and describes potential land use implications resulting from mitigation for circulation and parking impacts. The degree of impacts on land use in the vicinity of Pacific Boulevard/Hillsdale Boulevard is not known at this time. If lane reductions on Pacific Boulevard are ultimately required, engineering design would be undertaken to determine the replacement intersection configuration and its effect on land use. During this design effort a key design guideline would be to minimize land use impacts. Since the impacts on land use of potential lane closures are not fully known at this time, the Partially Revised Draft Program EIR identified it as a possible significant impact. Please refer to Response to Comment 40-172 for additional discussion of the project-level design refinement that would occur in the project-level EIRs.

### **50-174**

As documented in the traffic analysis (Chapter 3) of the Partially Revised Draft Program EIR, the modification to Pacific Boulevard to a one-way street would result in a significant traffic impact for the El Camino Real/Hillsdale Boulevard interchange in 2035. The traffic analysis and the significance determination were based upon AM (morning) and PM (evening) peak hour V/C and LOS calculations. Temporary or seasonal phenomena, such as sporting events or holiday shopping, are not part of the standard methodology.

Potential design practices that might avoid and minimize the effects of the potential loss of traffic lanes, and potential mitigation strategies to avoid or lessen impacts, are discussed in the Partially Revised Program EIR. If the loss of lanes is determined to be required, the project-level analysis could include an analysis of seasonal traffic conditions if such an analysis is determined to be required. Such issues will be identified and resolved in the scoping process for the project-level document. Please refer to Response to Comment 40-172 for additional discussion of the project-level design refinement that would occur in the project-level EIRs.

### **50-175**

Comment noted. In this programmatic phase, the Authority will be making decisions on whether to approve a network alternative, preferred alignments, and preferred station locations for further study in project-level EIRs. Once the preferred programmatic alignment has been approved, subsequent project-level analysis will evaluate different vertical alignment alternatives within the selected programmatic alignment, including what grade separations may be required.

### **50-176**

The comment indicating support for the blended system approach and phased implementation is acknowledged. Please refer to Standard Response 1 for more discussion of the Draft and Revised 2012 Business Plan, the blended system approach, and how such an approach may be incorporated into a future second-tier project and EIR/EIS for an alignment on the Caltrain Corridor, if such an alignment is part of the network alternative that the Authority Board selects at the outcome of this Program EIR process.

### **50-177**

The program-level analysis follows FRA- and FTA-approved noise and vibration methodologies that are intended to indicate the "level" of impact and not specific impacts. A more detailed evaluation of specific impacts at particular locations will be included as part of second-tier, project-level work. The project analysis will evaluate in detail noise and vibration impacts using the appropriate methodologies of the FRA and FTA. The general noise and vibration

mitigation strategies included in this document will be refined and included in the second-tier EIR/EIS.

Please refer to Chapter 3.4 of the 2008 Final Program EIR, which discusses the project-level noise and vibration evaluation in greater detail. Mitigation measures will be evaluated in the project-level evaluation to mitigate potential impacts identified at specific sensitive receptor locations. Also refer to Standard Response 3 regarding program level of detail.

**50-178**

Comment acknowledged. The Authority is committed to working with all local, regional, and state agencies at the second tier of project planning, environmental review, and implementation to ensure construction methods can reduce impacts on local communities to the maximum extent feasible. Text has been added to Chapter 4 to reflect this additional mitigation strategy for consideration by the Authority Board.

**50-179**

The Authority agrees that grade separations would result in many beneficial impacts. The text of Chapter 5 is revised to reflect this point more clearly.

**50-517**

The Authority will continue to work with all jurisdictions in the state regarding the development of the HST Project. Refer to Standard Response 1 for additional information regarding the blended system concept and phase implementation.

Submission 51 (Jeffrey V. Smith, County of Santa Clara, February 21, 2012)

County of Santa Clara

Office of the County Executive

County Government Center, East Wing  
70 West Hedding Street  
San Jose, California 95110  
(408) 299-5105



February 20, 2012

Mr. John Mason  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

RE: Comments regarding the Partially Revised Draft Program Environmental Impact Report - Bay Area to Central Valley High-Speed Train (HST)

Dear Mr. Mason:

Please find enclosed comments from the County of Santa Clara regarding the Bay Area to Central Valley High-Speed Train Partially Revised Draft Program Environmental Impact Report, dated January 2012. These include comments from the Departments of Planning and Development, Parks and Recreation, Roads and Airports, and Land Development Engineering.

The attached comments highlight several comments and concerns the County has regarding the proposed Bay Area to Central Valley alignment of the proposed High Speed Train (HST) and it's impact upon County resources, residents, and facilities, including County parks, roadways, and implementation of the Santa Clara Valley Habitat Conservation Plan (HCP).

If you have any questions regarding coordination of comments on the Partially Revised Draft Program EIR from the County, please contact Rob Eastwood at (408) 299-5792 in the County Department of Planning and Development, Jane Mark at (408) 355-2237 in the Department of Parks and Recreation, or Dawn Cameron at (408) 573-2465 in County Roads and Airports.

Sincerely,

Jeffrey V. Smith  
County Executive

Cc: Santa Clara County Board of Supervisors

Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss  
County Executive: Jeffrey V. Smith



Submission 51 (Jeffrey V. Smith, County of Santa Clara, February 21, 2012) - Continued

County of Santa Clara

Department of Planning and Development  
Planning Office

County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, California 95110-1705  
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February 20, 2012

Mr. John Mason  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

**Subject: Comments regarding the Partially Revised Draft Program Environmental Impact Report for the Bay Area to Central Valley High-Speed Train**

Dear Mr. Mason:

The County of Santa Clara Department of Planning and Development appreciates the opportunity to review the Partially Revised Draft Program Environmental Impact Report (EIR), dated January, 2012. The Partially Revised Draft Program EIR provides additional information and clarifications for the 2010 Revised Final Program EIR - Bay Area to Central Valley High Speed Train (HST) Final Program EIR/EIS. After review of the Partially Revised Draft Program EIR, the County of Santa Clara Department of Planning and Development has the following comments:

51-200

*Habitat Conservation Plan*

1. The County of Santa Clara anticipates adoption of the Santa Clara Valley Habitat Conservation Plan (HCP) in 2012. Although the HCP is not yet public, the Partially Revised Draft EIR should reference the Santa Clara Valley HCP in regards to biological goals, values and conservation strategy. Information regarding the HCP can be found at <http://www.scv-habitatplan.org>

51-201

*Noise and Vibration Mitigation Measures*

2. The Partially Revised Draft Program EIR provides mitigation measures for noise and vibration impacts (page 2-9) with the shift of Monterey Highway and the potential to move freight train tracks closer to adjacent land uses. The mitigation measures include traffic management measures for Monterey Highway, including vehicle speed limits and vehicle type limitations, and working with the City of San Jose to establish appropriate traffic management measures to reduce Monterey Highway traffic noise. It is recommended the County of Santa Clara Department of Environmental Health, Roads and Airports, and Planning and Development be consulted when developing traffic management measures to establish appropriate traffic management measures to reduce traffic noise on Monterey Highway.

51-518

*Future Project-Level Environmental Analysis:*

While the Bay Area to Central Valley 2010 Revised Final Program EIR and 2012 Partially Revised Draft Program EIR are programmatic in nature, future tiered, site-specific project level environmental documents will assess the impacts of construction and implementing individual HST projects. As discussed in County comments for the Notice of Preparation (NOP) for the San Jose to Merced High Speed Train System through Pacheco Pass, dated April 10, 2009, future project-level environmental analysis should address the following:

51-202

3. Agricultural Resources: Discuss the impacts of the loss of agricultural land, loss of prime farmland, and impacts on land under Williamson Act Contract or commercial agricultural production as a result of the proposed project.

51-203

4. Noise: Evaluate noise impacts on adjacent properties using the County of Santa Clara Noise Ordinance and County General Plan Policies as thresholds of noise significance.

51-204

5. Scenic Rural Roads: Evaluate visual impacts of the proposal on County designated scenic roads.

51-519

Again, we appreciate the opportunity to review and provide these comments on the Bay Area to Central Valley High-Speed Train Revised Draft Program EIR/EIS Material. We look forward to reviewing any responses and revisions to the document, as well as any future project level environmental documents, when they become available. If you have any questions regarding these comments, please do not hesitate to contact Rob Eastwood, Planning Office, at (408) 299-5792, Kim Rook, Planning Office, at (408) 299-5790, Jane Mark, Parks & Recreation Department, at (408) 355-2237, or Dawn Cameron, Roads and Airports, at (408) 573-2465.

Sincerely,

Ignacio Gonzalez  
Director  
Department of Planning and Development  
County of Santa Clara

cc:  
Carolyn Walsh, Planning Office  
Rob Eastwood, Planning Office  
Jane Mark, Parks & Recreation Dept.  
Dawn Cameron, Roads & Airports  
Darrell Wong, Land Development Engineering

Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yenger, Liz Kniss  
County Executive: Jeffrey V. Smith



Submission 51 (Jeffrey V. Smith, County of Santa Clara, February 21, 2012) - Continued

County of Santa Clara  
Roads and Airports Department



101 Skyport Drive  
San Jose, California 95110-1302  
(408) 573-2400

February 15, 2012

Mr. John Mason  
California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

Subject: Partially Revised Draft Program Environmental Impact Report -  
Bay Area to Central Valley High Speed Rail

Dear Mr. Mason,

The partially revised Draft Program EIR for the subject project has been reviewed. Our comments are as follows:

51-205

1. The analysis of the impacts of the proposed one lane reduction on eastbound Central Expressway near Rengstorff Avenue is not adequate. Table 3-1a Level of Service (LOS) calculations need to include Arterial Delay LOS methodology for the proposed reduction of one through lane. Also, the peak hour directional count for eastbound Central Expressway as shown in Table 3-1a on page 3-10 is low compared to the approved counts Santa Clara County submitted to the Congestion Management Agency (CMA) in the 2010 Congestion Management Program (CMP) Monitoring Report.

51-206

2. The proposed capacity reduction of Monterey Highway from 6 to 4 lanes (Figures 3-2a through 3-5b) will cause significant impacts on Capitol Expressway, Almaden Expressway, the County's portion of Monterey Highway, and Santa Teresa Boulevard. Further detailed analysis is needed to determine the impact mitigation required to improve these corridors/intersections to their initial capacity before the implementation of the proposed project.

51-207

3. Transportation impact mitigation projects and strategies should be consistent with Santa Clara County's *Comprehensive County Expressway Planning Study - 2008 Update*, adopted by the Board of Supervisors in March 2009. Mitigations should also be consistent with the *South County Circulation Study*, adopted by the VTA Board of Directors in April 2008.

If you have any questions, please contact me at 408-573-2465.

Sincerely,

Dawn S. Cameron  
County Transportation Planner

cc: MA, TP, MLG, RN, File

Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Rutiss  
County Executive: Jeffrey V. Smith



Submission 51 (Jeffrey V. Smith, County of Santa Clara, February 21, 2012) - Continued

**County of Santa Clara**  
**Department of Planning and Development**  
 County Government Center, East Wing  
 70 West Hedding Street, 7<sup>th</sup> Floor  
 San Jose, California 95110



Phone:	Administration (408) 299-6740	Development Services (408) 299-5700	Fire Marshal (408) 299-5760	Planning (408) 299-5770
Fax:	(408) 299-6757	(408) 279-8537	(408) 287-9308	(408) 288-9198

**Via USPS**

February 9, 2012

California High-Speed Rail Authority  
 770 L Street, Suite #800  
 Sacramento, CA 95814

Attention: Mr. John Mason

Applicant: Lands of California High-Speed Rail Authority

Road Name: Santa Clara County Rail Improvements

Dear Mr. Mason;

This letter is in response to your 2012 Bay Area to Central Valley HST Partially Revised Draft Program EIR - Complete, prepared by the California High-Speed Rail Authority, and dated January 2012. This letter discusses floodplain, grading, and drainage, and storm water quality issues only. Other letters from Santa Clara County may be forthcoming.

**Floodplain Issues:**

This project is partially inside and partially outside the floodplain areas identified on the 2009 Federal Emergency Management Agency (FEMA) Floodplain maps. Though Volume 1: 2008 Bay Area to Central Valley HST Final Program EIR - Section 3.14: Hydrology and Water Resources discusses floodplain effects in a general way, no discussion of specific floodplain effects and mitigations appear in the above 2012 Draft EIR. Specific discussions and mitigations are necessary. A separate Hydrology and Hydraulic Report, speaking to the encroachment of the proposed improvements on the Floodplain, is required and mitigations incorporated into the 2012 EIR.

A Development Permit from the Santa Clara County Floodplain Administrator is required prior to starting construction within unincorporated Santa Clara County. Conditional Letter of Map Revision and Letter of Map Revision may be required.

**Grading, Drainage, and Storm Water Quality Issues:**

As the California High-Speed Rail is another governmental taking full responsibility for all grading improvements, this project is considered exempt from the Santa Clara County Grading Ordinance.

The 2008 EIR speaks in general terms about stormwater quality and conformance with Municipal Regional Permits issued by both the San Francisco Bay Regional Water Quality Control Board and the Central Coast regional Water Quality Control Board. At that time, the EIR is unclear as to how the project will meet the requirements of the two Municipal Regional

Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Knais  
 County Executive: Jeffrey V. Smith

51-210

Ms. John Mason – California High-Speed Rail Authority  
 February 9, 2012  
 Page 2 of 2

Permits. Please update these sections and provide specific effects and mitigations with regards to stormwater quality issues.

If you have any questions about this letter, please call me at phone (408) 299-5732.

Sincerely,

Christopher Freitas, P.E.  
 Senior Civil Engineer

CF:cf

- Co: Darrell Wong - Land Development Engineering Office
- Scott Johnson - Building Office
- Michael Harrison - Floodplain Administrator
- Nash Gonzalez - Planning & Development Services Director

51-208

51-209

51-210

Submission 51 (Jeffrey V. Smith, County of Santa Clara, February 21, 2012) - Continued

**County of Santa Clara**  
Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201  
[www.parkhere.org](http://www.parkhere.org)



February 16, 2012

John Mason  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

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

Dear Mr. Mason,

The County of Santa Clara Parks and Recreation Department (County Parks) appreciates the opportunity to review the Bay Area to Central Valley HST Partially Revised Draft Program EIR. County Parks previously provided comments on the Revised Draft Program EIR for the Bay Area to Central Valley High Speed Train, April 23, 2010, and the June 2010 Preliminary Alternatives Analysis Report for the San Jose to Merced Section, September 8, 2010.

51-520 | County Parks concerns regarding the proposed Bay Area to Central Valley HST project are focused upon potential impacts to regional parks resources including natural resources, and upon trails and other recreational facilities. County parklands contain a number of sensitive and protected species and habitats, and County Parks is charged with the responsibility to provide, protect and preserve regional parklands including management of these natural resources.

51-211 | The San Jose to Central Valley HST corridor would potentially impact a number of County parks, resources, trails and recreation facilities and most directly Coyote Creek Parkway County Park (Coyote Creek Park). Potential impacts to Coyote Creek Park would result from implementation of the HST along Monterey Highway particularly from the shifting and/or narrowing of Monterey highway. These include loss of or encroachment upon riparian habitat, potential noise and vibration related impacts, construction-related impacts, and potential encroachment and/or take of parkland.

51-521 | While the revised program EIR provides additional information and clarification regarding potential noise, vibration and construction related impacts and mitigation strategies, the Revised Draft Program EIR/EIS should address and propose mitigations for:

- Potential impacts to Coyote Creek Park and the riparian corridor it contains; and
- Potential taking of County Parkland : As per Public Park Preservation Act of 1971, a voter-approved County Charter Amendment and Code of Civil Procedures Section 1240.680, the County would need to evaluate and assess all projects with the potential to encroach upon, take and/or impact County parklands; and
- Strategies to comply with Section 4(f) regulations [23 Code of Federal Regulations 774.5 (a)] and Section 6(f) Land and Water Conservation Fund Act of 1965 [Public Law 88-578, 16 U.S.C. Section 4601-4-4601-11]



Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss  
County Executive: Jeffrey V. Smith

51-522

Future tiered project-level environmental documents for the Bay Area to Central Valley HST, including mitigation strategies/measure should discuss and consider potential impacts to County parklands, park resources and recreation facilities related to:

51-214

- Land Use & Policies: Impacts to parks, trails and recreation in accordance with the Parks and Recreation Element of the County of Santa Clara General Plan (1990–2010) and the Santa Clara County Countywide Trails Master Plan Update (1995);

51-215

- Land Use & Policies: Should address analysis and compliance with the Coyote Creek Parkway Integrated Natural Resource Management Plan and Master Plan (March 2007), which is a locally-adopted land use plan for a County park facility.

51-216

- Property Taking of County Parkland: As per Public Park Preservation Act of 1971, a voter-approved County Charter Amendment and Code of Civil Procedures Section 1240.680, the County would need to evaluate and assess all projects with the potential to encroach upon, take and/or impact County parklands. Furthermore, County Parks is required to evaluate environmental analysis of any project which may impact parklands. Thus the project-level EIR/EIS should discuss potential environmental impacts to County parks, trails, and parklands that are located within the vicinity of the proposed project, that include Coyote-Hellyer, Motorcycle, Anderson Lake, and Coyote Creek Parkway County Parks.

51-217

- Riparian Resources: Coyote Creek Parkway County Park is one of the regional parks and recreational resources directly impacted by the proposed San Jose to Merced High Speed Train corridor. In addition, Coyote Creek Parkway County Park is an outstanding example of a regionally significant riparian habitat that provides a valuable wildlife movement corridor for numerous sensitive species. County parklands contain a number of sensitive and protected species and habitats, as identified in the Coyote Creek Parkway County Park Natural Resource Management Plan and Master Plan, approved in 2007. In addition, County is under the regulatory oversight of local, federal and state agencies, such as the Santa Clara Valley Water District, the National Marine Fisheries Services (NOAA), necessitating that we conduct additional review of projects that may impact these resources or that require enhancement of habitats that exist in County parklands.

Again, County Parks appreciates the opportunity to review and provide comments on the Bay Area to Central Valley HST Partially Revised Draft Program EIR. We look forward to reviewing future project level environmental documents.

Sincerely,

Elish Ryan  
Planner III, Acting Senior Planner  
Parks and Recreation Department

Cc: Julie Mark, Deputy Director  
Antoinette Romeo, Park Planner  
Rob Eastwood, Principal Planner, County Planning Department



Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss  
County Executive: Jeffrey V. Smith

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## Response to Submission 51 (Jeffrey V. Smith, County of Santa Clara, February 23, 2012)

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### **51-200**

Comment acknowledged. The plans identified in the comment were considered in Chapter 5 of the 2012 Partially Revised Final Program EIR and determined not to raise new environmental impact issues at the program level.

### **51-201**

Chapter 2 of the Partially Revised Draft Program EIR has been revised to state that both the City of San Jose and Santa Clara County will be consulted at the project level when developing traffic management measures to reduce traffic noise on Monterey Highway.

### **51-518**

Comment acknowledged. Refer to Standard Response 3 regarding the level of detail to be provided in the program and project-level tiered documents.

### **51-202**

Comment acknowledged. Future second-tier, project-level EIRs will include an analysis of potential impacts on agriculture land, including direct and indirect conversion of important farmlands (prime, statewide important, and unique), lands under Williamson Act and Farmland Security Zone contracts, and impacts on commercial agricultural production

### **51-203**

Project-related noise assessment (rail operations) will follow the FRA guidance manual on noise analysis and the vibration analysis will follow the FTA guidance for vibration analysis. Federal Highway Administration guidance will be followed for operational noise traffic sources.

Second-tier project-level non-HST sources, such as stations, maintenance facilities, and construction noise assessment will be based on guidelines included in the FTA guidance manual (FTA 2006), as well as consideration of local noise ordinances, which

would include the Santa Clara County Noise Ordinance. The Authority applies uniform noise and vibration criteria for construction based on FTA guidance. The Santa Clara County General Plan defers to the noise thresholds identified in the County Noise Ordinance.

### **51-204**

Comment acknowledged. Future, second-tier project-level EIRs will include an analysis of potential impacts on County-designated scenic roadways.

### **51-519**

Comment acknowledged.

### **51-205**

The portion of Central Expressway where the loss of a travel lane may occur is between San Antonio Road and Rengstorff Avenue, as identified in Chapter 3 of the Partially Revised Final Program EIR (specifically, Tables 3-1a through 3-1d analyze potential lane closures) San Antonio Road at Central Expressway is currently grade separated and Rengstorff Avenue at Central Expressway and Castro Street at Central Expressway will be grade separated by the HST project. These grade separations will remove the signalized intersections for this area of Central Expressway. The 2000 Highway Capacity Manual Urban Street Methodology specifies signal spacing of two miles or less. Intersection delay is used in the calculation of level of service which is based on average travel speed along the arterial. According to VTA's Traffic LOS Guidelines, the LOS for urban arterials is determined by traffic signal operations, but if the traffic signals spacing is greater than two miles, this methodology cannot be applied. Instead, the analysis for the Partially Revised Program EIR considered a basic volume to capacity ratio analysis and found that a significant impact would not occur as a result of removing one travel lane of eastbound Central Expressway.

The traffic counts used in the analysis were intersection turning movement counts conducted in September 2009 at the intersection of Central and Rengstorff for the beginning of the project-level traffic analysis. The comment does not indicate by how much the traffic volumes are lower than recent counts conducted by the County, however, traffic volumes vary from day to day and can fluctuate by 10 percent or more.

#### **51-206**

The impact of Monterey Highway narrowing on surrounding streets, and on Monterey Highway itself, is discussed in Chapter 3 of the Partially Revised Final Program EIR. Table 3-2a and Table 3-2b analyze traffic congestion impacts on Monterey Highway itself. Figures 3-2b, 3-3b, 3-4b, and 3-5b identify segments in the surrounding street network projected to operate under congested conditions. These figures include depictions of Capitol Expressway, Almaden Expressway, and Santa Teresa Boulevard, the roadways identified in the comment. The Partially Revised Final Program EIR discloses that the narrowing of Monterey Highway is considered a significant traffic impact on the surrounding street network, and mitigation strategies are discussed. A more detailed traffic analysis will be conducted at the project-level and the results will be presented in the project-level traffic report. The project-level traffic report will determine the combined effect of both the mode shift to the HST system and the proposed narrowing of Monterey Highway on the surrounding street system. The results of the analysis will be documented in the project-level traffic report.

#### **51-207**

The program-level analysis recommends general mitigation strategies such as signal optimization and synchronization, which do not conflict with the studies cited in the comment. The transportation plans and policies of local jurisdictions will be reviewed and included in the project-level traffic analysis, and specific mitigation measures will be recommended based on the results of the project-level analysis. These will be consistent with the South County Circulation Study and the Santa Clara County's Comprehensive County Expressway Planning Study. Updated Association of Bay Area Governments (ABAG) and

Association of Monterey Bay Area Governments (AMBAG) population and employment projections, and travel forecasts based on VTA's updated travel forecast model, may alter the findings and recommendations of these earlier studies that were based on employment forecasts which have been substantially revised.

#### **51-208**

The Partially Revised Draft Program EIR addresses those topics identified in the final judgment for the *Atherton 1* and *Atherton 2* litigation as requiring corrective work under CEQA. The potential for floodplain impacts was not one of those topics. Refer to Chapter 3.14, Hydrology and Water Resources, of the 2008 Final Program EIR for a discussion of floodplain impacts at the program level. Detailed hydrology and hydraulics reports for the selected network alternative will be prepared as part of second-tier environmental review.

For further information refer to Standard Response 3 regarding the level of detail provided at the program level.

#### **51-209**

Comment acknowledged.

#### **51-210**

The Authority will coordinate stormwater and water quality requirements with the State Water Resources Control Board and applicable Regional Water Quality Control Board(s) that have jurisdiction over each second-tier project-level section. Specific requirements and mitigation will be developed through this coordination, and will be discussed in each project-level EIR/EIS. Refer to Chapter 3.14, Hydrology and Water Resources, of the 2008 Final Program EIR for a discussion of hydrology and water quality impacts at the program level. This chapter includes mitigation strategies for addressing surface water quality, runoff, and erosion.

For further information refer to Standard Response 3 regarding the level of detail provided at the program level.

#### **51-520**

Comment acknowledged.

**51-211**

As discussed in Section 3.16.3(F) of the 2008 Final Program EIR, the Coyote Creek Parkway could be directly affected by the Pacheco Alignment Alternative, wherein the potential shifting of Monterey Highway would occur. If a Pacheco Pass Network Alternative is selected by the Board, second-tier, project-level design will be conducted and will identify precise impacts on Section 4(f) resources, biological resources, noise and vibration impacts, and other potential construction-related impacts that may occur. Following an identification of project-level impacts, detailed mitigation measures will be crafted to minimize these impacts where feasible. Additionally, mitigation strategies that will be applied during the project-level design phase will include an evaluation of design options to reduce or eliminate potential impacts on Coyote Creek Parkway and other resources.

**51-521**

Refer to Response to Comment 51-211 above.

**51-212**

Refer to Response to Comment 51-211 above for a discussion of the program-level impacts, including those to the Coyote Creek Parkway, identified in the 2008 Final Program EIR. The San Jose to Merced Section team has been and will continue to engage with the County of Santa Clara County Parks and Recreation Department to define project-level mitigation measures and alignment refinements to avoid or minimize impacts on Section 4(f) resources. These project-level impacts, mitigation, and alignment refinements will be included in the San Jose to Merced Section project-level EIR/EIS if a Pacheco Pass Network Alternative is selected by the Board.

**51-213**

Refer to Response to Comment 51-211 above for a discussion of the program-level impacts, including those to the Coyote Creek Parkway, identified in the 2008 Final Program EIR. The San Jose to Merced Section team has been and will continue to engage with the County of Santa Clara County Parks and Recreation Department to define project-level mitigation measures and alignment refinements to

avoid or minimize impacts on Section 4(f) resources. These project-level impacts, mitigation, and alignment refinements will be included in the San Jose to Merced Section project-level EIR/EIS if a Pacheco Pass Network Alternative is selected by the Board.

**51-522**

Comment acknowledged. Refer to Standard Response 3 regarding the appropriate level of detail to be provided in the program and project-level tiered documents.

**51-214**

An evaluation of potential impacts on resources identified within and/or conflicts related to the Santa Clara County's General Plan, including the Parks and Recreation Element, and the Santa Clara County Countywide Trails Master Plan Update will be included in the San Jose to Merced Section project-level EIR/EIS if a Pacheco Pass Network Alternative is selected by the Board.

**51-215**

An evaluation of potential impacts on resources identified within and/or conflicts related to the Coyote Creek Parkway Integrated Natural Resource Management Plan and Master Plan will be included in the project-level San Jose to Merced Section EIR/EIS if a Pacheco Pass Network Alternative is selected by the Board.

**51-216**

Refer to Response to Comment 51-211 above for a discussion of the program-level impacts, including those to the Coyote Creek Parkway, identified in the 2008 Final Program EIR. The San Jose to Merced Section team has been and will continue to engage with the County of Santa Clara County Parks and Recreation Department to define project-level mitigation measures and alignment refinements to avoid or minimize impacts on Section 4(f) resources. These project-level impacts, mitigation, and alignment refinements will be included in the San Jose to Merced Section project-level EIR/EIS if a Pacheco Pass Network Alternative is selected by the Board.

**51-217**

Refer to Response to Comment 51-211 above for a discussion of the program-level impacts identified in the 2008 Final Program EIR. The San Jose to Merced Section team has been and will continue to engage with the County of Santa Clara County Parks and Recreation Department, the Santa Clara Valley Water District, and other relevant stakeholders to define project-level mitigation measures and alignment refinements to avoid or minimize environmental impacts. These project-level impacts, mitigation, and alignment refinements will be included in the San Jose to Merced Section project-level EIR/EIS if a Pacheco Pass Network Alternative is selected by the Board.

Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012)

3934

02-17-12P03:02 RCVD

KIRSTEN KEITH  
MAYOR  
PETER OHTANI  
MAYOR PRO TEM  
ANDREW COHEN  
COUNCIL MEMBER  
RICHARD CLINE  
COUNCIL MEMBER  
KELLY FERGUSSON  
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701 LAUREL STREET, MENLO PARK, CA 94025-3483  
www.menlopark.org

February 14, 2012

California High Speed Rail Authority  
Attn: California High Speed Train  
Central Valley to Bay Area High Speed Rail Program EIR/EIS  
925 L Street, Suite 1425  
Sacramento, CA 95814

**Subject: City of Menlo Park Comments on the Revised Draft Central Valley to Bay Area High Speed Rail Program EIR/EIS**

Members of the Authority:

The City of Menlo Park has continued concerns that the revised EIR doesn't have sufficient information to fully evaluate and reach a conclusion regarding the optimal route into the Bay Area. The Authority should continue to make all efforts to analyze alternate routes and/or methods in order to avoid significant adverse impacts to the Peninsula area from the alignment of the High Speed Train (HST). The City is only interested in a primarily two-track blended system in Menlo Park within the existing Caltrain right-of-way or the system in an underground configuration. The City is not interested in any system, which is on an elevated structure, and not interested in seeing it expand to a four-track system for any phase of the project unless in an underground configuration.

The Authority has indicated in the notice for comments on the EIR that responses are only required for those portions of the DEIR/EIS that it has modified since the prior circulation period. The City disagrees that this requirement fits within CEQA. Rather, the standard is that set in *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112. Under that standard, public comment must be allowed if there is new information or changed circumstances that have arisen since the EIR was last circulated, and that information/circumstances indicates that the project will have new or substantially increased impacts, or "if the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect." There have been several circumstances that justify comments beyond the changes the Authority has explicitly made in the EIR. These include, but are not limited to, new ridership information, updated Business Plan, and the potential issues related to the Union Pacific railroad and their rights to use the tracks.

58-137

The City of Menlo Park would continue to be directly affected by the project and several of the alternatives, whether through the Caltrain mainline or the Dumbarton Rail Corridor. Menlo Park has previously expressed its concerns related to the project and new rail activity on either of the two rail lines.

58-138

The City's letter on the 2010 draft EIR for this segment is included as an attachment to this letter and should be considered by the Authority as part of the City's official comments on the current draft program EIR. In addition to the City's previous letter the City reiterates here that the following new and unresolved issues that need to be addressed when determining the most appropriate route:

58-139

1. Traffic Analysis - The partially revised draft Program EIR for the Bay Area to Central Valley segment analyzes traffic impacts resulting from lane closures on adjacent parallel streets in some locations along the San Francisco Peninsula where the current Caltrain right of way would be expanded to accommodate the high speed train project. Based on the traffic analysis in the report, there would be a significant and unavoidable impact due to the closure of one lane along Alma Street, between Oak Grove Avenue and Ravenswood Avenue. The report has identified that "Diverted traffic from Alma Street would likely use El Camino Real and intersection impacts could occur if the shift in traffic caused intersections along El Camino Real to operate at conditions approaching or exceeding capacity."

58-140

Laurel Street is also likely to be impacted as a diverter route for traffic approaching/departing Alma from the east. This is not noted in the EIR. It is likely that diverted traffic would divert to other perpendicular and parallel arterials and collectors to Alma, such as Laurel, Oak Grove, Ravenswood, and Middlefield Road. One mitigation measure proposed in the report is converting Alma into a one-way roadway, which would seriously impact the traffic patterns on El Camino as well as Laurel, Oak Grove, Ravenswood, and Middlefield.

2. Ridership Estimates – The Authority should require that the Program level studies use a new demand model that is developed by an independent group managed by the Legislative Analyst's Office (LAO) or the Independent Peer Review Group before moving forward with the project.

The report issued November 18, 2010 by Will Kempton, Chairman of the California High-Speed Rail Peer Review Group, stated: "The issues identified by the Institute for Transportation Studies at the University of California at Berkeley, the Legislative Analyst's Office and the State Auditor's office have raised sufficient concerns with the demand model so as to call into question the project's fundamental basis for going forward. The group recommends that the Authority work with UC Berkeley, the Legislative Analyst's Office and the State Auditor to complete an analysis of any issues regarding the demand models so that a mutually agreed estimate can be reached along with ranges of uncertainty."

Two members of the five person ridership review panel, Frank Koppelman and Billy Charlton were part of previous review team in July 2006 on the existing Cambridge



Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

- 58-145 | 7. Grade Separation – The different potential routes from the Central Valley to the Bay Area would result in different locations for grade separations, which would likely have different levels of impact. The Program EIR/EIS provided little information regarding grade separations within Menlo Park. More thorough analysis of the potential impacts at each roadway crossing should have been included. Grade separations on the Caltrain mainline will create impacts because of the constrained nature of the development in Menlo Park as well as the presence of a historical structure. One likely alternative for grade separation would include raising the tracks. This particular alternative has another unique issue of creating a “wall effect” within the community and dividing the City.
- 58-146 | 8. Historic Structure – The City of Menlo Park Caltrain station has been listed on the National Register of Historic Places since 1974. The impacts to the existing train station has not been analyzed in the EIR or fully discussed. The EIR should clearly analyze the impacts to this structure along with any other historic structure that may be impacted by the HST system.
- 58-147 | 9. Electrification –The appearance of overhead electric power supply for the trains, including the wires, supporting poles, mast arms and insulations, is a matter of significant concern. Also, the electrification system should be compatible with the proposed Caltrain electrification such that two systems do not need to be constructed and maintained. The EIR needs to analyze the impacts associated with electrification of the system for all vertical and horizontal alignments including visual, tree impacts, etc. If the system becomes completely electrified, the EIR should consider the relative impacts of diesel vs. Hybrid vs. all electric engines for freight trains running on the corridor.
- 58-148 | 10. Noise and vibration mitigation – The revised EIR does not include any additional vibration analysis as requested in the Court’s verdict. The impacts of vibration cannot be clearly understood without the required information. The additional noise and vibration caused by the HST needs to be clearly stated and addressed. Any noise and/or vibration impacts need to be mitigated as part of the project. Such measures should be included as integral components of the project. These measures should not create other impacts such as construction of a sound wall that might divide the City and adversely affect the residential character of the community.
- 58-149 | 11. Freight – Menlo Park is concerned about freight traffic using either the Caltrain mainline or the Dumbarton Rail line and its impact on residents and traffic in the area. Since the rail lines will be grade separated, which allows for faster trains times and reduced vehicular and pedestrian conflicts, the lines would be more easily suited for freight traffic. This may lead to increased freight traffic on rail lines that currently have minimal freight traffic. The potential increase in freight is not only related to Caltrain’s discussions with freight, but a function of the HST project due to amenities proposed as part of the HST project. A new San Francisco Bay crossing along the Dumbarton alignment may open this corridor up to freight traffic, which could substantially increase noise and vibration impacts to adjacent residential neighborhoods in Menlo Park. These potential impacts should have been studied so that mitigation measures could be developed.

- 58-150 | 12. Funding – The project intends to use State General Obligation bonds to fund the project. This funding method would create a long-term financial obligation that could impact existing State programs. The current information related to cost/benefit and fiscal impact analysis needs to be revised to provide a very accurate picture of the project. The current Business Plan for the project outlines several funding sources including federal grants and private investment. The federal funds have not been secured and a funding source for the private investment has not been identified. The private investment indicates that a guaranteed ridership would need to be included. This is contradictory to the Proposition 1A language that does not allow a public subsidy of the operation for the project.  
  
The construction costs have escalated from the initial estimate of \$30 billion to almost \$100 billion. The Authority has planned to partially fund segments of the HST system, while not funding the entire system. This funding arrangement does not fit within the requirement of Proposition 1A. A full funding plan with identified dedicated funding needs to be included in the EIR.
- 58-151 | 13. Property Impacts – The EIR only analyzes the impacts to properties within 50 feet of the HST corridor. The impact due to the HST system such as noise, vibration, and aesthetics will have a much wider reach and affect on properties further from the system. The EIR should clearly analyze the impacts to properties much further from the HST system. A minimum distance of 500’ should be used in the analysis. But, the specific distance should be based on the increased impacts and how far they may reach and could vary based on terrain and the specifics of the area.
- 58-152 | 14. Caltrain Service Levels – The EIR assumes two tracks for the HST that would be shared with Caltrain express service and two tracks for Caltrain local service and freight. A recent study on another section of the HST project indicated that the HST tracks could not be shared by another train service. If this is ultimately determined to be true for the Peninsula corridor, Caltrain service would be directly affected and its level of service would be diminished. The current number of tracks for the Peninsula has not been clearly analyzed including the level of service for Caltrain. A study that clearly identifies the required number of tracks for each system and whether the HST system can share tracks with Caltrain, given safety consideration and other factors, needs to be included in the report.  
  
The CAHSRA is considering a Phase 1 “blended” section along the Peninsula. The “blended” system approach would provide shared use of the Caltrain tracks with the HST system. However, Caltrain’s blended system recommendations are missing in the business plan. The business plan does not include any of the recommendations from the capacity analysis study that Caltrain’s staff conducted for operating the high speed rail’s trains and Caltrain’s trains on the same tracks and they must be included.
- 58-153 | 15. Construction Impacts – The construction of the project would create many impacts within the City of Menlo Park. The construction of shoofly tracks, traffic diversion, construction noise, etc. should all be analyzed and included in the EIR. The construction impacts and duration should be considered as part of the selection of the alternatives,

Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

58-153 | since the construction will be of much longer duration than typical construction projects. These are not temporary impacts, but impacts that will affect residents and business for an extended period. The impact of the shoofly tracks on adjacent properties needs to be clearly analyzed and stated in the document including any mitigation measures. The shoofly tracks will likely affect traffic patterns, create additional noise for many residents and require acquisition of property. The affect of the construction on businesses needs to be clearly analyzed, both physical and financial. Many businesses cannot remain closed for extended periods and be viable. The affect on the businesses could create an economic impact on the City that needs to be clearly addressed in the EIR.

58-154 | 16. Eminent Domain – The project will require additional right-of-way for the various construction options as described in the more recent Alternatives Analysis. The Alternatives Analysis clearly indicates that the right-of-way requirements in Menlo Park for most of the alternatives that would reduce impacts will be greater than the available right-of-way. The acquisition of additional right-of-way by the Authority would likely require eminent domain in many cases. A clear analysis of the properties that will be affected by the need for additional right-of-way needs to be included in the EIR. Also, the EIR needs to include mitigation measures to eliminate the need for additional right-of-way or ways to preserve the full use of the properties and eliminating other environment impacts. These impacts are essential at the Program Level EIR stage to make an informed decision on the appropriate route for the system.

58-155 | 17. Union Pacific Trackage Rights – The Union Pacific Railroad currently has the contractual rights to intercity rail along the Caltrain corridor. An agreement with Union Pacific has not been reached for High Speed Rail to utilize the tracks for intercity rail. This information should be clearly analyzed and considered in the EIR for a determination on the route choice for this segment of HST.

58-156 | 18. Grade Separation Costs – The EIR is unclear as to how the costs for the grade separations along the system were estimated. The cost estimates should not only include crossings that are being converted from at-grade to grade separated (new grade separations), but also modifications to current grade separations and what costs and modifications are required. The total financial picture for the HST project is essential in effectively evaluating routing alternatives in the EIR.

58-157 | 19. Existing Crossings – The current pedestrian, bicycle and vehicular crossing of the current Caltrain tracks are essential for the movement of people and goods. The Authority needs to commit to maintaining all of the current crossings completely open with no closures. At a minimum, the crossings need to continue to operate with the same level and types of traffic as they do today. Beyond the current crossings, the Authority should resolve to increase connectivity across the railroad tracks with better crossings, and more pedestrian and bicycle crossings.

58-158 | 20. Other Environmental Impacts – The HST project will require the removal of trees, affect view corridors and grade separation will significantly impact local traffic circulation. The HST would also change the quiet residential neighborhood character of Menlo Park by introducing a train system that would not fit within the community. These issues need to be clearly understood prior to making a final decision on the best alignment for the

58-158 | project. The current program level EIR/EIS is not sufficiently detailed to allow those affected to understand the potential impacts before a final route is selected.

58-159 | Finally, the City of Menlo Park would reiterate the concerns raised above and the fact that further information is necessary in order to make an informed decision on the appropriate route for HST to the Bay Area. While we understand that the nature of a "program" environmental document on a statewide project is inherently general, we wish to bring to your attention specific concerns of the City of Menlo Park that are still not adequately addressed in the revised Draft EIR. The Authority has made it clear that it is unwilling to consider alternative routes in its project level EIR for the Peninsula Segment. Therefore, it is incumbent on the Authority to complete a more comprehensive analysis of the impacts with the Program EIR.

The City expects to have these items addressed as part of the revised Final High Speed Rail Program EIR/EIS. The City looks forward to the Attorney General's decision regarding the blended system. The City will continue to participate in the EIR/EIS process to review any impacts and proposed mitigation measures within Menlo Park.

Sincerely,  
  
 Kirsten Keith  
 Mayor

Attachment: City of Menlo Park comment letter on the Central Valley to Bay Area High Speed Rail Program EIR/EIS dated April 22, 2010

Cc: Members of the City Council  
 City Attorney  
 Public Works Director  
 Dan Richard, High Speed Rail Authority Board Chairperson  
 Lynn Schenk, High Speed Rail Authority Board  
 Thomas Richards High Speed Rail Authority Board  
 Russ Burns High Speed Rail Authority Board  
 Robert Balgenorth High Speed Rail Authority Board  
 Jim Hartnett High Speed Rail Authority Board  
 Michael Rossi High Speed Rail Authority Board  
 Assistant City Manager  
 Congresswoman Anna Eshoo  
 Assemblymember Rich Gordon  
 State Senator Joe Simitian

Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012)

RICHARD CLINE  
MAYOR  
  
JOHN BOYLE  
VICE MAYOR  
  
ANDREW COHEN  
COUNCIL MEMBER  
  
HEYWARD ROBINSON  
COUNCIL MEMBER  
  
KELLY FERGUSSON  
COUNCIL MEMBER



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April 22, 2010

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**Community Services**  
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California High Speed Rail Authority  
Attn: California High Speed Train  
Central Valley to Bay Area High Speed Rail Program EIR/EIS  
925 L Street, Suite 1425  
Sacramento, CA 95814

Subject: City of Menlo Park Comments on the Revised Draft Central Valley to Bay Area High Speed Rail Program EIR/EIS

Members of the Authority:

The City of Menlo Park has continued concerns that the revised EIR doesn't have sufficient information to fully evaluate and reach a conclusion regarding the optimal route into the Bay Area. The Authority should continue to make all efforts to analyze alternate routes and/or methods in order to avoid significant adverse impacts to the Peninsula area from the alignment of the High Speed Train (HST).

The Authority has indicated in the notice for comments on the EIR that responses are only required for those portions of the DEIR/EIS that it has modified since the prior circulation period. The City disagrees that this requirement fits within CEQA. Rather, the standard is that set in *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112. Under that standard, public comment must be allowed if there is new information or changed circumstances that have arisen since the EIR was last circulated, and that information/circumstances indicates that the project will have new or substantially increased impacts, or "if the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect." There have been several circumstances that justify comments beyond the changes the Authority has explicitly made in the EIR. These include, but are not limited to, new ridership information, updated Business Plan, and the potential issues related to the Union Pacific railroad and their rights to use the tracks.

The City of Menlo Park would continue to be directly affected by the project and several of the alternatives, whether through the Caltrain mainline or the Dumbarton Rail Corridor. Menlo Park has previously expressed its concerns related to the project and new rail activity on either of the two rail lines. The City's letter on the 2007 draft EIR for this segment is included as an attachment to this letter and should be considered by the Authority as part of the City's official comments on the current draft program EIR. In addition to the City's previous letter the City reiterates here that the following new and unresolved issues that need to be addressed when determining the most appropriate route:

1. Ridership Estimates – The Authority should ensure that the Program level studies use accurate, publicly available, peer reviewed models, coefficients, datasets, etc. in all ridership simulations and analyses. The effect of recent questionable coefficients within the business plan related to the ridership model should be clearly explained. Menlo Park asserts that the data used to drive the route and preferred alternate decisions was based upon older ridership data which may or may not have altered the outcome and thereby influenced one route over another. The EIR should explain in clear detail the data used to determine the routes and alternatives and how the recent ridership numbers impact the routes analyzed in the EIR.
2. Financial analysis and Business Plan - The Authority should ensure that the Program level studies use accurate, publicly-available, peer-reviewed models, coefficients, datasets, etc. in its Business Plan and financial analyses.
3. Route Alternatives – The Authority should analyze a broad spectrum of alternatives for connectivity from San Jose to San Francisco to fully understand the impacts. One specific alternative should be the continued analysis of terminating the HST project in either San Jose or Union City and connecting to an expanded, local transit network with time-coordinated connections. This analysis should include the possibility of sending some HSTs all the way to San Francisco on shared tracks with Caltrain, so that HST passengers would not have to change trains in San Jose or Union City. These train sets could run at speeds similar to the current Caltrain trains. The analysis should also include potential upgrades to the Caltrain line such as additional grade separations, track improvements (including widening to three and four tracks at strategic locations), station improvements, electrification, positive train control, etc. These types of alternatives would significantly reduce the impacts to the Peninsula and reduce project costs by avoiding duplication of

## Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

train services, while still providing a way to serve High Speed Rail and meeting the Proposition 1A's requirement to build a High Speed Rail line between San Francisco and Los Angeles.

4. Vertical Alignment –Additional alternatives for construction of the HST underground through the Peninsula should be carefully studied and included in the document. This alternative would significantly reduce and/or eliminate many of the impacts associated with the system. The underground alternative could also be constructed in specific areas of greatest impact such as Menlo Park with narrow right-of-way and impacts to the overall character of the downtown. This alternative would also meet the goals of the HST by providing connectivity to San Francisco in a timely manner. The option of undergrounding both Caltrain and HST should be analyzed. The analysis should consider the positive environmental impacts of having all tracks underground, including effects on noise, vibration, aesthetics, property values, etc. With respect to financial feasibility, the air rights above a completely underground system could be sold to help offset the cost of the system with this alternative. Such uses could include linear parks, pedestrian and bicycle paths, bus rapid transit corridors, multi-unit housing, commercial development, etc.

The EIR is lacking because it did not consider alternatives for vertical alignments. The EIR only included a slightly elevated track alignment. This lack of analysis does not provide a good understanding of the various alternatives that could be implemented to minimize the impacts created by the HST. A trench or tunnel alternative would lessen the impacts in the City, similar to the undergrounding alternative described in item # 1 above, but has not been evaluated.

5. Grade Separation – The different potential routes from the Central Valley to the Bay Area would result in different locations for grade separations, which would likely have different levels of impact. The Program EIR/EIS provided little information regarding grade separations within Menlo Park and along the Peninsula. The EIR must analyze the need for new grade separations as it does, but also analyze the potential reconstruction or modification of current grade separations in Menlo Park and along the entire Peninsula that may not be suitable for HST. More thorough analysis of the potential impacts at each roadway crossing should have been included. Grade separations on the Caltrain mainline will create impacts because of the constrained nature of the development in Menlo Park as well as the presence of a historical structure. One likely alternative for grade separation would include raising the tracks.

This particular alternative has another unique issue of creating a "wall effect" within the community and dividing the City.

Grade separations are not identified in the EIR. The EIR should indicate which crossings are expected to be separated, and define whether each intersection is to be separated by underpasses or overpasses (presumably the vehicular and pedestrian traffic and not HST). Grade separations cause substantially more construction, surface disturbance, noise, air quality, aesthetics, and transportation conflicts. An elevated railway would be a significant change from the existing landscape, and could have significant impacts on neighboring communities. Project construction could have significant impacts, such as disruption of existing rail service and disruption of local business; these issues are not addressed in the EIR. These impacts must be analyzed for the CEQA document to be adequate.

6. Historic Structure – The City of Menlo Park Caltrain station has been listed on the National Register of Historic Places since 1974. The impacts to the existing train station has not been analyzed in the EIR or fully discussed. The EIR should clearly analyze the impacts to this structure along with any other historic structure that may be impacted by the HST system.
7. Electrification –The appearance of overhead electric power supply for the trains, including the wires, supporting poles, mast arms and insulations, is a matter of significant concern. Also, the electrification system should be compatible with the proposed Caltrain electrification such that two systems do not need to be constructed and maintained. The EIR needs to analyze the impacts associated with electrification of the system for all vertical and horizontal alignments including visual, tree impacts, etc. If the system becomes completely electrified, the EIR should consider the relative impacts of diesel VS. hybrid VS. all electric engines for freight trains running on the corridor.
8. Noise and vibration mitigation – The revised EIR does not include any additional vibration analysis as requested in the Court's verdict. The impacts of vibration cannot be clearly understood without the required information. The additional noise and vibration caused by the HST needs to be clearly stated and addressed. Any noise and/or vibration impacts need to be mitigated as part of the project. Such measures should be included as integral components of the project. These measures should not create other impacts such as construction of a sound wall that might divide the City and adversely affect the residential character of the community.

## Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

9. Freight – Menlo Park is concerned about freight traffic using either the Caltrain mainline or the Dumbarton Rail line and its impact on residents and traffic in the area. Since the rail lines will be grade separated, which allows for faster train times and reduced vehicular and pedestrian conflicts, the lines would be more easily suited for freight traffic. This may lead to increased freight traffic on rail lines that currently have minimal freight traffic. The potential increase in freight is not only related to Caltrain's discussions with freight, but a function of the HST project due to amenities proposed as part of the HST project. A new San Francisco Bay crossing along the Dumbarton alignment may open this corridor up to freight traffic, which could substantially increase noise and vibration impacts to adjacent residential neighborhoods in Menlo Park. These potential impacts should have been studied so that mitigation measures could be developed.
10. Funding – The project intends to use State General Obligation bonds to fund the project. This funding method would create a long-term financial obligation that could impact existing State programs. The current information related to cost/benefit and fiscal impact analysis needs to be revised to provide a very accurate picture of the project. The current Business Plan for the project outlines several funding sources including federal grants and private investment. The federal funds have not been secured and a funding source for the private investment has not been identified. The private investment indicates that a guaranteed ridership would need to be included. This is contradictory to the Proposition 1A language that does not allow a public subsidy of the operation for the project. The Program EIR indicated that an annual ridership number of 88 million passengers was included for cost/benefit purposes. The current Business Plan indicates that the initial phase of the HST system would include 41 million passengers. Both of these estimates appear to be for the Bay Area segment. The apparent reduction in ridership indicated in the Business Plan should be utilized for the Program Level EIR to better understand the funding requirements of the project. The Authority has planned to partially fund segments of the HST system, while not funding the entire system. This funding arrangement does not fit within the requirement of Proposition 1A. A full funding plan with identified dedicated funding needs to be included in the EIR.
11. Property Impacts – The EIR only analyzes the impacts to properties within 50 feet of the HST corridor. The impact due to the HST system such as noise, vibration, and aesthetics will have a much wider reach and affect on properties further from the system. The EIR should clearly analyze the impacts to properties much further from the HST system. A minimum distance of 500' should be used in the analysis. But, the specific distance should be based on the increased impacts and how far they may reach and could vary based on terrain and the specifics of the area.
12. Caltrain Service Levels – The EIR assumes two tracks for the HST that would be shared with Caltrain express service and two tracks for Caltrain local service and freight. A recent study on another section of the HST project indicated that the HST tracks could not be shared by another train service. If this is ultimately determined to be true for the Peninsula corridor, Caltrain service would be directly affected and its level of service would be diminished. The current number of tracks for the Peninsula has not been clearly analyzed including the level of service for Caltrain. A study that clearly identifies the required number of tracks for each system and whether the HST system can share tracks with Caltrain, given safety consideration and other factors, needs to be included in the report.
13. Construction Impacts – The construction of the project would create many impacts within the City of Menlo Park. The construction of a shoofly tracks, traffic diversion, construction noise, etc. should all be analyzed and included in the EIR. The construction impacts and duration should be considered as part of the selection of the alternatives, since the construction will be of much longer duration than typical construction projects. These are not temporary impacts, but impacts that will affect residents and business for an extended period. The impact of the shoofly tracks on adjacent properties needs to be clearly analyzed and stated in the document including any mitigation measures. The shoofly tracks will likely affect traffic patterns, create additional noise for many residents and require acquisition of property. The affect of the construction on businesses needs to be clearly analyzed, both physical and financial. Many businesses cannot remain closed for extended periods and be viable. The affect on the businesses could create an economic impact on the City that needs to be clearly addressed in the EIR.
14. Eminent Domain – The project will require additional right-of-way for the various construction options as described in the more recent Alternatives Analysis. The Alternatives Analysis clearly indicates that the right-of-way requirements in Menlo Park for most of the alternatives that would reduce impacts will be greater than the available right-of-way. The acquisition of additional right-

Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

of-way by the Authority would likely require eminent domain in many cases. A clear analysis of the properties that will be affected by the need for additional right-of-way needs to be included in the EIR. Also, the EIR needs to include mitigation measures to eliminate the need for additional right-of-way or ways to preserve the full use of the properties and eliminating other environment impacts. These impacts are essential at the Program Level EIR stage to make an informed decision on the appropriate route for the system.

- 15. Union Pacific Trackage Rights – The Union Pacific Railroad currently has the contractual rights to intercity rail along the Caltrain corridor. An agreement with Union Pacific has not been reached for High Speed Rail to utilize the tracks for intercity rail. This information should be clearly analyzed and considered in the EIR for a determination on the route choice for this segment of HST.
- 16. Grade Separation Costs – The EIR is unclear as to how the costs for the grade separations along the system were estimated. The cost estimates should not only include crossings that are being converted from at-grade to grade separated (new grade separations), but also modifications to current grade separations and what costs and modifications are required. The total financial picture for the HST project is essential in effectively evaluating routing alternatives in the EIR.
- 17. Existing Crossings – The current pedestrian, bicycle and vehicular crossing of the current Caltrain tracks are essential for the movement of people and goods. The Authority needs to commit to maintaining all of the current crossings completely open with no closures. At a minimum, the crossings need to continue to operate with the same level and types of traffic as they do today. Beyond the current crossings, the Authority should resolve to increase connectivity across the railroad tracks with better crossings, and more pedestrian and bicycle crossings.
- 18. Additional Facilities – The project description is essentially limited to the alignment of the track corridors and possible stations, but does not mention the additional support facilities, other than the maintenance facility, that would be needed. These additional support facilities would include layover facilities, turnouts, bridges, and tunnels, advanced signaling and communications systems, electrification facilities, station automobile parking structures, and the public open spaces needed to support the pedestrian traffic generated by the hub

stations. The EIR is inadequate because they are not identified or analyzed in the document. If the potential environmental impacts of these supporting facilities are not going to be addressed in the EIR, they should be identified, the typical effects explained, and should be addressed in detail in the forthcoming project-level engineering and environmental reviews.

- 19. Other Environmental Impacts – The HST project will require the removal of trees, affect view corridors and grade separation will significantly impact local traffic circulation. The HST would also change the quiet residential neighborhood character of Menlo Park by introducing a train system that would not fit within the community. These issues need to be clearly understood prior to making a final decision on the best alignment for the project. The current program level EIR/EIS is not sufficiently detailed to allow those affected to understand the potential impacts before a final route is selected.

Finally, the City of Menlo Park would reiterate the concerns raised above and the fact that further information is necessary in order to make an informed decision on the appropriate route for HST to the Bay Area. While we understand that the nature of a "program" environmental document on a statewide project is inherently general, we wish to bring to your attention specific concerns of the City of Menlo Park that are not adequately addressed in the revised Draft EIR. The Authority has made it clear that it is unwilling to consider alternative routes in its project level EIR for the Peninsula Segment. Therefore, it is incumbent on the Authority to complete a more comprehensive analysis of the impacts with the Program EIR.

The City expects to have these items addressed as part of the revised Final High Speed Rail Program EIR/EIS. The City will continue to participating in the EIR/EIS process to review any impacts and proposed mitigation measures within Menlo Park.

Sincerely,



Richard Cline  
Mayor

Attachment: City of Menlo Park comment letter on the Central Valley to Bay Area High Speed Rail Program EIR/EIS dated September 25, 2007

Cc: Members of the City Council  
Curt Pringle, High Speed Rail Authority Board Chairperson

Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

Tom Umberg, High Speed Rail Authority Board Vice-Chairperson  
Quentin Kopp, High Speed Rail Authority Board Member  
Fran Florez, High Speed Rail Authority Board Member  
David Crane, High Speed Rail Authority Board Member  
Rod Diridon, High Speed Rail Authority Board Member  
Lynn Schenk, High Speed Rail Authority Board Member  
Russ Burns, High Speed Rail Authority Board Member  
Richard Katz, High Speed Rail Authority Board Member  
City Attorney  
Deputy City Manager

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September 25, 2007

California High Speed Rail Authority  
Attn: California High Speed Train  
Central Valley to Bay Area High Speed Rail Program EIR/EIS  
925 L Street, Suite 1425  
Sacramento, CA 95814

Subject: City of Menlo Park Comments on the Central Valley to Bay Area High Speed Rail Program EIR/EIS

Members of the Authority:

Thank you for the opportunity to review and comment on the EIR/EIS for the Central Valley to Bay Area segment of the High Speed Train (HST) system.

The City of Menlo Park appreciates the Authority's efforts to analyze alternate routes and/or methods in order to avoid significant adverse impacts to the Peninsula area from the alignment of the HST.

The City of Menlo Park would, however, be directly affected by several of the alternatives, whether through the Caltrain mainline or the Dumbarton Rail Corridor. Menlo Park previously has expressed its concerns related to new rail activity on either of the two rail lines and reiterates here that the following issues need to be addressed when determining the most appropriate route:

- 1. Alternatives – The Authority should continue to further analyze terminating the HST project in either San Jose or Union City and connecting to existing systems with time-coordinated connections, etc. Also, two additional alternatives should be carefully studied and included in the document. First, a route generally along the I-280 corridor from San Jose to San Francisco should be included. This route would have reduced impacts to many of the communities on the peninsula and should be carefully addressed. Second, construct the system underground through the peninsula. This would significantly reduce many of the impacts associated with the system. Also, the air rights above the system could be leased to offset the cost of the system with this alternative.

Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

2. Grade Separation -- The Program EIR/EIS provided little information regarding grade separations within Menlo Park. Grade separations on the Caltrain mainline will create impacts because of the constrained nature of the development in Menlo Park as well as the presence of a historical structure. One likely alternative for grade separation would include raising the tracks. This particular alternative has another unique issue of creating a "wall effect" within the community and dividing the City. A trench alternative would lessen the impacts in the City, similar to the undergrounding alternative described in item # 1 above. The City would also expect that any project level EIR/EIS's would address and mitigate all the impacts of grade separation including, but not limited to, the economic impacts.

3. Electrification --The appearance of overhead electric power supply for the trains, including the wires, supporting poles, mast arms and insulations, is a matter of significant concern. Also, the electrification system should also be compatible with the proposed Caltrain electrification such that two systems do not need to be constructed and maintained.

4. Noise and vibration mitigation -- The additional noise and vibration caused by the HST needs to be clearly stated and addressed. Any noise and/or vibration impacts need to be mitigated as part of the project. Such measures should be included as integral components of the project. These measures should not create other impacts such as construction of a sound wall that might divide the City and affect the neighborhood feel of the community.

5. Freight -- Menlo Park is concerned about freight traffic using either the Caltrain mainline or the Dumbarton Rail line and its impact on residents and traffic in the area. Since the rail lines will be grade separated, which allows for faster trains times and reduced vehicular and pedestrian conflicts, the lines would be more easily suited for freight traffic. This may lead to increased freight traffic on rail lines that currently have minimal freight traffic. A new San Francisco Bay crossing along the Dumbarton alignment may open this corridor up to freight traffic, which could substantially increase impacts to adjacent residential neighborhoods in Menlo Park.

6. Funding -- The project intends to use State General Obligation bonds to fund the project. This funding method would create a long-term financial obligation that could impact existing State programs. A detailed

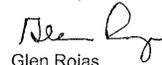
cost/benefit and fiscal impact analysis should be provided for the project, so voters can make an informed decision. Also, additional funding sources should be sought to share the costs of the project.

7. Other Environmental Impacts -- The HST project will require the removal of trees, affect view corridors and grade separation will significantly impact local traffic circulation. The HST would also change the close neighborhood character of Menlo Park by introducing a train system that would not fit within the community. These issues need to be clearly understood prior to making a final decision on the best alignment for the project. The current program level EIR/EIS is not sufficiently detailed to allow those affected to understand the potential impacts before they are asked to vote on funding for the project. A project specific EIR/EIS should be completed for work on the San Francisco peninsula before the HST project appears on the ballot due to the higher level of likely environmental impacts as compared with other parts of the HST project.

Attached to this letter are Menlo Park's previous comment letters for other rail projects on the same rail corridors. The issues related to HST are very similar to the issues raised in those comment letters. The City of Menlo Park would expect the Authority to consider all of these comments when evaluating the City's responses to the draft EIR/EIS.

Finally, the City of Menlo Park appreciates the opportunity to provide input on the High Speed Rail Program EIR/EIS. The City looks forward to participating in the EIR/EIS process to review any impacts and proposed mitigation measures within Menlo Park. As previously noted, the City of Menlo Park cannot declare itself in support of the project until the issues described above have been carefully evaluated and addressed through the evaluation and design process.

Sincerely,



Glen Rojas  
City Manager

Cc: Members of the City Council  
Quentin Kopp, High Speed Rail Authority Board Chairperson  
Fran Florez, High Speed Rail Authority Board Vice-Chairperson  
Donna Andrews, High Speed Rail Authority Board Member

# Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued



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ATTACHMENT A



- LEE B. DUBOC  
MAYOR
- MICKE WINKLER  
MAYOR PRO TEM
- PAUL J. COLLACCHI  
COUNCIL MEMBER
- NICHOLAS P. JELLYNS  
COUNCIL MEMBER
- CHARLES M. KINNEY  
COUNCIL MEMBER

David Crane, High Speed Rail Authority Board Member  
 Rod Diridon, High Speed Rail Authority Board Member  
 Kirk Lindsey, High Speed Rail Authority Board Member  
 Curt Pringle, High Speed Rail Authority Board Member  
 Lynn Schenk, High Speed Rail Authority Board Member  
 Tom Stapleton, High Speed Rail Authority Board Member  
 City Attorney  
 Director of Public Works

August 26, 2004

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

Subject: **City of Menlo Park Comments on Draft Program EIR/EIS**

Members of the Authority:

Thank you for the opportunity to review and comment on the Draft Program EIR/EIS for the proposed statewide high-speed rail project.

While we understand that the nature of a "program" environmental document on a statewide project is inherently general, we wish to bring to your attention specific concerns of the City of Menlo Park that are not adequately addressed in the Draft Program EIR/EIS and that must have "project level" environmental review before the overall program can proceed.

The Draft Program EIR/EIS information on the Menlo Park grade separation issue is limited to a map of northern California extending from the Carquinez Strait to Gilroy entitled *Figure 2.7-5, HST Alignment Options-Profile Characteristics, Bay Area To Merced Region*. This Figure has a single colored line passing through Menlo Park bearing the legend "Slightly Elevated or Depressed". This level of information is inadequate as a description of the grade separation work the Authority intends to undertake. Furthermore, grade separation and expanding the line to four tracks as proposed would necessitate relocation of a historic structure within the Menlo Park rail station complex. The document does not provide adequate information on what right-of-way may have to be acquired in Menlo Park permanently or for temporary construction easements to develop four tracks in the Caltrain alignment and construct the grade separations. Until the HST project defines an explicit horizontal and vertical alignment proposal for tracks and roadways, the City and the affected public in Menlo Park cannot reasonably know what the real impacts of the project are.

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Attachments:

- A. City of Menlo Park comments and resolution on the first California High Speed Rail Program EIR/EIS dated August 26, 2004.
- B. City of Menlo Park comments on the Caltrain Electrification EIR/EIS dated May 24, 2004.
- C. City of Menlo Park comments on the Dumbarton Rail Corridor Project dated July 23, 2007.
- D. City of Menlo Park comments on the San Francisco Bay Area Regional Rail Plan dated August 29, 2007.

Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

The document needs to include additional information on impacts and mitigation measures in relation to noise resulting from High Speed rail operation in the areas of Menlo Park with residential housing near the rail corridor. Other issues of concern to the City of Menlo Park are loss of trees, impact to view corridors, economic impacts to nearby property owners and local traffic circulation. These issues need to be discussed in more detail in the document.

The appearance of overhead electric power supply for the trains, including the wires, supporting poles, mast arms and insulators, is a matter of significant concern for Menlo Park. Any new electrical substations in Menlo Park would also be of concern. The Draft Program EIR/EIS provides insufficient information for the public to determine whether these aspects of the project would be detrimental to Menlo Park. The electrification system proposed for the HST is similar to that proposed for the Caltrain system by the Peninsula Corridor Joint Powers Board (the JPB). On May 25, 2004 Menlo Park filed formal comments on the JPB's Draft EIR for Caltrain Electrification. Menlo Park attaches its letter of comment on the proposed Caltrain Electrification to this letter, and identifies those comments as applicable to the HST Program EIR/EIS.

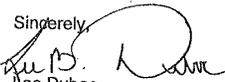
Although the document indicates the Authority will conduct a project level EIR to the extent needed to assess potential Environmental Impacts not already addressed in this Program EIR/EIS, the fact that the project is being taken to the voters of the state for funding approval on the basis of the Program EIR/EIS document tends to deprive the public of full disclosure of the program's environmental impacts at the time they make their decision on whether to vote funding for the project. The opinions of voters in communities like Menlo Park, that are to be traversed by, and likely to be significantly impacted by the high speed rail project, would be more heavily influenced by the details of local impacts of grade separations, right-of-way acquisition and electrification that are not adequately addressed in the Program EIR/EIS than by the information on statewide travel needs and impacts that the Program EIR/EIS focuses on.

Menlo Park is compelled to comment that while economic issues are not normally addressed in the EIR funding the High-Speed Rail Project with general obligation bonds to be paid from the State General Fund seems inappropriate and irresponsible at a time when the general fund is in a deficit condition and state funding to schools and local government is being squeezed to offset the general fund deficit. At a minimum, Menlo Park urges that any bond obligations on the State General Fund be deferred for several years, and that preferably the project be funded through revenue bonds or with a new direct taxation funding source, not through draw-downs on existing state and local fund resources.

Finally, the City of Menlo Park does not concur in the decision to exclude the Altamont Corridor rail route from further consideration and evaluation in the HST

EIR/EIS. It is premature to arbitrarily eliminate an alternative at such an early stage.

The City of Menlo Park does not wish to be in opposition to the Statewide High-Speed Rail Project. However, until the potentially critical local impacts described above are carefully worked out through the design process and evaluated in a project-level EIR/EIS, and until a financing plan that does not compound the difficulties facing local government is developed, Menlo Park cannot declare itself in support of the Project (please see attached Resolution).

Sincerely,  
  
Lee Duboc  
Mayor

Attachment: Resolution # \_\_\_\_\_  
Letter of comments on Caltrain Electrification Program

# Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MENLO PARK  
COMMENTING ON THE CALIFORNIA HIGH SPEED RAIL SYSTEM DRAFT ENVIRONMENTAL  
IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT**

WHEREAS, the California High Speed Rail Authority was established by the Legislature in 1996 for implementing a statewide high speed train system for California; and,

WHEREAS, it is the intent of the State Legislature and the High Speed Rail Authority that a statewide ballot measure to authorize bonds that would fund the project through design and the first stages of construction go to the voters in November of 2006; and,

WHEREAS, the California High Speed Rail Authority has circulated a Draft Program Environmental Impact Report/Environmental Impact Statement on the proposed California High Speed Rail Project seeking comments; and,

WHEREAS, as proposed, the high speed rail line would pass through Menlo Park in the Caltrain corridor, the project would expand the Caltrain line to four tracks, electrify the line, grade separate all crossings, would generate 86 trips a day by the year 2020, and the Authority would perform more specific environmental impact analysis for segments of the rail line and the stations should the high speed train advance to subsequent phases of project development.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Menlo Park that:

1. The fact that the project is being taken to the voters of the state for funding approval on the basis of the Program EIR/EIS document tends to deprive the public of full disclosure of the program's environmental impacts. The opinions of voters in communities like Menlo Park, that are to be traversed by and likely to be significantly impacted by the high speed rail project, would be more heavily influenced by the details of local impacts of the project that are not adequately addressed in the Program EIR/EIS than by the information on statewide travel needs and impacts that the Program EIR/EIS focuses on.
2. The project sponsor needs to identify issues of critical concern to Menlo Park at this stage of the project development in order to assure that these issues will be addressed in some depth in subsequent project-level environmental documentation.
3. Funding a \$37 billion project with state general obligation funds seems inappropriate at a time when the State General Fund is in a shortfall condition that is already adversely impacting local governments.
4. The Program EIR/EIS is so general it does not provide adequate information regarding the impacts on right-of-way, noise, historic buildings, trees, businesses, aesthetics and local traffic circulation.
5. Menlo Park would experience staff cost in coordinating the planning, design and construction activities of the high speed train project.
6. Menlo Park does not concur in the decision to exclude further evaluation of the Altamont Corridor rail route, and requests the Authority to revive consideration of that route at this stage of environmental review process.
7. Menlo Park expresses its strong desire for exploring alternate routes and/or methods to avoid the Peninsula area as the alignment for the high speed rail line, i.e. by integrating it with existing systems.

I, SILVIA VONDERLINDEN, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on \_\_\_\_\_, 2004, by the following vote:

AYES:	Council members:
NOES:	Council members:
ABSENT:	Council members:
ABSTAIN:	Councilmembers:



701 LAUREL STREET, MENLO PARK, CA 94025-3483  
www.menlopark.org

May 24, 2004

Caltrain Electrification  
1250 San Carlos Avenue  
San Carlos, CA 94070

Subject: **Caltrain Electrification Program, Environmental Assessment / Draft Environmental Impact Report**

Members of the Peninsula Corridor Joint Powers Board:

Thank you for the opportunity to comment on the Environmental Assessment / Draft Environmental Impact Report on the proposed Caltrain Electrification Program. Menlo Park recognizes that it benefits substantially from Caltrain services and wishes to cooperate with the JPB in improving the quality and efficiency of Caltrain services and operations. However, it must also be recognized that the central portion of Menlo Park is adversely impacted by some of the characteristics of Caltrain operations. As a result, any significant change in Caltrain operations is a matter of considerable public concern. This letter is intended to convey those concerns on behalf of Menlo Park's most directly affected citizens.

After carefully considering the draft document, we believe that there are a number of considerations that must be addressed in more depth before the document would be reasonably adequate for certification.

Our concerns include the following points:

- The project's impact on trees in and near Menlo Park is not sufficiently clear. We understand that there is a detailed arborist's report, but that report has not been directly incorporated in the document. If the content of the arborist's report concerning tree loss in and near Menlo Park is as has been reported in the press (eight to twelve trees at the San Francisquito Creek crossing, fifteen to twenty-two of the fifty-six trees along the tracks in Menlo Park and twenty-five percent of the trees along the tracks in nearby Atherton slated for removal), the DEIR's conclusion of "no permanent impacts" to biological resources may be incorrect. We suggest that this area of the analysis be thoroughly reconsidered, that more specific detail be

ATTACHMENT B



LEE B. DUBOC  
MAYOR

MICKIE WINKLER  
MAYOR PRO TEM

PAUL J. COLLACCHI  
COUNCIL MEMBER

NICHOLAS P. JELLINS  
COUNCIL MEMBER

CHARLES M. KINNEY  
COUNCIL MEMBER

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## Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

provided in the report and that consideration be given to transplanting trees rather than removing them. We would also suggest that planting new trees be given consideration as mitigation for the loss of existing trees.

- Regarding visual impacts, it seems certain that many in Menlo Park will consider the prospect of catenary wires, insulators, support poles and mast arms, portal support frames in the station areas and higher poles and wires for the distribution system unsightly. And because the impacts of tree removal associated with the project have not been clearly documented in the DEIR (see point above), it is evident that the visual impacts are likely to be more extensive than analyzed in the DEIR. To be a fair indicator of likely visual impact, the DEIR needs additional photo-simulated views that combine the effects of introduction of the electrification overhead gear together with those of the project's tree removal effects. Tree planting and other landscape treatments should be considered as mitigation for the visual impacts created by the project.
- The DEIR claims the potential for substantial noise reduction benefit as the result of electrification. However, in areas near grade crossings, any such benefit would be imperceptible because of the continued impacts of the much more disturbing train horn soundings. In Menlo Park, where there are four grade crossings in the corridor's 1.5 mile traversal of the community and two more, one just north and one just south of City limits, for an average of one grade crossing every quarter-mile, the adjacent land use in Menlo Park along the entire corridor is adversely impacted by train horn noise. Until grade separations or other actions eliminate the routine sounding of train horns at grade crossings, the claimed noise reduction benefits of the electrification project will generally be unperceived by the public. To eliminate the inaccurate portrait of noise reduction benefit that the DEIR currently presents, the document should provide noise contour maps for the alternatives in which the effects of train horn noise are considered as well as the other forms of train noise.
- On page 2-53, the DEIR opines that grade separating the entire system would delay electrification for several years. It also states that grade separating the entire line would increase costs with no commensurate improvement in train service. This particular assertion appears unfounded given that a fully grade separated system is an adopted goal of the JPB. We question this conclusion of the DEIR given the substantial history of grade crossing accidents on the line that grade separations would avert, given the serious disruption to system reliability that results when a rail accident occurs at a grade crossing and given that the claimed noise-reduction benefits of the electrification project generally will not be truly realized until and unless completion of grade separations eliminates the most disturbing noises created by train horns and wayside warning devices. Contrary to the

statement of the DEIR, grade separations are obviously not just a benefit-less cost to the rail system. From the perspective of a community that is substantially benefited by Caltrain service but significantly adversely impacted by certain aspects of Caltrain operations that relate to a lack of grade separations (the train horn noise, congestion and safety at the grade crossings) a fair argument can be made that what the JPB should be doing is using first available funding to grade-separate the entire system and using later funding to do the electrification, in which case: 1) the claimed noise-reduction benefits would be realized because the train horn noise would be eliminated and 2) the electric third rail system that avoids all the overhead equipment many people may consider unsightly may prove most practical.

If electrification precedes complete grade separation of the Caltrain line, during any subsequent grade separation project, the electrification gear will need to be moved over to the shoofly and back again to the permanent tracks, an activity that obviously adds complexity, cost and time to any grade separation project. Less obvious but nonetheless significant, aside from moving the electrical system twice, just having to work near the hot wires while doing the ordinary grade separation construction activity will add complexity, time and cost and may also necessitate more intrusive and disruptive temporary construction easements. These are significant considerations for communities that are prospective candidates for grade separations.

- The DEIR notes that the statewide high-speed rail operation that hopes to operate in the Caltrain corridor will need the high voltage overhead type system and that cost-efficiency could be realized by having the Caltrain electrification compatible with it. However, at this point the statewide high-speed rail is nothing more than a speculative project; it is not assured of moving forward. Therefore, it may be premature to lock-in an electrification technology decision on the presumption that high speed rail will be under construction soon to share electrification costs with Caltrain. Caltrain may be wise to defer decision making on the details of electrification until the fate of the statewide high speed rail project is determined. If the statewide high-speed rail project proves a non-starter, Caltrain might be well advised to rely on the less intrusive electric third rail type system rather than the overhead system that high-speed rail would require and that some may regard as unsightly.
- The "Public Services and Facilities" section of the DEIR contains no information about the potential safety risks of the electrified system. What happens when 'hot wires' fall down due to some kind of incident (storm winds, motorist collision with support, etc.)? How quickly does the power get shut off? How frequently do such incidents happen in areas like the Boston to Washington corridor where such systems are operational? The DEIR is

Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

completely lacking regarding information of this type. Such considerations should be addressed in the document.

ATTACHMENT C

Thank you again for the opportunity to comment on the Draft Environmental Impact Report.

Sincerely,

  
 Kent Steffens  
 Director of Public Works

cc: Mayor and Members of City Council  
 City Manager  
 Community Development Director  
 City Attorney  
 Town Council Members – Town of Atherton,  
 Via: Jim Robinson, City Manager

KELLY FERGUSSON  
 MAYOR  
 ANDREW COHEN  
 MAYOR PRO TEM  
 JOHN BOYLE  
 COUNCIL MEMBER  
 RICHARD CLINE  
 COUNCIL MEMBER  
 HEYWARD ROBINSON  
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 FAX 650.327.5953

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701 LAUREL STREET, MENLO PARK, CA 94025-3483  
 www.menlopark.org

July 23, 2007

Dumbarton Rail Corridor Policy Advisory Committee  
 1250 San Carlos Avenue  
 San Carlos, CA 94070-1306

Honorable Chairman Green and Members of the Committee,

Menlo Park City Council recently held two meetings to educate the Council, staff, and the community about the plans for the Dumbarton Rail Corridor (DRC) project. At these meetings, a number of issues of concern about the project were raised. On July 19, 2007, the Council voted unanimously to submit a letter to the DRC Policy Advisory Committee (PAC) listing the City's primary concerns and requesting a response to these concerns. Menlo Park submits this letter to the PAC now, recognizing that policy direction given by the PAC now and in the future will significantly impact how these issues are addressed and resolved.

The City of Menlo Park strongly supports the goal of increasing public transit throughout the region and in particular along the Dumbarton corridor. Clearly the Dumbarton Rail project could bring many benefits, including enhancement of our local and regional economies. However, if not properly mitigated, this project will result in significant impacts on several Menlo Park neighborhoods. In addition, careful consideration must be given to all project alternatives to ensure the best use of voter-approved transit dollars.

Menlo Park hopes that this letter will serve to open a dialogue with the PAC around the issues raised by the project. The primary items of concern are:

1. Freight – Menlo Park is concerned about freight trains using the Dumbarton rail line and its impact on residents and traffic in the area. The project should eliminate the possibility of freight on the Dumbarton Rail line.
2. Cost Projections – Include all costs, and in particular estimates for the cost of mitigations, in the cost projections for each proposed option so that alternatives can be compared on an equivalent basis.
3. Ridership Data – This data has changed over time based on new information and updated models. The model is complex and involves many factors. The ridership estimates, model assumptions, and model parameters need to be clearly explained and provided to the public. A detailed explanation of the differences in ridership between the various alternatives needs to be provided.

Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

ATTACHMENT D

4. **Electrification** – The project should include electrification or the possibility to easily implement electrification, without further construction, to reduce air pollution and fit with the current plan to electrify the Caltrain mainline. One specific alternative that should be considered is the use of lighter electric vehicles such as the ones proposed for the Caltrain mainline. We understand that Caltrain has made significant progress with Federal regulators so that lighter electric vehicles could be used on the Caltrain mainline. Since the Dumbarton trains will be integrated into the Caltrain mainline at Redwood Junction, using the same vehicles throughout the Caltrain system would maximize operational efficiencies. These lighter vehicles provide more flexibility, less pollution, and noise.
5. **Alternatives** – Make a fair, thorough and realistic comparison of alternatives, including increased bussing and Bus Rapid Transit. These alternatives may have a reduced cost and could be implemented with a phased approach.
6. **Mitigations** – The project plan should include mitigations to address the impacts of each option under consideration. The City cannot support a plan that does not budget funds for noise and vibration mitigation. These mitigation measures need to be thoroughly studied and alternatives developed. They are an integral component to the project and need to be included in all future cost estimates for the project.
7. **Traffic** – The rail service will increase delay on several already-congested roadways in Menlo Park. The impact of the rail service on traffic in the area needs to be analyzed using properly validated models. Options for mitigating the increased traffic delay should be considered, including advanced signal timing, grade separations, etc.

Menlo Park has previously submitted communications regarding the DRC project. These include a letter from Mayor Borak in 2000, and a letter from Mayor Winkler in 2006. Many of the policy issues raised in those letters remain unresolved. In addition, comments from the City on the Notice of Preparation for the environmental process were submitted in 2006.

Menlo Park trusts that the Dumbarton Rail PAC will seriously consider the issues raised in this letter. Menlo Park requests and looks forward to your response.

Respectfully submitted,

  
 Kelly Fergusson  
 Mayor

KELLY FERGUSSON  
 MAYOR  
 ANDREW COHEN  
 MAYOR PRO TEM  
 JOHN BOYLE  
 COUNCIL MEMBER  
 RICHARD CLINE  
 COUNCIL MEMBER  
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701 LAUREL STREET, MENLO PARK, CA 94025-3483  
 www.menlopark.org

August 29, 2007

Ms. Katie Balk  
 Regional Rail Project Offices, c/o BART  
 300 Lakeside Drive, 16<sup>th</sup> Floor  
 Oakland, CA 94612

**Subject: Comments on the San Francisco Bay Area Regional Rail Plan**

Dear Ms. Balk:

Thank you for the opportunity to comment on the San Francisco Bay Area Regional Rail Plan. The City of Menlo Park supports your efforts to plan for future improvements to the rail system that incorporates both passenger trains and freight service.

City representatives attended the Regional Rail Plan Community Workshop held in San Carlos, and received a copy of the Regional Rail Plan Draft Report Summary dated August, 2007. The City's comments will focus specifically on this document.

**Plan and Budget for Adequate Mitigation of Service Expansion Impacts.** Menlo Park and much of the San Francisco Peninsula are currently near built-out conditions, with substantial residential areas near or immediately adjacent to the Caltrain right-of-way. As the Caltrain system has changed over the years from a freight line to a mostly commuter railroad, the frequency and speed of trains have dramatically increased. Most of the impacts (e.g. noise, vibration, diesel exhaust, and traffic congestion at crossings) affect those residents nearest the tracks. As any future expansion of service is along the Caltrain right-of-way is planned, it is imperative that projects be designed and funded to include mitigation of those impacts.

Section 10.0, Next Steps of the Draft Report Summary acknowledges that cost estimates are currently at an "order of magnitude level of detail" and that more refinement is needed as projects are developed further. Too often, engineering studies of this magnitude focus only on the infrastructure required to deliver a functional system. Prudent mitigation measures can become an unaffordable extra cost to the project if they are not included from the beginning. Realistic mitigation costs for increased noise, traffic impacts at crossings and other impacts should be built into cost estimates now. Making the environment around the rail corridor more livable will help promote transit-oriented development and increase future ridership.

Attachment to Submission 58 (Kirsten Keith, City of Menlo Park, February 21, 2012) - Continued

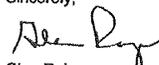
Letter to Katie Balk  
Page Two  
August 29, 2007

The City of Menlo Park has been closely following the planning efforts for the Dumbarton Rail Project. Similar concerns about planning for and funding mitigations for impacts of this project were recently raised in a letter from Menlo Park's Mayor, Kelly Fergusson to the Dumbarton Rail Corridor Policy Advisory Committee. A copy of the letter is attached for information.

**Integrate the Regional Rail Plan with Other Transit Modes.** More work is needed to better integrate rail services with other transit modes such as buses and feeder shuttles. As alternatives for rail travel expand, providing time-coordinated transit options to deliver passengers to and from rail stations will be an important component that appears to have received little attention in the Regional Rail Plan. The efficiency of the rail station feeder system will significantly affect ridership and, ultimately, capital costs and operating expenses. Further studies should identify the best ways to get passengers to and from rail stations, and those costs should be built into the overall plan.

**Better Balance the Needs of Local Service and Regional Express Service.** The City of Menlo Park remains concerned about local Caltrain service being sacrificed for the sake of regional express services. The Regional Rail Plan relies heavily on transit-oriented development (TOD) to increase future transit ridership in the Bay Area. This strategy can be effective only if relatively frequent service is available at a large number of rail stations. Only so much land is available for TOD around regional express stops. Frequent local service maximizes the potential for TOD and future ridership increases.

Thank you for considering these comments. The City of Menlo Park appreciates the opportunity to comment on this important plan. If you have questions regarding the City's comments please contact the City's Director of Public Works, Kent Steffens at 650-330-6781.

Sincerely,  
  
Glen Rojas  
City Manager

Attachment: Letter from Mayor Fergusson to the Dumbarton Rail Corridor Policy Advisory Committee

cc: Members of City Council  
Director of Public Works  
Transportation Manager

RICHARD CLINE  
MAYOR  
JOHN BOYLE  
VICE MAYOR  
ANDREW COHEN  
COUNCIL MEMBER  
HEYWARD ROBINSON  
COUNCIL MEMBER  
KELLY FERGUSSON  
COUNCIL MEMBER

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April 22, 2010

California High Speed Rail Authority  
Attn: California High Speed Train  
Central Valley to Bay Area High Speed Rail Program EIR/EIS  
925 L Street, Suite 1425  
Sacramento, CA 95814

Subject: City of Menlo Park Comments on the Revised Draft Central Valley to Bay Area High Speed Rail Program EIR/EIS

Members of the Authority:

The City of Menlo Park has continued concerns that the revised EIR doesn't have sufficient information to fully evaluate and reach a conclusion regarding the optimal route into the Bay Area. The Authority should continue to make all efforts to analyze alternate routes and/or methods in order to avoid significant adverse impacts to the Peninsula area from the alignment of the High Speed Train (HST).

The Authority has indicated in the notice for comments on the EIR that responses are only required for those portions of the DEIR/EIS that it has modified since the prior circulation period. The City disagrees that this requirement fits within CEQA. Rather, the standard is that set in *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112. Under that standard, public comment must be allowed if there is new information or changed circumstances that have arisen since the EIR was last circulated, and that information/circumstances indicates that the project will have new or substantially increased impacts, or "if the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect." There have been several circumstances that justify comments beyond the changes the Authority has explicitly made in the EIR. These include, but are not limited to, new ridership information, updated Business Plan, and the potential issues related to the Union Pacific railroad and their rights to use the tracks.

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## Response to Submission 58 (Kirsten Keith, City of Menlo Park, February 23, 2012)

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### **58-134**

The Partially Revised Draft Program EIR, which includes the prior environmental analysis in the 2008 Final Program EIR and 2010 Revised Final Program EIR, evaluated multiple alternatives that would avoid the Caltrain Corridor on the Peninsula in whole or in part. The Authority is using a tiered environmental review process for its general route decision into the Bay Area from the Central Valley. The level of detail and scope of information provides a sufficient basis for decision making because it identifies the broad differences between alternatives. Please refer to Standard Response 3 for a discussion of the level of detail for impacts analysis and mitigation for a program EIR.

### **58-135**

The City of Menlo Park's preference for a primarily two-track blended system configuration or four tracks underground is acknowledged.

### **58-136**

The Authority has followed CEQA Guidelines Section 15088.5 in preparing its notices and introductory text for the Partially Revised Draft Program EIR. That Guideline specifically provides that a lead agency may request that reviewers limit their comments to the materials that have changed. The Authority's process has therefore complied with CEQA.

Moreover, the Authority deliberately and thoroughly considered whether new information and changes conditions since the EIR last circulated would result in a need to change any of the prior analysis in Chapter 5, entitled "New Information and Changed Conditions Since September 2, 2010, Prior Decisions." This chapter specifically addresses the Authority's Draft 2012 Business Plan, which was released on November of 2011. The public was invited to comment on the materials in Chapter 5, and the Authority received extensive comments on this chapter.

The Authority is providing responses to all comments received on the Partially Revised Draft Program EIR. These comments may or may

not include a discussion as to how changed circumstances affect the analysis in the Partially Revised Draft Program EIR. *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal. 4th 1112 concerned the requirements for recirculation and what constitutes significant new information under CEQA and did not specifically address limitations on the types of comments to which responses must be provided. The basic standard of CEQA is good faith disclosure such that an evaluation of the physical environmental impacts of a project may be identified. Limiting the comments to the new information in the Partially Revised Draft Program EIR does not deprive the public of a meaningful opportunity to comment on a substantial adverse impact of the project or a feasible way to mitigate or avoid such an effect. The lead agency must evaluate and respond to comments as provided in Guidelines Section 15088, which provides that written responses must describe the disposition of any "significant environmental issue" raised by commentators. Responses have been provided for comments received on the Partially Revised Draft Program EIR that were received during the public comment period.

### **58-137**

The Authority acknowledges the City of Menlo Park's concerns regarding potential HST system effects on the City from several of the network alternatives examined in the Bay Area to Central Valley Partially Revised Program EIR.

### **58-138**

The Authority acknowledges that the City of Menlo Park has attached its comments on the 2010 Revised Draft Program EIR. These comments were responded to in the August 2010 Revised Final program EIR. Many of the same comments are also presented in the current comment letter and are responded to below. The Authority will consider the comments, responses, and the entire record before it in making its decisions and all comments on the 2010 Revised

Draft Program EIR remain part of the administrative record for the project.

### **58-139**

As discussed in Chapter 3 of the Partially Revised Final Program EIR, the increase in traffic congestion related to the loss of parallel lanes in limited areas along the San Francisco to San Jose corridor is considered a new significant impact for the corridor as a whole. The intersection of Ravenswood/Alma is identified as a location where there would be a significant increase in traffic congestion in the PM peak hour when comparing existing conditions versus existing plus HST, and also when comparing anticipated future condition in 2035 to anticipated future condition in 2035 plus HST. Please refer to Response to Comment 40-265 for information on why trips from Alma were conservatively assigned to El Camino Real instead of distributed across the extensive network of parallel streets. Please refer to Response to Comment 40-286 regarding mitigation strategies.

### **58-140**

The comment suggests that the Authority should have a new ridership forecasting model developed by an independent group, and then use the new model in its Program EIR. The Authority does not agree with this comment. The ridership model was developed by experts in the field and was peer reviewed. The City of Menlo Park and other parties in the *Town of Atherton CEQA* case challenged the adequacy of the ridership model in litigation and the court concluded the model was supported by substantial evidence.

Nevertheless, the Authority CEO formed an independent ridership peer review group to review the model developed by Cambridge Systematics for the Metropolitan Transportation Commission. The panel was charged with providing a comprehensive in-depth review of the models used to estimate ridership and revenue and the forecasts derived from them. The five member group consists of experts from academia and public agencies in the United States, Canada, and Switzerland. The panel concluded that model produces results that are reasonable and within expected ranges for the current environmental planning and Business Plan applications of the

model. While the comment states that two of the five members cannot be considered unbiased, the comment does not provide facts indicating bias.

Please also refer to Standard Response 4 in the 2010 Revised Final Program EIR, Comments about the Ridership forecasts, and Standard Response 8 in the 2010 Revised Final Program EIR, The Authority's Business Plan (refer to Chapter 12 of the 2010 Revised Final Program EIR).

### **58-141**

The 2012 Draft Business Plan for the HST system describes how the system will be built in phases over time. It utilizes conservative projections of both available funding and ridership to explain the feasibility of the system, and explains in detail how a financially viable system can be built and operated; including the potential use of private funding.

### **58-142**

The comment appears to be directed to the Authority's Draft 2012 Business Plan rather than the Partially Revised Draft Program EIR. The Authority acknowledges the City of Menlo Park's preference for a primarily two-track blended system configuration with no expansion to a four track system. Please refer to Standard Response 1 for a discussion of the blended system approach and how it related to the Program EIR.

### **58-143**

The 2008 Final Program EIR analyzed alternatives that would stop in San Jose (Pacheco Pass) and Union City (Altamont Pass) as the northern terminus station. The Partially Revised Draft Program EIR provided further analysis of what would happen if San Jose or Union City were a temporary northern terminus, with riders disembarking from HST and board connecting transportation services. Please also see the Authority's response to a similar comment from the City of Menlo Park in 2010, Response to Comment L017-10 in volume 2 of the 2010 Revised Final Program EIR.

The blended system approach described in Chapter 5, Standard Response 1, and the Draft/Revised 2012 Business Plan would

address the scenario identified in the comment. The Authority agrees that the definition of a blended system may include key grade separations, track improvements, electrification, and safety improvements.

#### **58-144**

As part of the first-tier project to choose a network alternative to connect the Bay Area and the Central Valley, the Authority will not make a decision on the vertical profile of the track. The vertical profile of the track is a design detail that will be considered as part of second-tier project planning and environmental review if an alignment between San Francisco and San Jose is included in the selected network alternative in whole or in part. The Superior Court in the Atherton 1 case held this approach complied with CEQA.

The Authority's previous Programmatic decisions for the Bay Area to Central Valley included a commitment to consider vertical profile variations as part of second-tier project planning and environmental review. The Authority expects that a similar commitment would be included in the staff recommendation for the anticipated decisions based on the current Partially Revised Final Program EIR. Vertical profile variations will be considered in any blended system approach.

The comment further addresses the level of detail of the Supplemental Alternatives Analysis Report for the San Francisco to San Jose second-tier project, which was put on hold as of May 2011. Alternatives in the Supplemental Alternatives Analysis were evaluated based on goals of constructability, right-of-way requirements, minimization of disruption to Caltrain, minimizing construction costs, and the ability of the alternatives to meet community needs. If an alignment along the Caltrain Corridor is part of the selected network alternative, the Authority will consider the City's comments about second-tier vertical profile alternatives as part of that process. The process may start afresh, with a new Notice of Preparation or a Supplemental Alternatives Analysis.

#### **58-145**

Individual grade separations along the HST alignment alternatives have not been viewed as major differentiators in the 2008 Final Program EIR. The Partially Revised Draft Program EIR, Chapter 5,

provides a discussion of grade separation impacts at a general level of detail. More detailed information about the benefits of grade separations will take place as part of second-tier planning and environmental evaluation, based on 15% design.

The Authority acknowledges that there will be a need for many grade separations along the Caltrain Corridor, however, there are numerous areas along the Caltrain Corridor that are already grade separated. In addition, the need for grade separations along the Caltrain Corridor are not measurably more intensive than grade separations in other highly urbanized corridors along alignment alternatives in the study area. (Kiesling, Memorandum on Grade Separation Density, 2012.)

Please also refer to Standard Response 3 regarding the appropriate level of detail for impacts analysis and mitigation for a Program EIR.

#### **58-146**

The Authority acknowledges that the 1863 Southern Pacific Railroad Station (now the Menlo Park Caltrain Station) was listed in the National Register of Historic Places in 1974.

The Authority does not concur with the statement in the comment that the analysis of impacts is inadequate. The 2008 Final Program EIR, chapter 3.12, analyzed the impacts of the different alignment alternatives in the study area for effects on cultural resources, including historical resources under CEQA. This analysis was supplemented in the 2010 Revised Final Program EIR. The methodology for analysis at the program level involved identifying numbers and types of resources for each alignment and examining the relative differences among alignments. As indicated in the text, this analysis was based in part on the cultural resources report prepared for the 2005 Statewide Program EIR/EIS. (Bay Area to Merced, Cultural Resources: Historic Architecture Technical Evaluation [JRP Historical Consulting Services 2004].) This report acknowledges the historical resource status of a number of former Southern Pacific Railroad stations on the San Francisco Peninsula which were included in the count of over 50 historic architecture cultural resources on the Peninsula. Impacts on cultural resources

are identified as significant at the program level and mitigation strategies are identified.

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

Please refer to Standard Response 3 regarding the level of detail for impacts analysis and mitigation for a Program EIR.

#### **58-147**

The Authority acknowledges the City of Menlo Park's concern regarding the appearance of the overhead catenary system for the electrified HST. Any electrification would be compatible with both Caltrain and HST. Only one overhead catenary system would be necessary. The 2008 Final Program EIR, chapter 3.9, analyzed the aesthetic and visual impact of the overhead catenary system, including electric wires and poles. The visibility of the overhead catenary system along the Caltrain Corridor is acknowledged, as well as the potential need to remove mature trees. Impacts are identified as significant at the program level and mitigation strategies are identified. The potential differences in impacts from different vertical profiles are discussed in this chapter. Please refer to Standard Response 3 regarding the level of detail for impacts analysis and mitigation for a Program EIR.

#### **58-148**

The final court judgment/ruling in the Town of Atherton litigation required the Authority to provide additional analysis of the noise and vibration effects of freight trains potentially travelling on the outside tracks of an expanded, four-track right-of-way on the San Francisco Peninsula. This noise and vibration analysis is included in Chapter 2, Section 2.3, and in the January 2012 Bay Area to Central Valley

High-Speed Train Partially Revised Draft Program EIR, Noise and Vibration Technical Memorandum: San Francisco Peninsula Freight Tracks which was available upon request. As in the 2008 Final Program EIR, Chapter 3.4, noise and vibration impacts are identified as significant and mitigation strategies identified. Sound barriers were identified as a mitigation strategy in the 2008 Final Program EIR. Mitigation measures for noise such as sound barriers will be predicated on the more detailed design and engineering information that will be available in project-level analyses. Chapter 2 of the current document also identifies building sound insulation as a mitigation strategy. Vibration mitigation is less predictable at the program level of analysis, and therefore the vibration impacts are considered significant even with application of mitigation strategies.

The Authority does not agree that sound barriers along the Caltrain Corridor would divide the community and adversely affect its residential character, given that a number of walls currently exist between the rail corridor and residences. As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose Corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none currently exist would improve circulation between neighborhood areas.

Secondary effects, such as visual impacts, relating to the use of noise mitigation strategies were considered in the 2008 Final Program EIR, chapter 3.9, at a very broad scale, which is appropriate for this program-level of analysis. Furthermore, although these program EIRs provide a base from which project-level EIRs may tier from, they do not restrict the type of mitigation measures that may be considered to mitigate impacts. The aesthetic and community effects of sound barriers will be addressed in more detail as part of second-tier project development and environmental review when it will be possible to identify specific locations and size of sound barriers. As noted above, the Caltrain Corridor already

includes many walls of varying age, condition, and associated landscaping. With implementation of the project, these existing walls may be replaced with consideration of maintaining a high level of visual quality in neighborhood areas by implementing such measures as visual buffers, trees, and other landscaping, architectural design, and public artwork as noted in Chapter 3.7 of the 2008 Final Program EIR. Refer also to Response to Comment 40-262 and 47-243.

#### **58-149**

The alignment on the Caltrain Corridor between San Francisco and San Jose would provide community benefits by grade separating the right-of-way and eliminating current freight/commuter rail conflicts with vehicular and pedestrian cross traffic. We do not agree that the proposed project is creating an enhanced environment for freight activity because trains can travel faster. For the Caltrain Corridor, freight operations are restricted to specific conditions and times under a trackage rights agreement between Union Pacific Railroad and the Peninsula Corridor Joint Powers Board, who owns the right-of-way. The rights of Union Pacific Railroad under this agreement will be respected and there is currently no intent to alter the windows for freight activity in the corridor. It is therefore speculative to assume increased freight traffic on the UPRR rail lines as a result of the proposed project. It is also speculative to assume that a new Bay crossing along the Dumbarton alignment “may” open this corridor up to freight traffic. The currently proposed Dumbarton Corridor Rail Project, proposed by San Mateo County Transportation Agency, has been characterized as passenger rail, not freight rail. (SMCTA, Dumbarton Rail Corridor Alternatives, 2011.) It is therefore speculative that a Dumbarton crossing would result in additional freight traffic with related noise and vibration impacts beyond what is analyzed in the Program EIR, with mitigation strategies provided.

#### **58-150**

The Authority does not agree with the characterizations of the proposed funding for the statewide HST system and its individual second-tier projects. The 2012 Draft Business Plan for the HST system describes how the system will be built in phases over time. It utilizes conservative projections of both available funding and

ridership to explain the feasibility of the system, and explains in detail how a financially viable system can be built and operated; including the potential use of private funding. The Business Plan is consistent with requirements in Proposition 1A. There is currently no Proposition 1A funding plan for construction of any component of HST within the Bay Area to Central Valley study area.

#### **58-151**

Impacts on different resource areas received examination based on different analytical distances, as appropriate to the subject matter. For an existing rail corridor like the Caltrain Corridor, property impacts were examined within 50 feet of either side of the rail corridor. Land use compatibility, communities and neighborhoods, and environmental justice were based on 0.25 miles on either side of the centerline of the rail corridor and around station areas. Impacts on aesthetics were not limited to 50 feet on either side of the HST corridor. The context for an evaluation of aesthetics was those properties with views of the proposed project; in some cases this could be immediately adjacent and in others, where there are view corridors, much farther away. The noise and vibration impacts of the HST would vary depending on whether the nature of the alignment. For the Peninsula, Chapter 2 explained that noise impacts were examined using a screening distance of 375 feet on either side of the guideway (i.e., alignment) centerline

#### **58-152**

The Authority does not agree with the comment that Caltrain service levels would be diminished with HST on the Caltrain Corridor or that the Program EIR analysis is inadequate. In the 2008 Final Program EIR a typical configuration was assumed consisting of the two inside tracks for HST and Caltrain express service operating at compatible speeds and the outside tracks for Caltrain local service and temporally separated freight service. The shared four-track system enables express service to pass local service at each station and maintains schedule reliability. The shared tracks also enable the HST to run fast express service between San Francisco and Jose to achieve 30 minute travel times and provide high frequency service. The Federal Railroad Administration prohibits “mixed traffic” – operating standard American trains and lighter rail equipment on the

same tracks. However, Caltrain has received a waiver from the FRA. To avoid collisions, Caltrain will use an enhanced signal system that includes federally mandated Positive Train Control to prevent trains from colliding with each other, with other vehicles or with fixed objects. In addition, Caltrain equipment will use the latest Crash Energy Management technology to distribute or “manage” the energy from a collision, protecting the passengers onboard the train. The waiver allows Caltrain to operate all passenger trains, whether diesel or electric, to run on the same tracks. The Authority will have to seek its own waiver, but the Caltrain waiver is a clear precedent that should help the Authority’s waiver request succeed. As noted in the 2008 Final Program EIR, Caltrain is viewed as a complimentary feeder system to the HST system. The Program EIR identified shared stations in San Francisco at the Transbay Terminal, the Millbrae Caltrain / BART Station (to serve SFO), a potential station at Palo Alto or Redwood City, Diridon Station in San Jose, and the Gilroy Caltrain Station. This distribution of stations along the Caltrain Corridor would enable a short trip from any Caltrain station to connect to the HST at a joint station, expanding convenient access to the HST along the Caltrain system.

Overall, the HST system would improve inter-modal connectivity with local and commuter transit systems. Prop 1A ensures that complementary rail capital improvements would be funded by a \$950 million portion of bond funds. These funds must be allocated to intercity, commuter and urban rail systems and shall provide direct connectivity and benefits to the HST system and its facilities or be part of the construction of the system.

The Revised 2012 Business Plan incorporates more information about a blended system approach for the “bookend” sections of the HST system in the highly urbanized areas of the San Francisco Bay Area and Los Angeles Basin.

### **58-153**

The 2008 Final Program EIR discussed construction impacts for the various alignments. Chapter 4 of this document describes construction impacts in more detail, and discusses the need for temporary construction easements, temporary shoofly tracks, as well as construction-related traffic, and noise.

### **58-154**

The comment correctly identifies that implementation of the HST between San Francisco and San Jose would require acquisition of additional right-of-way in some area. The Authority may purchase right-of-way from willing sellers, and also has legal authority to proceed by eminent domain. Eminent domain is the government power to acquire private property for public use and to compensate property owners based on the fair market value of their property taken by the government. (United States Constitution, 5th and 14th amendments; California Constitution, Article I.) Any property acquisition and relocation efforts by the Authority will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. Any such efforts must follow the completion of project EIRs and the decisions to be made by the Authority about the placement and design of facilities in the system. A parcel-by-parcel evaluation of real property acquisition is beyond the scope of this first tier, program EIR. This level of analysis will become part of the second-tier EIR process.

To provide additional information to the public, the Authority has prepared and posted on its website in English and Spanish a pamphlet titled “Your Property, Your High-Speed Rail Project” (California High-Speed Rail Authority 2009d). The pamphlet is listed in the website Library under the topic “Right-of-way.”

### **58-155**

The Authority acknowledges that Union Pacific Railroad has contractual rights to provide intercity rail service along the Caltrain Corridor. This factor has been and will continue to be considered in the decision making process. While reaching agreement with the Union Pacific Railroad is needed before actions can be taken that affect their property and operations, the certification of the Partially Revised Final Program EIR does not require any such agreement to have been reached.

**58-156**

Capital costs in the 2008 Final Program EIR and the 2010 Revised Final Program EIR included grade separation costs, as well as the cost to procure and install line infrastructure and facilities, systems, and removal of existing infrastructure. (Refer to 2010 Revised Final Program EIR, Chapter 5.) Grade separation unit costs are identified in the 2008 Final Program EIR, Appendix 4-A. The Authority agrees that a total financial picture is essential for the final decision. Cost information is not, however, required to be included in an EIR.

**58-157**

At this phase of project development it is yet not known if any existing grade crossings would require closure. However, the Authority is committed to maintaining existing crossings to the greatest extent feasible within engineering constraints and improving existing crossing safety and circulation by grade-separating train traffic from vehicular, bicycle and pedestrian traffic. It is anticipated that this will result in an overall improvement in traffic circulation and will remove some existing barriers to bicycle and pedestrian crossing. This level of detailed evaluation will be analyzed in the project-level document, which will specifically look at impacts on bicycle, pedestrian and automobile access and circulation. See section 3.7.5 (B) in the 2008 Final Program EIR regarding mitigation strategies to maintain neighborhood connectivity and integrity.

**58-158**

The comment suggests that the Program EIR is not sufficiently detailed for decision making purposes. The Authority does not concur with this statement. Impacts such as tree removal, view corridor effects, and the effects of grade separations are analyzed in the EIR. The Authority finds the level of detail adequate for decision making. The rationale for identifying Pacheco Pass as the environmentally superior alternative is discussed in Chapter 6 of the January 2012 Partially Revised Draft Program EIR.

**58-159**

The Authority appreciates the City of Menlo Park's continued participation in the programmatic environmental review process for

the Bay Area to Central Valley portion of the HST system and the identification of comments and issues unique to Menlo Park. The Authority does not agree that the Program EIR lacks sufficient detail for decision making. The level of detail and scope of information provides a sufficient basis for decision making because it identifies the broad differences between alternatives. Please refer to Standard Response 3 regarding the level of detail for impacts analysis and mitigation for a Program EIR.

Submission 59 (Theresa DellaSanta, Town of Atherton, February 21, 2012)



Town of Atherton
Office of the City Manager
91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0500
Fax: (650) 614-1212

February 21, 2012

John Mason
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814
Attn: Bay Area to Central Valley HSR Partially Revised Program EIR Comments

Dear Mr. Mason

Following are comments submitted by the Town of Atherton in response to the Partially Revised Program EIR for the Bay Area to Central Valley HSR.

59-128

We call your attention that there are still two open court cases filed by Atherton and other plaintiffs regarding the Program EIR which have yet to be resolved. The Town undertook these actions as a means to underscore its opposition to having the HSR use the Caltrain corridor from the Central Valley to San Francisco. We will continue to vigorously oppose this alternative as long as the Authority is committed to an ultimate four track system which the Business Plan and the Partially Revised EIR continue show in their plans.

The draft EIR/EIS for the San Jose to Merced section is premature since it is dependent on an approved Program EIR which includes the Pacheco Pass alignment. There currently is no certified Program EIR for the Central Valley to San Jose alignment that has passed the test of a court challenge as being the environmentally superior alternative.

Consequently, all expenditures for work on the Bay Area to Central Valley portion of the HSR project should be halted until an adequate alternatives analysis, including the use of the various Altamont Pass and Pacheco alignment options have been studied.

59-129

The so called, "blended system" using the existing Caltrain two tracks should be considered and studied as being the ultimate configuration of the San Jose to San Francisco project. This configuration should be considered on its own merits as a separate alternative. The Revised EIR should include an analysis of the ridership capacity study and expected ridership/revenue using a two track system.

59-129

The Town of Atherton requests that the Authority remove from the Revised EIR any and all references to an eventual 4-track alignment using the Caltrain corridor. The Authority is aware that the "blended system" approach as proposed by Congresswoman Eshoo, Senator Simitian and Assemblymember Gordon included the statement that if the HSR uses the Caltrain corridor it should be limited to 2-tracks. Yet, at the moment, it cannot be said that the Authority is embracing the "blended system" because the "blended system" refers to several elements, including that the ultimate configuration would be a 2-track system.

Especially given the need to examine a two-track "blended system" alternative, the Revised EIR should include a new ridership analysis using a new model developed by an independent, unbiased, and professionally authoritative body. The University of California at Berkeley's Institute for Transportation Studies contains the professional resource, knowledge and reputation of being the type of independent body that the Authority should ask the California Department of Transportation to engage in doing this study. Using the results from this study, the alternate Central Valley to Bay Area alternatives should be re-analyzed to determine which would serve the greatest ridership for the system.

Studies done before the formation of the Authority had all concluded that the Altamont Pass route was superior to the Pacheco Pass route in terms of serving greater potential ridership. In all likelihood, an unbiased and independent modeling of the project by the University will reach the same conclusion i.e. the Altamont Pass route is the superior alternative. Indeed, the current chair of the Authority's Board of Directors has publicly admitted that the selection of the Pacheco Pass route was motivated by political considerations due to certain members of the Authority's board of directors, at that time. Given the biased origin of the choice, it must be revisited in an unbiased manner.

59-130

It would appear on its face that the environmental impacts would be far greater with a four track system along the entire Caltrain corridor than using any of the Altamont Pass options. Fewer communities will be affected and less significant environmental impact would result. This would be especially true if the Altamont alignment followed the corridor being proposed for the Regional Altamont Rail Corridor, with service to San Francisco either through a "blended" approach using a rebuilt Dumbarton Rail Bridge<sup>1</sup> or through the South Bay using the existing two-track Caltrain corridor.

Using a four-track system along the Caltrain corridor will do significant environmental harm to the Town of Atherton, as an example. The aerial option is unacceptable to the Town and the neighboring communities which would also be impacted if an aerial structure was used in Atherton for HST. As acknowledged in the revised DEIR, this would mean cross streets would have to be closed and/or a significant amount of costly Atherton real estate would have to be taken. All of these alternatives would cause an enormous hardship on our community and our neighbors with absolutely no benefits to be derived by having HST going through the heart of our community. Consequently, The

<sup>1</sup> A rebuilt Dumbarton Rail Bridge has already been proposed in conjunction with the proposed Caltrain transbay service to Union City. If this service were electrified, as has already been proposed for Caltrain Peninsula Service, joint use would be equally feasible here.

Submission 59 (Theresa DellaSanta, Town of Atherton, February 21, 2012) - Continued

59-130

Town of Atherton would be force to oppose in every way it could to changes in the Caltrain corridor that would harm our community.

The information re noise, vibration and eminent domain impacts during construction and operation of a HST system though Atherton is not adequately disclosed. There is no detail information that would allow us to measure the harmful impacts that would result from HST along the Caltrain corridor.

Using any of the Altamont Pass options such as along existing power line ROW offer superior choices for minimizing adverse environmental impacts on fewer people. The vibration issue alone would have far less community impacts using any of the Altamont options

Construction impacts on our community will be huge from a noise and vibration standpoint and would necessitate takings of private property and land from our town center area. Details relating to the calculations of these impacts are not presented. Without those details, it is impossible to do a fair comparison between project alternatives. In addition, the discussion and information regarding mitigation measure is less than satisfactory.

The notion of expanding to a 4-track configuration with freight trains running on the outer tracks falls far short in evaluating the environmental impact on the communities and households along the ROW.

59-131

The revised EIR also does not adequately consider other routes from San Jose to San Francisco using existing freeway ROW or along the edge of the Bay lands either using a combination of elevated and tunnel roadways. Certainly, construction impacts would not have the same harmful effect on communities. A straighter rail alignment than the Caltrain corridor could be erected allowing the opportunity to operate at higher speeds from San Jose directly to the San Francisco Airport and connecting with the BART system could be achieved using the Bay land route.

59-132

Road impact analysis fails to take into account the cumulative effect on existing and planned development projects in the region on both sides of the Caltrain ROW. The road impact analysis also does not make it clear whether the cumulative impact of the various proposed road closures has been taken into account. The impact of construction and permanent closing of cross street crossings, especially including cumulative impacts, would create a very significant impact causing traffic to use alternative streets, lengthening trip time and adding to adverse environmental impacts in the region. This would include increased traffic congestion, air quality impacts, and pedestrian and bicycle safety impacts. There would be virtual grid-lock within the region during peak hours while HST caused by the construction or closing of east-west rail crossings. Public safety response times would become unreliable and great harm would result.

59-133

The Authority has not demonstrated that it really cares about the significant impact the HST project will have if it uses the Caltrain corridor and the Pacheco Pass alternative.

The Town of Atherton requests that the Authority understand the depth of the Town's opposition to having the HST using the Caltrain corridor. We feel that a "fair" ridership

59-133

analysis will clearly indicate that the Altamont Pass alternative is the preferred alternative for moving people from the Central Valley to the Bay Area.

Thank you.

Sincerely,

Theresa DellaSanta,  
City Manager  
Town of Atherton

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## Response to Submission 59 (Theresa DellaSanta, Town of Atherton, February 23, 2012)

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### **59-128**

The Authority acknowledges that the *Town of Atherton CEQA* litigation challenging the Bay Area to Central Valley 2008 Program EIR, and 2010 Revised Program EIR, has been ongoing since 2008. The Authority has prepared the current Partially Revised Final Program EIR to address specific issues identified in 2011 court rulings that resulted from this litigation. The Authority acknowledges the Town of Atherton's opposition to a network alternative that would utilize the Caltrain Corridor.

The comment suggests that second-tier, project-level planning and environmental review work for the San Jose to Merced second-tier project is premature due to the fact that the Program EIR has not been found adequate under CEQA. In 2009, the Town of Atherton and others asked the Superior Court to order the Authority to halt its second-tier, project-level environmental studies for the Bay Area to Central Valley Sections, which include the San Francisco to San Jose and the San Jose to Merced Sections. The court declined to issue such an order. The Authority has continued with second-tier planning and EIR work for these sections, however, no second-tier EIR has been issued to date. As of May 2011, the Authority put on hold its work on the Draft EIR for the San Francisco to San Jose Section.

Based on the current schedule, the Authority anticipates completing this Program EIR process well before it issues any second-tier EIR implementing HST in the Bay Area to Central Valley study area. As described in Chapter 1, the Authority's new decisions based on the Partially Revised Program EIR could require adjustment in second-tier, project-level work that is currently underway.

### **59-129**

The blended system approach has been considered in the Partially Revised Draft/Final Program EIR. Chapter 5 discusses how a blended system approach between San Francisco and San Jose would change the first-tier environmental analysis previously disclosed. The blended system is not a separate alternative for the first-tier project,

however. The blended system approach is an implementation concept for the second-tier project. Please refer to Standard Response 1 for more discussion of the blended system approach and phased implementation.

Standard Response 1 also explains why the Partially Revised Final Program EIR continues to include a four-track alignment along the San Francisco Peninsula, and why this analysis does not constrain the Authority's discretion to focus its second-tier project on a blended system approach. As described in more detail in the Revised 2012 Business Plan, the Authority has embraced the blended system approach for the HST.

The Authority does not concur with the comment that a new ridership model is necessary for the Program EIR analysis and for the Authority Board to determine which network alternative would serve the greatest ridership for the system. Ridership analysis has demonstrated that both Pacheco Pass and Altamont Pass alternatives have high ridership. Ridership has therefore not been treated as a distinguishing characteristic in the selection of the network alternative. Further, the ridership model that was used for forecasts in the Program EIR was the subject of an extensive litigation challenge and the Superior Court concluded the model was supported by substantial evidence.

As indicated in Chapter 6, ridership is one of many factors that have been considered in the staff recommendation of the preferred alternative.

### **59-130**

The environmental impacts of any of the eleven Altamont Pass network alternatives are identified in the 2008 Final Program EIR, as supplemented by the 2010 Revised Final Program EIR and this Partially Revised Final Program EIR. The Authority does not agree with the characterization that any of the Altamont Pass options would have less significant environmental impacts than the Pacheco

Pass options. All the alternatives result in significant environmental impacts, as well as significant benefits. Please see Chapter 6 discussing the rationale for the staff recommendation of a preferred alternative and the tradeoffs involved in the various alternatives.

The Authority acknowledges the comment regarding impacts on the Town of Atherton, including its neighborhoods, and the Town of Atherton's opposition to any change in the Caltrain Corridor. While the comment states that the Town of Atherton would derive no benefits, the Authority notes that the Program EIR describes transportation, safety, and noise reduction from creating of a grade separated rail alignment. The future project-level studies will include a detailed assessment of potential disruption to businesses and communities during project construction, evaluation of construction phasing and staging needs and impacts, and detailed mitigation plans to address impacts of construction on traffic, circulation, and property access. Such detailed assessments can be provided only when additional design and engineering detail is developed for the project-level studies

The Partially Revised Final Program EIR is a first-tier EIR, and impacts are described broadly. Please refer to Standard Response 3 regarding the level of detail for impacts analysis and mitigation.

### **59-131**

The comment suggests that the Partially Revised Draft Program EIR did not adequately consider other alignment alternatives from San Francisco to San Jose, and specifically suggests using existing freeway right-of-way. To the extent that this comment suggests an HST alignment along US 101 or I 280, both alignments have been preliminarily considered and eliminated from detailed study for reasons set forth in Chapter 2 and Appendix 2G of the 2008 Final Program EIR. The US 101 and I 280 alignments have been the subject of the Town of Atherton's litigation challenge. The Superior Court concluded that the Authority's decision to eliminate these options from detailed study was supported by substantial evidence. Please also refer to Standard Response 10, Alternatives, of the 2010 Revised Final Program EIR, for a discussion of alternative alignments on the Peninsula.

### **59-132**

The 2008 Program EIR analyzed reasonably foreseeable projects that are either close to the HST Network Alternatives or of a size/scale that could affect regional resources and that, when combined with the proposed HST Network Alternatives, could contribute to cumulative impacts. The 2008 Program EIR concluded that implementation of the HST project could be a considerable contribution to the cumulative traffic and circulation impact related to surface streets leading to and from proposed HST stations, although the HST project did not represent a considerable contribution to any other cumulative traffic-related impacts. New information and changed conditions since the September 2010 certification of the 2010 Revised Program EIR were analyzed in Chapter 5 of the Partially Revised Draft Program EIR. Nothing about that new information, including any specific development projects reviewed, affects the conclusions in the 2008 Program EIR regarding cumulative impacts.

In the Partially Revised Program EIR, the closure of parallel lanes has been addressed on an individual location basis. For example, the closure of one lane of Pacific Avenue in San Mateo and the localized re-direction of traffic in the immediate area would have no cumulative effect on the closure of one direction of travel on Alma Avenue in Menlo Park. However, two potential lane closures, Old County Road and Stafford Street in San Carlos and Redwood City and a long stretch of Alma Avenue in Palo Alto were each analyzed for the lane closure for the complete length of the corridor to fully identify any significant impacts.

As explained in Chapter 5, the HST track alignment must be grade separated from perpendicular roads, and in some instances roads may be raised, lowered, or even closed to accomplish the grade separation. Implementation of grade separation and the associated effect on traffic is addressed as part of the traffic modeling in the program-level analysis but will be more comprehensively evaluated in the project-level environmental document. There has not been an analysis of the construction impacts of converting existing at-grade crossings of the railroad corridor to full grade separation. No decisions will be made about the design of grade separations as part

of the first-tier, programmatic decision. The design of grade separations will take place as part of second-tier project planning and environmental analysis. At this time sufficient level of detail has not been developed to determine the construction impacts for crossings of the existing trackway. The design of grade separations will take place as part of second-tier project planning and environmental analysis, and construction impacts will be evaluated in the project-level environmental document. That document will identify a construction staging plan that allows the project to be constructed in a reasonable time period, while at the same time minimizing the effect on traffic circulation and impacts on traffic. That document will also address permanent crossing closures, if any, and determine the effect on traffic congestion, emergency response times, or other access and circulation issues.

### **59-133**

The Authority is very sensitive to the adverse effects the construction and operation of the HST system on the Caltrain Corridor would have on Atherton and other communities along the alignment. The HST also offers project benefits, however, the Authority is aware of and respects that Atherton does not agree.

The comment suggests a fair ridership analysis would show that the Altamont Pass is superior for moving people from the Bay Area to the Central Valley. The Authority notes that the purpose of the HST system is to provide a reliable high-speed electrified train system that links the major Bay Area cities to the Central Valley, Sacramento, and Southern California, and that delivers predictable and consistent travel times. The purpose encompasses the north/south connection of the Bay Area and Los Angeles Basin, not just the connection between the Bay Area and Central Valley. Ridership analysis has indicated that the Altamont Pass network alternatives were superior in terms of their ridership connecting the Bay Area to the Sacramento area and northern San Joaquin Valley, whereas the Pacheco Pass network alternatives were superior in terms of Bay Area/Los Angeles ridership.

# Submission 67 (Hans F. Larsen, City of San Jose, Department of Transportation, February 22, 2012)



3980  
02-24-12P01:57 RCVD  
Department of Transportation  
HANS FLARSEN, DIRECTOR

67-497

February 21, 2012

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

**Subject: Bay Area to Central Valley Revised Draft Program-Level EIR**

Dear Mr. Albright,

67-497

The City of San José appreciates the efforts of the California High Speed Rail Authority to include the perspectives of all local agencies as part of the development of the San José to San Francisco segment of the California High Speed Rail project. As a long time supporter of this project, the City of San José strongly supports the findings in the Revised Draft Program Environmental Impact Report (EIR) for the Bay Area to Central Valley segment and considers the implementation of High Speed Rail in the Caltrain Peninsula Corridor vital to the long term interests of the entire region. Further, the revised analysis remains consistent with San José's adopted goals toward implementing multi-modal, transit oriented facilities along transit corridors throughout the City.

In our view the Revised Draft Program EIR has addressed Judge Kenny's ruling that the original and initially revised EIR did not adequately describe the alignment between Gilroy and San José. The City of San José is well aware of the possible reduction in the width of Monterey Highway in South San José in order to accommodate the proposed California High Speed Train (HST) project and, in fact, has adopted a comprehensive update to the City's General Plan referred to as Envision San Jose 2040. This effort was completed by a 36-member task force of elected officials and community leaders. The General Plan update adopted a list of proposed changes to San Jose's roadway network. Among the proposed changes unanimously endorsed by the City Council was a reduction of Monterey Highway from 6 to 4 lanes (from Umbarger to Metcalf) for the expressed purpose of accommodating the High Speed Train project.

It is important to note that portions of Monterey Highway in San José have historically been part of State Highway 82 under the jurisdiction of the State Department of Transportation (Caltrans) and the City of San José has operated and maintained the facility as part of a maintenance agreement with the department. However, on December 28, 2011, the City and Caltrans entered into an agreement relinquishing Monterey

Mr. Greg Albright  
Subject: Bay Area to Central Valley Revised Draft Program-Level EIR  
February 21, 2012  
Page 2 of 2

Highway from Caltrans to San José in an effort to further facilitate any possible corridor modifications in order to accommodate future private development in the area as well as the ongoing development of the HST project.

While the implementation of the California High Speed Rail project within the existing railway corridor of the Caltrain Commuter Rail System presents significant challenges, we continue to believe that solutions to these challenges can be identified as part of the Project Level Environmental Review process currently under way.

The City of San José remains a strong supporter of the HST project and we look forward to continuing to work with your staff and consultant team to develop and deliver this important project. Please contact Ben Tripousis of my staff at 408-975-3717 if we can be of further assistance.

Sincerely,

  
Hans F. Larsen, Director  
Department of Transportation

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Response to Submission 67 (Hans F. Larsen, City of San Jose, Department of Transportation, March 5, 2012)

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**67-497**

Comment of support acknowledged.

Submission 70 (J. Edward Tewes, City of Morgan Hill, February 23, 2012)



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70-476

The Morgan Hill City Council, at their February 15, 2012 meeting voted to support of the Rail Authority staff recommendation to readopt the Pacheco Pass alignment as the preferred alignment for further study in the project level EIR/EIS.

Thank you again for the opportunity to comment on the Bay Area to Central Valley Partially Revised Draft Program EIR. If you have any questions, please contact me at 408/782-9154.

Sincerely,

J. Edward Tewes  
City Manager

Cc Morgan Hill City Council Members  
Mr. Gary Kennerley  
Mayor Al Pinheiro, City of Gilroy  
Thomas J. Haglund, Gilroy City Administrator

February 22, 2012

Mr. John Mason  
California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

**Subject: Bay Area to Central Valley High Speed Train Partially Revised Draft Program Environmental Impact Report**

Dear Mr. Mason:

70-474

Thank you for the opportunity to comment on the Partially Revised Draft Program Environmental Impact Report for the Bay Area to Central Valley Section of the California High Speed Train (HST) Network. As reported in the Revised Program EIR, the east of Union Pacific Railroad (UPRR) alignment in Morgan Hill will require relocation of Monterey Road 50 to 60 feet to the east. The road realignment will impact properties on the east side of Monterey in the Madrone Area of our community and may require removal or relocation of buildings.

The shift of Monterey Road to the east creates noise and vibration impacts by moving the road closer to sensitive receptors. The noise and vibration impact from the project overall has been previously described as significant under CEQA for the alignment that includes Monterey Road. The conclusion in the Partially Revised Draft Program EIR remains the same. For clarity, the shift of Monterey Road has been identified as a separate significant noise impact and mitigation strategies specific to Monterey Road are described in the Partially Revised Draft Program EIR. Mitigation will include installation and or replacement of sound walls along property lines where appropriate. Noise impacts will need to be more fully articulated and addressed in the second tier Project Environmental Impact Report.

70-475

The Rail Authority proposes to close the Tilton Avenue at-grade crossing west of the UPRR tracks and construct a new grade separated crossing over the railroad tracks from Monterey Road to a new road south of Tilton Avenue that would connect to Hale Avenue/Santa Teresa. Additional grade separations may be proposed for East Main, East Dunne, San Pedro and Tennant Avenues. The Grade separation and road closures will need to be evaluated for consistency with local circulation plans and potential impacts to the City's road network.

70-476

The City of Morgan Hill is previously on record in support of the Pacheco Pass through Gilroy and Morgan Hill to San Jose as the preferred network alignment for HST service from the Central Valley.

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**Response to Submission 70 (J. Edward Tewes, City of Morgan Hill, February 28, 2012)**

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**70-474**

The comment accurately summarizes the analysis in Chapter 2 of the Partially Revised Draft Program EIR. Noise impacts and mitigation analysis due to the shifting of Monterey Highway will be more fully assessed and articulated at the project level.

**70-475**

As explained in Chapter 5, the HST track alignment must be grade separated from perpendicular roads, and in some instances roads may be raised, lowered, or even closed to accomplish the grade separation. No decisions will be made about the design of grade separations or the location of road closures as part of the first-tier, programmatic decision. The design of grade separations will take place as part of second-tier project planning and environmental analysis. The grade separations/road closures identified in the comment will be the subject of more specific planning and design if an alignment through Morgan Hill is selected by the Authority Board at the conclusion of this program EIR process.

**70-476**

The Authority appreciates the City of Morgan Hill's continued support for the HST project and the Pacheco Pass alignment via Gilroy, Morgan Hill, and San Jose.