

16 Response to Comments from Individuals

Submission 4 (Steven Ciwa, January 6, 2012)

Bay Area to Central Valley Supplemental EIR/EIS - RECORD #4 DETAIL

Status : Pending
Record Date : 1/6/2012
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 1/6/2012
Submission Method : Website
First Name : steven
Last Name : oiwa
Professional Title :
Business/Organization :
Address :
Apt./Suite No. :
City :
State : CA
Zip Code : 94542
Telephone :
Email : ichi4035@gmail.com
Cell Phone :
Email Subscription : All Sections
Add to Mailing List : Yes
Stakeholder Comments/Issues : do we need HST in calif. ? think before you spend \$100B into this we need a school, police, and fire and many other project we must do, and \$100B is just starting point i will said over \$150B after it finished, can you see people are use this \$HST in calif. please think AMT we have it not making money. if you are ask penny from us then go, but you ask one cent from us then STOP now.
EIR Comment : No

4-75

Response to Submission 4 (Steven Oiwa, February 22, 2012)

4-75

California's population is growing rapidly and, unless new transportation solutions are identified, traffic will only get worse and airport delays will continue to increase. The proposed 220-mph HST system would provide lower passenger costs than travel by air for the same city-to-city markets. It would increase mobility while reducing air pollution, decreasing dependence on fossil fuels, and protecting the environment by reducing greenhouse gas emissions, and would promote sustainable development. By moving people more quickly and at less cost than today, the HST system would boost California's productivity and also enhance the economy.

High-speed rail systems around the world cover their own operating costs, which is a key reason why 13 nations have built almost 10,000 miles of high-speed rail lines in the last few decades and why 24 countries are planning and building another 16,000 miles. The financial analysis of the California HST system, described in the 2012 Draft Business Plan, clearly demonstrates that the ridership and revenues are well able to cover the costs of operating the system, meaning that no operational subsidy would be required. The HST project is being financed through a combination of federal and state funds, including the ARRA, the federal High-Speed Intercity Passenger Rail Program, and California Proposition 1A's Safe, Reliable High-Speed Passenger Train Bond Act adopted by state voters in November 2008. To date, California has \$6.33 billion to invest in the development of its HST project. The cost estimate presented in the 2012 Draft Business Plan (\$98 billion) takes into account the latest design information, adds the cost of inflation to anticipate increased costs from that source, and includes a contingency fund. The inflation and contingency fund provisions (totaling approximately \$43 billion) provide a realistic view of the actual costs of construction.

For further information on project purpose and need, refer to Chapters 1 and 2 of the 2008 Final Program EIR and Chapter 1 of the 2012 Draft Business Plan.

Submission 5 (Mark Schack, January 6, 2012)

Bay Area to Central Valley Supplemental EIR/EIS - RECORD #5 DETAIL

Status : Pending
Record Date : 1/6/2012
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 1/6/2012
Submission Method : Website
First Name : Mark
Last Name : Schack
Professional Title :
Business/Organization :
Address :
Apt./Suite No. :
City :
State : CA
Zip Code : 94403
Telephone :
Email : fbslug@hotmail.com
Cell Phone :
Email Subscription : San Francisco - San Jose
Add to Mailing List : Yes
Stakeholder Comments/Issues : For years, I was very excited about the prospect of high-speed rail in our state. As a Bay Area resident who grew up in Los Angeles, I would welcome the opportunity to avoid both Highway 5 and LAX.

 However, I now strongly encourage you to cancel this project for one reason only: money. Our state's public universities are crumbling and our K-12 school districts are being stretched thin. Our state employees are dealing with furlough days, pay freezes, and/or increases of responsibilities due to departmental downsizing.

 We already are billions of dollars short of what we need. So, I strongly oppose taking on an expense of tens of billions of dollars --- even though that would be spread over many years --- until our existing obligations are met.

 Sincerely,
 Mark Schack
EIR Comment : No

5-70

Response to Submission 5 (Mark Schack, February 22, 2012)

5-70

The Authority disagrees with the assertion that the state can't afford the HST project. One purpose of the 2005 Statewide Program EIR/EIS was to evaluate the consequences of meeting the state's transportation needs over the coming decades. That document identified the environmental and economic cost of proceeding with a "do nothing" alternative as well as with a "modal alternative" that would expand freeways, airports, and conventional rail systems without building the HST project. The conclusion of the 2005 Statewide Program EIR/EIS process was that the HST system was a less costly alternative and less environmentally damaging alternative overall.

Submission 6 (Ken Bone, January 7, 2012)

Bay Area to Central Valley Supplemental EIR/EIS - RECORD #6 DETAIL

Status : Pending
Record Date : 1/7/2012
Response Requested : No
Stakeholder Type : CA Resident
Submission Date : 1/7/2012
Submission Method : Website
First Name : Ken
Last Name : Bone
Professional Title :
Business/Organization :
Address :
Apt./Suite No. :
City :
State : CA
Zip Code : 95020
Telephone :
Email : fishbone1@earthlink.net
Cell Phone :
Email Subscription :
Add to Mailing List : No
Stakeholder Comments/Issues : The California High-Speed Rail project is now too expensive. Please abandon this project now. It will never pay for itself, stop this project now! Do not spend any more funds on this project!
EIR Comment : No

6-69 |

Response to Submission 6 (Ken Bone, February 22, 2012)

6-69

The Authority disagrees with the assertion that the HST project is too expensive. One purpose of the 2005 Statewide Program EIR/EIS was to evaluate the consequences of meeting the state's transportation needs over the coming decades. That document identified the environmental and economic cost of proceeding with a "do nothing" alternative as well as with a "modal alternative" that would expand freeways, airports, and conventional rail systems without a HST project. The conclusion of the 2005 Statewide Program EIR/EIS process was that the HST system was a less costly alternative and less environmentally damaging alternative overall.

Furthermore, high-speed rail systems around the world cover their own operating costs, which is a key reason why 13 nations have built almost 10,000 miles of high-speed rail lines in the last few decades and why 24 countries are planning and building another 16,000 miles. The financial analysis of the California HST system, described in the 2012 Draft Business Plan, clearly demonstrates that the ridership and revenues are well able to cover the costs of operating the system, meaning that no operational subsidy would be required. The HST project is being financed through a combination of federal and state funds, including the ARRA, the federal High-Speed Intercity Passenger Rail Program, and California Proposition 1A's Safe, Reliable High-Speed Passenger Train Bond Act adopted by state voters in November 2008. To date, California has \$6.33 billion to invest in the development of its HST project. The cost estimate presented in the Revised 2012 Business Plan (\$68 billion for Phase 1 Blended System) takes into account the latest design information, adds the cost of inflation to anticipate increased costs from that source, and includes a contingency fund. The inflation and contingency fund provisions (totaling approximately \$43 billion) provide a realistic view of the actual costs of construction.

For further information on project purpose and need, refer to Chapters 1 and 2 of the 2008 Final Program EIR and Chapter 1 of the 2012 Draft Business Plan.

Submission 7 (Minesh Shah, January 7, 2012)

Bay Area to Central Valley Supplemental EIR/EIS - RECORD #7 DETAIL

Status : Pending
Record Date : 1/7/2012
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 1/7/2012
Submission Method : Website
First Name : Minesh
Last Name : Shah
Professional Title :
Business/Organization :
Address :
Apt./Suite No. :
City : Burlingame
State : CA
Zip Code : 94010
Telephone :
Email : mineshkiranshah@hotmail.com
Cell Phone :
Email Subscription : All Sections
Add to Mailing List : Yes
Stakeholder Comments/Issues :
EIR Comment :

7-78

7-79

7-80

I am a resident of Burlingame, CA, and I just reviewed the Bay Area to Central Valley HST Partially Revised Draft Program EIR. In summary, I find the conclusions of this report completely unacceptable to me, my family, my community and the entire San Francisco to San Jose Peninsula area. The noise and vibration will significantly hurt property values, reducing property tax revenue, hurting schools and ultimately dividing and ruining the community. The traffic and construction impact is unacceptable, especially in an area where traffic is already an issue.

I am disappointed that our state continues to spend money on this initiative when there is such adverse impact to communities (and the business case is not sound). I strongly object to any further development of this initiative, especially in the Bay Area peninsula.

Response to Submission 7 (Minesh Shah, February 22, 2012)

7-78

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 Standard Response 6 in the 2010 Revised Final Program EIR regarding property values and effects on communities.

7-79

The traffic analysis contained in the Partially Revised Draft Program EIR identified the existing traffic conditions at specific locations along the Peninsula. At some of those locations the analysis indicated that existing traffic operations are at or near capacity. With potential lane closures as a result of the HST project, the analysis indicated that traffic conditions could deteriorate at some locations, resulting in potentially significant impacts. The analysis also documented the future traffic conditions both without and with the HST project. The future traffic operations projected a worsening of traffic conditions by 2035. Again, when the potential lane closures are included, traffic operations deteriorate at some locations resulting in significant traffic impacts.

Chapter 4 provides an analysis of construction impacts, including traffic impacts during construction, and includes mitigation strategies.

7-80

The Authority disagrees that the "business case" for the statewide HST system is not sound. 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.

Submission 10 (John Wotzka, January - 2012)

Bay Area to Central Valley Supplemental EIR/EIS - RECORD #10 DETAIL

Status : No Action Required
Record Date : 1/9/2012
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 1/9/2012
Submission Method : Website
First Name : John
Last Name : Wotzka
Professional Title : self intrest for future intrest.
Business/Organization : Self,public as graduated mechanical engineer.
Address :
Apt./Suite No. :
City : San Diego
State : CA
Zip Code : 92101
Telephone : 619-446-7690
Email : johnwotzka@gmail.com
Cell Phone :
Email Subscription : All Sections
Add to Mailing List : Yes

10-64

Stakeholder Comments/Issues :

I am going to SANDAG meeting here downtown in SAn Diego. I am doing research to keep up with the development of the High Speed Rail project. I have a June 2011 article that states a project at \$42E9 for 432 miles from San Francisco to Los Angeles. The San Diego Union-Tribune, november 30, 2011 pp A1 artical states a project at \$98E9 for 432 miles from San Francisco to Anaheim. The segment to San Diego and Sacramento are not in th latest financing plan as implied to have been sold to the voters in 2008, as \$45E9 for 800 miles. Lynn Schenk wrote in 2008 that the San Diego segment should be built first and voters want a trip from San Diego to Los Angeles in 78 minutes at 220 mph with a 286 mile trip. Lynn has been working on High Speed Rail in California since 1970s. This is 718 miles leaving only 82 miles to get to Sacramento from San Francisco. A revised business plan released November 1, 2011 estimates a cost of \$98.5E9 to \$118E9 for a project from San Francisco to Anaheim if completed by 2033, but without the segments to San Diego and the Inland Empire. It is not clear if the Inland Empire means to Sacramento. This would make the trip from San Francisco to Anaheim in 65% of 800 miles= 520 miles. The San Diego Union-Tribune, January 4, 2012 artical states an initial section, a segment and the project with costs and miles. The artical talks about :

- a) A State appointed panel.
- b) High Speed Rail Peer Review Group.
- c) California Labor Federation.
- d) California high-speed rail officials.
- e) High Speed Rail Authority.
- f) State legislative analyst.

and a total cost of the project now being \$98E9. The groups c&d are clear but a,b,&d are confusing and seen to be out of place. Group f is a check and baalance to the state. i believe it would be much more clear to the public if the language of section, segment and project be defined graphically and kept constant in future media articales and the project be given a name with all the segment so we can use and acronym and relate the segments to the whole. It would also be a good idea to show each segments cost/ mile or equal cost/mile parts so we can see where the more expense parts are.
 John G Wotzka, Downtown San Diego.

EIR Comment :

No

Response to Submission 10 (John Wotzka, Self, Public As Graduated Mechanical Engineer, February 22, 2012)

10-64

California has been planning a HST system since the formation of the Authority in 1996. When completed, the nearly 800-mile train system would provide new passenger rail service to more than 90% of the state's population. More than 200 weekday trains would serve the statewide intercity travel market. The HST would be similar to electrically powered systems now in operation in Europe and Japan, capable of up to 220-mile-per-hour (mph) operating speeds, with state-of-the-art safety, signaling, and automated train control systems. Phase 1 of the HST system would connect and serve the major metropolitan areas of California, extending from San Francisco to the Los Angeles Basin. Phase 2 would add connections from Sacramento in the north to San Diego in the south.

The cost of the statewide HST system has been evaluated in the Revised 2012 Business Plan, which was made available to the public on April 2, 2012. The current cost estimate has increased significantly since the last estimate in 2009, which was based on the programmatic conceptual design. That estimate, covering the Full Phase 1 between San Francisco and Los Angeles/Anaheim, was \$36.4 billion in 2010 dollars. The Revised 2012 Business Plan estimate (in 2011 dollars) ranges from \$26.9 to \$31.3 billion for the IOS, \$41.3 to \$49.0 billion for the Bay to Basin system, and \$53.4 to \$62.3 billion for the Phase 1 Blended system (Revised 2012 Business Plan, pages 3-8, 3-9, and 3-10). Eighty to 85% of this increase is for additional viaducts, tunnels, embankment, and retaining wall/trenches directly attributable to changes in scope and alignment based on stakeholder input, environmental necessity, and improved knowledge of site conditions. To assess the reasonableness of the program's cost estimates, the Authority studied the most recent cost estimates against those of other operational high-speed rail projects. These include worldwide costs evaluated by the World Bank and improvements to the Northeast Corridor proposed by Amtrak. Of note, a cost comparison of different high-speed rail projects can only provide an order of magnitude indication of the current estimate's

reasonableness for the California program because every project has its own set of unique physical, environmental, and policy issues. This is particularly the case with European and Asian high-speed rail programs, built in different political and environmental settings.

Submission 11 (Joseph P. Thompson, January 12, 2012)

JOSEPH P. THOMPSON
Attorney at Law
8339 Church Street, Gilroy, CA 95020
Telephone (408) 848-5506; Fax (408) 848-4246
E-mail: TransLaw@PacBell.Net

January 6, 2012

Fax: 916-322-0827
Mr. Mehdi Morshed, Exec. Dir.
High Speed Rail Authority
925 L Street, Suite 1425
P. O. BOX 942874, MS-74
Sacramento, CA 95814

Re: Public Comment HSRA's Re-Revised Environmental Impact Report SF-San Jose-Gilroy-Merced

Dear Mr. Morshed,

11-523 Referring to my letters to you (copies enclosed), why are you ignoring truth in transportation? Why are you ignoring sound railroading? Why are you ignoring history? Why are you ignoring the will of the voters of California? Why are you ignoring the legislation from our State Legislature signed into law by our State Governor?

11-160 Please include these remarks as part of your official record of proceedings and these enclosed supplemental remarks about the re-revised EIR for the SF-San Jose-Gilroy-Merced Segment.

11-161 You remind me of the public sector transit advocates and supporters who cram taxpayer-funded transit down our throats so that public sector transit welfare recipients and public sector union employees and joint power authorities staff can enjoy our blood regardless of the damage that it does to our State. Like addicts who refuse to admit their addiction, you seem Hell-bent on your Leninism even though history, both world-wide and American and North American railroad history proves that your concept is fatally flawed and is not sound nor sustainable. I repeat what I said to the High Speed Rail Commission and then State Senator Quinten Kopp: High Speed Rail can only work in the private-sector. Otherwise, you'll just stick another blood-sucking leech on us like Amtrak, Caltrain, Lite Rail, and other public-sector boondoggles that fail every place, and every time that they've been tried around the world.

Respectfully yours,
[Signature]
JOSEPH P. THOMPSON, ESQ.

Encl.

11-526

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November 10, 2010

Fax: 916-322-0827
Mr. Mehdi Morshed, Exec. Dir.
High Speed Rail Authority
925 L Street, Suite 1425
P. O. BOX 942874, MS-74
Sacramento, CA 95814

Re: Public Comment HSRA's Environmental Impact Report SF-San Jose-Gilroy-Merced

Dear Mr. Morshed,

Referring to my letter to you (copy enclosed), I am enclosing my supplemental remarks about the EIR for the SF-San Jose-Gilroy-Merced Segment.

Will you please add this supplement to the official record of these proceeds.

Future generations must know that you were warned.

Respectfully yours,
JOSEPH P. THOMPSON, ESQ.

Submission 11 (Joseph P. Thompson, January 12, 2012) - Continued

11-526

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 Telephone (408) 848-5506; Fax (408) 848-4246
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January 5, 2010

Fax: 916-322-0827
 Mr. Mehdi Morshed, Exec. Dir.
 High Speed Rail Authority
 925 L Street, Suite 1425
 P. O. BOX 942874, MS-74
 Sacramento, CA 95814

Re: Public Comment HSRA's Environmental Impact Report SF-San Jose-Gilroy-Merced

Dear Mr. Morshed,

Thank you for allowing members of the public to comment on HSRA's second (judicially-required) EIR for the San Francisco-San Jose-Gilroy-Merced Segment.

Identity of Author. I am a graduate of San Jose State University, and have done post-doctoral study of transportation law and policy at the Mineta Institute at SJSU. I write only for myself, and not on behalf of a client or organization, but merely to express my personal reply to the EIR for the segment that includes Gilroy, where I have practiced law for more than 30 years.

Background. I here refer to and incorporate by reference: (1) my letters to you dated 3/23/09 and 3/10/04; (2) letter dated 2/23/09, amended 3/13/09, from Mr. J.S. Jerry Wilmoth, UPRR; (3) Map CA-13, CA-17a&b, and CA-18, *Railroad Atlas of North America, California and Nevada*, pp. 18, 22-23; and Wendell Cox & Adrian T. Moore, *The California High Speed Rail Proposal: A Due Diligence Report*, Reason Foundation, Sept. 2008; Legislative Analyst's Office, *The High-Speed Rail Authority*, March 17, 2009 (see attached to my letter to you 3/23/09).

Summary. Lenin convinced his fellow countrymen that Marx & Engels were right, with Trotsky's help, and Stalin's "persuasion" tactics. Did that make his philosophy right? No. Just like Lenin, CAHSRA's proponents are wrong. You remind me of heroin addicts who refuse to admit their addiction. Revelations since the election show what a disastrous idea you have proposed for this sad State, dominated by radical socialists in our Legislature, the League of California Cities, and the California State Association of Counties, and the public transit agencies and their public-sector unions. I think that history will be just as kind to the CAHSRA's proponents as it's been to Lenin. The people of California will rue the day that the Trojan Horse was approved in the guise of the Bullet Train.

As I said before, "The crucial question facing us with HSR's proposal was concisely stated by the Honorable Norman Y. Mineta: "The crucial question in transportation today is: What should

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government do, and what should it leave to others."¹ The sound, sustainable answer to Secretary Mineta's "crucial question" lies in the private sector; not in the public sector. With free enterprise as a foundation, high speed rail's owners and investors can combine profitable freight revenue with losing passenger fares, rather than asking the maxed-out taxpayers of California for more tax subsidies for yet another public-sector passenger mode of travel.

Comment: Funding Source for Operations. The current proposal does not satisfy the requirements of sound railroading, while it adheres to the tax-dependent method of finance akin to Amtrak, Caltrain and urban mass transit, with only a very small fraction of the overall expenses paid for by the patrons. The underlying assumption that taxpayers can continue to pony-up the subsidies for more government-owned transport is wrong. History shows the proposal to be fatally flawed. All of the State-owned railroads in the Nation failed in 1837-1840. Lincoln knew personally about those failures, so when General Granville Dodge recommended to the President in 1864 that the government own the transcontinental railroad, Lincoln said "no." His theory, which ultimately worked, was that private enterprise own the railroads, but that the government would aid in their construction. When the Nation's railroads were nationalized during World War I, it only took 18 months before the government's mismanagement had brought all our railroads to a screeching halt. So, Congress reversed its previous decision and de-nationalized our railroads. In 1970 during debates in Congress on formation of the National Railroad Passenger Corporation (Amtrak), some members promised that Amtrak "would be profitable in three years." Amtrak has failed to break even, and requires ever-increasing tax subsidies to continue its operations. Our Nation paid dearly for Amtrak's subsidies because on 9/11/01 we did have Amtrak, but we did not have adequate airport security.

The north-south tonnage flows in California, on Hwy. I-5, US 101, and Hwy. 99, represent a source of funding that could, in a private-sector model, duplicate and exceed taxpayers' subsidies in the public-sector model as proposed in the EIR. The French government has announced that it will have Fedex freight transported by that nation's HSR starting next year, so those with experience in operating HSR in Europe have apparently resorted to freight revenue as a source of funding. We could reduce air pollution, traffic congestion, and road and bridge support deterioration and maintenance expenses if we diverted some of that tonnage onto HSR. I have said this to the HSRA since before its creation when it was a Commission.

I believe that reliance on tax subsidies ought to be deemed unfeasible, given the tax/fee burdens already imposed on Californians by all levels of government, not to mention the even larger burdens which our generation is imposing on future generations.

Rather, the manner in which railroads were originally created, and funded, freight revenue combined with losing passenger fares, ought to be the funding formula upon which the HSR is created and maintained.

As the LAO's Report states (page 5), the HSR service should "not require an operating subsidy." A feasible "funding source . . . for future years . . ." (page 6, LAO's Report) exists now and will exist into the future: freight revenue. As with freight moving in the bellies of airliners, HSR can transport freight, thereby decreasing air pollution because the fuel savings per ton/mile is about 75% compared with rubber tires hauling freight on concrete or asphalt. The profit made moving freight

¹Joseph P. Thompson, "ISTEA Reauthorization and the National Transportation Policy," *25 Transportation Law Journal*, pp. 87-*etseq.* (1997).

Submission 11 (Joseph P. Thompson, January 12, 2012) - Continued

11-526

can offset the losses sustained transporting passengers. Overnight shipments between Northern and Southern California can be transported without interfering with daytime, commute hours.

Comment: UP's Property Rights.

In addition to those aspects identified by Cox and Moore ("Reason Report"), the UP's Coast Main Line, which is part of its incomparable interstate railroad, and considered by many to be the best railroad in the whole world, if not in America, is entirely its own, for its shareholders' benefit. The Nation's national security and interstate commerce justify the position paramount to lesser entities, the States, and local government, which the courts have repeatedly upheld on federal preemption grounds. A look at the Maps of UP's tracks in the SF Peninsula, San Jose, and South Bay Area show that the current HSRA proposal is impossible without UP's consent. Since UP has not given its consent (Mr. Wilmoth's Letter enclosed), the proposed route is not a legally possible route, even if the HSRA could find the tax subsidy money to operate it as currently proposed.

Conclusion. I believe that Secretary Mineta was right. However, HSRA's answer is wrong for California, and impossibly burdensome for its taxpayers in this and future generations. By following our predecessors' example, and having learned from their mistakes, we can have sound, sustainable HSR in California.

Caveat Viator!"

Respectfully yours,

JOSEPH P. THOMPSON, ESQ.

11-527

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March 23, 2009

Fax: 916-322-0827
Mr. Mehdi Morshed, Exec. Dir.
High Speed Rail Authority
925 L Street, Suite 1425
P. O. BOX 942874, MS-74
Sacramento, CA 95814

Re: Public Comment HSRA's Environmental Impact Report SF-San Jose-Gilroy-Merced

Dear Mr. Morshed,

Thank you for allowing members of the public to comment on HSRA's EIR for the San Francisco-San Jose-Gilroy-Merced Segment.

Identity of Author. I am a graduate of San Jose State University, and have done post-doctoral study of transportation law and policy at the Mineta Institute at SJSU. I write only for myself, and not on behalf of a client or organization, but merely to express my personal reply to the EIR for the segment that includes Gilroy, where I have practiced law for more than 30 years.

Background. I here refer to and incorporate by reference: (1) my letter to you dated 3/10/04; (2) letter dated 2/23/09, amended 3/13/09, from Mr. J.S. Jerry Wilmoth, UPRR; (3) Map CA-13, CA-17a&b, and CA-18, *Railroad Atlas of North America, California and Nevada*, pp. 18, 22-23; and Wendell Cox & Adrian T. Moore, *The California High Speed Rail Proposal: A Due Diligence Report*, Reason Foundation, Sept. 2008; Legislative Analyst's Office, *The High-Speed Rail Authority*, March 17, 2009 (see copies enclosed).

Summary. The crucial question facing us with HSR's proposal was concisely stated by the Honorable Norman Y. Mineta: "The crucial question in transportation today is: What should government do, and what should it leave to others."¹ The sound, sustainable answer to Secretary Mineta's "crucial question" lies in the private sector; not in the public sector. With free enterprise as a foundation, high speed rail's owners and investors can combine profitable freight revenue with losing passenger fares, rather than asking the maxed-out taxpayers of California for more tax subsidies for yet another public-sector passenger mode of travel.

¹Joseph P. Thompson, "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law Journal*, pp. 87-*etseq.* (1997).

Submission 11 (Joseph P. Thompson, January 12, 2012) - Continued

11-527

Comment: Funding Source for Operations. The current proposal does not satisfy the requirements of sound railroading, while it adheres to the tax-dependent method of finance akin to Amtrak, Caltrain and urban mass transit, with only a very small fraction of the overall expenses paid for by the patrons. The underlying assumption that taxpayers can continue to pony-up the subsidies for more government-owned transport is wrong. History shows the proposal to be fatally flawed. All of the State-owned railroads in the Nation failed in 1837-1840. Lincoln knew personally about those failures, so when General Granville Dodge recommended to the President in 1864 that the government own the transcontinental railroad, Lincoln said “no.” His theory, which ultimately worked, was that private enterprise own the railroads, but that the government would aid in their construction. When the Nation’s railroads were nationalized during World War I, it only took 18 months before the government’s mismanagement had brought all our railroads to a screeching halt. So, Congress reversed its previous decision and de-nationalized our railroads. In 1970 during debates in Congress on formation of the National Railroad Passenger Corporation (Amtrak), some members promised that Amtrak “would be profitable in three years.” Amtrak has failed to break even, and requires ever-increasing tax subsidies to continue its operations. Our Nation paid dearly for Amtrak’s subsidies because on 9/11/01 we did have Amtrak, but we did not have adequate airport security.

The north-south tonnage flows in California, on Hwy. 1-5, US 101, and Hwy. 99, represent a source of funding that could, in a private-sector model, duplicate and exceed taxpayers’ subsidies in the public-sector model as proposed in the EIR. The French government has announced that it will have Fedex freight transported by that nation’s HSR starting next year, so those with experience in operating HSR in Europe have apparently resorted to freight revenue as a source of funding. We could reduce air pollution, traffic congestion, and road and bridge support deterioration and maintenance expenses if we diverted some of that tonnage onto HSR. I have said this to the HSRA since before its creation when it was a Commission.

I believe that reliance on tax subsidies ought to be deemed unfeasible, given the tax/fee burdens already imposed on Californians by all levels of government, not to mention the even larger burdens which our generation is imposing on future generations.

Rather, the manner in which railroads were originally created, and funded, freight revenue combined with losing passenger fares, ought to be the funding formula upon which the HSR is created and maintained.

As the LAO’s Report states (page 5), the HSR service should “not require an operating subsidy.” A feasible “funding source . . . for future years . . .” (page 6, LAO’s Report) exists now and will exist into the future: freight revenue. As with freight moving in the bellies of airliners, HSR can transport freight, thereby decreasing air pollution because the fuel savings per ton/mile is about 75% compared with rubber tires hauling freight on concrete or asphalt. The profit made moving freight can offset the losses sustained transporting passengers. Overnight shipments between Northern and Southern California can be transported without interfering with daytime, commute hours.

Comment: UP’s Property Rights.

In addition to those aspects identified by Cox and Moore (“Reason Report”), the UP’s Coast Main Line, which is part of its incomparable interstate railroad, and considered by many to be the best railroad in the whole world, if not in America, is entirely its own, for its shareholders’ benefit. The Nation’s national security and interstate commerce justify the position paramount to lesser entities, the States, and local government, which the courts have repeatedly upheld on federal preemption grounds. A look at the Maps of UP’s tracks in the SF Peninsula, San Jose, and South Bay

11-527

Area show that the current HSRA proposal is impossible without UP’s consent. Since UP has not given its consent (Mr. Wilmoth’s Letter enclosed), the proposed route is not a legally possible route, even if the HSRA could find the tax subsidy money to operate it as currently proposed.

Conclusion. I believe that Secretary Mineta was right. However, HSRA’s answer is wrong for California, and impossibly burdensome for its taxpayers in this and future generations. By following our predecessors’ example, and having learned from their mistakes, we can have sound, sustainable HSR in California.

Caveat Viator!

Respectfully yours,

JOSEPH P. THOMPSON, ESQ.

Submission 11 (Joseph P. Thompson, January 12, 2012) - Continued

Fw: Public Comment: Next Regular and/or Special Study Session or Public Workshop Se... Page 1 of 4



Fw: Public Comment: Next Regular and/or Special Study Session or Public Workshop Session or Special City Council Meeting 1/6/12 with CAHSRA's CEO-----Fw: Available for Comment: High-Speed Rail Bay Area to Central Valley Partially Revised Draft Program EIR

Friday, January 6, 2012 10:53 AM

From: "Joseph Patrick Thompson" <translaw@pacbell.net>
To: bayarea-centralvalley@hsr.ca.gov
Cc: senator.simitian@sen.ca.gov, "Daron McDaniel" <daron.mcdaniel@mail.house.gov>
 4 Files (193KB)


 MORSHE... MORSHE... MORSHE... MORSHE...

Mr. Mehdi Morshed, Exec. Dir.
High Speed Rail Authority
925 L. Str. #1425
Sacramento, CA 95814

Re: Public Comment: Re-revised EIR for Bay Area-Central Valley Segment

Dear Mr. Morshed,

Thank you for again inviting public comment. This is my fourth letter to you about this ill-conceived concept. Please include this as part of the official record of the proceedings. I've not changed my position, as indeed you have not. Both HSR and HSRA have ignored my warnings, and the warnings of others, and the lessons of history. We ignore those lessons at our peril. Caveat viator.

Sincerely,
Joseph P. Thompson
Gilroy, California

--- On Fri, 1/6/12, Joseph Patrick Thompson <translaw@pacbell.net> wrote:

From: Joseph Patrick Thompson <translaw@pacbell.net>
 Subject: Public Comment: Next Regular and/or Special Study Session or Public Workshop Session or Special City Council Meeting 1/6/12 with CAHSRA's CEO-----Fw: Available for Comment: High-Speed Rail Bay Area to Central Valley Partially Revised Draft Program EIR
 To: "City Council Members City of Gilroy" <AllCouncilMembers@ci.gilroy.ca.us>, "shawna freels" <shawna.freels@ci.gilroy.ca.us>, "Mike Wasserman" <askmike@garlic.com>, "Tammy Brownlow" <president@gilroyedc.org>, "pam Gilroy EDC" <admin@gilroyedc.org>, "nancy martin" <nancy.martin@edcsanbenito.org>, svalenta@gilroy.org, "christine giusiana" <cgiusiana@morganhill.org>, "SBC Board of Supervisors" <sbcsuper@supervisor.co.san-benito.ca.us>, "sbccog" <info@sanbenitocog.org>, "Margie Barrios" <mbarrios@razzolin.com>, "Anthony Botelho" <bpfruit@garlic.com>, "jaime delacruz" <jaimedc2003@yahoo.com>, "Jerry Muenzer" <jerry@muenzers.com>, mpowell@gilroydispatch.com, "Marty Richmond" <mgr42@charter.net>, "victor gomez" <vgollister@sbcglobal.net>, "Raymond Friend" <raymond.friend@hollister.ca.gov>, "Marshall Scattini" <robert.scattini@hollister.ca.gov>, "Douglas Emerson" <dae11dae@pacbell.net>, "Pauline

http://is.mc834.mail.yahoo.com/mc/showMessage?sMid=0&fid=Sent&filterRv=&rand=79... 1/6/2012

Fw: Public Comment: Next Regular and/or Special Study Session or Public Workshop Se... Page 2 of 4

Valdivia" <jantano@aol.com>, "Sharon Gonsalves" <Sharon.Gonsalves@asm.ca.gov>, "Daron McDaniel" <daron.mcdaniel@mail.house.gov>, senator.simitian@sen.ca.gov, "highspeedrail SF Peninsula Communities" <ellyn@cc-hsr.org>, "yvonne saucedo" <yvonne.ss@sbcglobal.net>, "Benito Chapter" <sanbenitochapter@yahoo.com>, editor@garlic.com, editor@gilroydispatch.com, "robert airoid" <editor@morganhilltimes.com>, editor@freelancenews.com
 Date: Friday, January 6, 2012, 10:44 AM

Honorable Members of the Gilroy City Council
 Re: Next Regular and/or Special Study Session or Public Workshop Session or Special Meeting Session at City Hall 1/6/12 with CAHSRA's CEO: Public Comment
 Dear Honorable Council Members,
 Please add this for "public comment" at your next regular and/or special study session or public workshop session or your special meeting at City Hall today with CAHSRA's CEO.

Please join with me in supporting the taxpayers of this town, this County, and this State in opposing another public-sector transport boondoggle. We cannot afford the boondoggles that you have already placed on our backs. Your joint power authorities like VTA-COG are already bleeding us dry, and on top of the back-breaking subsidies that we pay for other public sector transit boondoggles like Amtrak, Caltrain, Lite Rail, etc., etc., etc.

Your policy of tax-and-spend with our money is a failed policy that is ruining our State, and our Nation.
 Please admit it when your wrong—you're wrong. Turn around, or you've got us on the same route taken by the USSR. Private-sector solutions are the only long-term, sustainable solutions, as I said to the High Speed Rail Commission in five different cities about 15 years ago when they started this plan.
 Caveat viator.

Respectfully,
 Joseph P. Thompson, Esq.
 Past-Chair, Legislation Committee, Transportation Lawyers Assn.
 Gilroy (408) 848-5506

--- On Fri, 1/6/12, California High-Speed Rail Authority <californiahighspeedrailauthority@hsr.ca.gov> wrote:

From: California High-Speed Rail Authority <californiahighspeedrailauthority@hsr.ca.gov>
 Subject: Available for Comment: High-Speed Rail Bay Area to Central Valley Partially Revised Draft Program EIR
 To: translaw@pacbell.net
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Submission 11 (Joseph P. Thompson, January 12, 2012) - Continued

Fw: Public Comment: Next Regular and/or Special Study Session or Public Workshop Se... Page 3 of 4

Fw: Public Comment: Next Regular and/or Special Study Session or Public Workshop Se... Page 4 of 4




California High-Speed Rail Authority

NOW AVAILABLE:
Bay Area to Central Valley High-Speed Train Partially Revised Draft Program Environmental Impact Report

PUBLIC COMMENT PERIOD
 January 6, 2012 to February 21, 2012

PUBLIC MEETING
 WHEN: February 9, 2012
 4:00 p.m. to 7:00 p.m.
 WHERE: San José City Hall,
 City Council Chambers
 200 East Santa Clara St
 San José CA 95113

INFORMATION
 Visit www.cahighspeedrail.ca.gov to:
 • View and download the Notice of Availability and the Partially Revised Draft Program EIR.
 • Request a CD of the Partially Revised Draft Program EIR.
 • Find a local library to review the Partially Revised Draft Program EIR

The California High-Speed Rail Authority (Authority) is circulating the Bay Area to Central Valley High-Speed Train (HST) Partially Revised Draft Program Environmental Impact Report (EIR) in order to address the November 2011 Town of Atherton court rulings regarding the 2010 Bay Area to Central Valley High-Speed Train Revised Final Program Environmental Impact Report.

<http://us.mc834.mail.yahoo.com/mc/showMessage?sMid=0&fid=Sent&filterRv=&rand=70> 1/6/2012

The Bay Area to Central Valley HST Partially Revised Draft Program EIR can be obtained on the Authority's website, www.cahighspeedrail.ca.gov/ba_cv_program_eir.aspx, or by calling the Authority at (916) 324-1541 and requesting a Compact Disk (CD) copy of the document. The Partially Revised Draft Program EIR contains only the additional information and analyses needed to address court rulings.

Context for this document is contained in the 2008 Final Bay Area to Central Valley HST Program EIR/EIS and the 2010 Revised Final Program EIR, also located on the Authority's website. Pursuant to CEQA Guidelines section 15088.5, subdivision (f)(2), the Authority requests that reviewers limit the scope of their comments to the revised materials contained in this document. The Authority is obligated only to respond to those comments received during the comment period that relate to the content of this Partially Revised Draft Program EIR.

PUBLIC COMMENTS
 The Authority will accept public comment on this document for a period of 45 days, commencing on January 6, 2012, and concluding at close of business on February 21, 2012.

Comments shall be directed to:

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

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- regular U.S. mail at the address above;
- via email with the subject line "Bay Area to Central Valley HST Partially Revised Draft Program EIR Comments" sent to BayArea-CentralValley@hst.ca.gov;
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Submission 11 (Joseph P. Thompson, January 12, 2012) - Continued

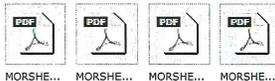
Public Comment: Next Regular and/or Special Study Session or Public Workshop Sessio... Page 1 of 4



Public Comment: Next Regular and/or Special Study Session or Public Workshop Session or Special City Council Meeting 1/6/12 with CAHSRA's CEO-----Fw: Available for Comment: High-Speed Rail Bay Area to Central Valley Partially Revised Draft Program EIR

Friday, January 6, 2012 10:44 AM

From: "Joseph Patrick Thompson" <translaw@pacbell.net>
 To: "City Council Members City of Gilroy" <AllCouncilMembers@ci.gilroy.ca.us>, "shawna freels" <shawna.freels@ci.gilroy.ca.us>, "Mike Wasserman" <askmike@garlic.com>, "Tammy Brownlow" <president@gilroyedc.org>, "pam Gilroy EDC" <admin@gilroyedc.org>, "nancy martin" <nancy.martin@edsanbenito.org>, svalenta@gilroy.org, "christine giuliana" <cgiuliana@morganhill.org>, "SBC Board of Supervisors" <sbcsuper@supervisor.co.san-benito.ca.us>, "sbccog" <info@sanbenitocog.org>, "Margie Barrios" <mbarrios@razzolink.com>, "Anthony Botelho" <bpfruit@garlic.com>, "Jelime delacruz" <jaimedc2003@yahoo.com>, "Jerry Huenzler" <jerry@huenzlers.com>, mpowell@gilroydispatch.com, "Marty Richmond" <mrgr42@charter.net>, "Victor Gomez" <vgohlister@sbcglobal.net>, "Raymond Friend" <raymond.friend@hollister.ca.gov>, "Marshal Scattini" <robert.scattini@hollister.ca.gov>, "Douglas Emerson" <dae11dae@pacbell.net>, "Pauline Valdivia" <jantano@aol.com>, "Sharon Gonsalves" <Sharon.Gonsalves@asm.ca.gov>, "Daron McDaniel" <daron.mcdaniel@mail.house.gov>, senator.similtian@sen.ca.gov, "highspeedrail SF Peninsula Communities" <ellyn@cc-hsr.org>, "yvonne saucedo" <yvonne.ss@sbcglobal.net>, "Benito Chapter" <sanbenitochapter@yahoo.com>, editor@garlic.com, editor@gilroydispatch.com, "Robert Alroid" <editor@morganhilltimes.com>, editor@freelancenews.com
 4 Files (193KB)



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 Re: Next Regular and/or Special Study Session or Public Workshop Session or Special Meeting Session at City Hall 1/6/12 with CAHSRA's CEO: Public Comment
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Public Comment: Next Regular and/or Special Study Session or Public Workshop Sessio... Page 2 of 4

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 Subject: Available for Comment: High-Speed Rail Bay Area to Central Valley Partially Revised Draft Program EIR
 To: translaw@pacbell.net
 Date: Friday, January 6, 2012, 9:11 AM



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Bay Area to Central Valley High-Speed Train Partially Revised Draft Program Environmental Impact Report

PUBLIC COMMENT PERIOD

January 6, 2012 to February 21, 2012

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WHEN: February 9, 2012
 4:00 p.m. to 7:00 p.m.

WHERE: San José City Hall,
 City Council Chambers
 200 East Santa Clara St
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Submission 11 (Joseph P. Thompson, January 12, 2012) - Continued

Public Comment: Next Regular and/or Special Study Session or Public Workshop Sessio... Page 3 of 4

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INFORMATION

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Comments shall be directed to:

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Response to Submission 11 (Joseph P. Thompson, February 23, 2012)

11-523

The Authority disagrees with the commenter's assertion that there is no need or desire for the statewide HST project. One purpose of the 2005 Statewide Program EIR/EIS was to evaluate the consequences of meeting the state's transportation needs over the coming decades. That document identified the environmental and economic cost of proceeding with a "do nothing" alternative as well as with a "modal alternative" that would expand freeways, airports, and conventional rail systems without building a high-speed rail project. The conclusion of the 2005 Statewide Program EIR/EIS process was that the HST system was a less costly alternative and less environmentally damaging alternative overall. Furthermore, the proposed 220-mph HST system would provide lower passenger costs than travel by air for the same city-to-city markets. It would increase mobility while reducing air pollution, decreasing dependence on fossil fuels, and protecting the environment by reducing greenhouse gas emissions, and would promote sustainable development. By moving people more quickly and at less cost than today, the HST system would boost California's productivity and also enhance the economy.

11-160

Comment acknowledged. All comments submitted during the public review period, from January 6 through February 21, will be entered into the record for consideration by the Authority Board.

11-161

High-speed rail systems around the world cover their own operating costs, which is a key reason why 13 nations have built almost 10,000 miles of high-speed rail lines in the last few decades and why 24 countries are planning and building another 16,000 miles. The financial analysis of the California system, described in the 2012 Draft Business Plan, clearly demonstrates that the ridership and revenues are well able to cover the costs of operating the system, meaning that no operational subsidy would be required. Construction of the HST Project is being financed through a combination of

federal and state funds, including the ARRA, the federal High-Speed Intercity Passenger Rail Program, and California Proposition 1A's Safe, Reliable High-Speed Passenger Train Bond Act adopted by state voters in November 2008. To date, California has \$6.33 billion to invest in the development of its HST Project. The cost estimate presented in the Revised 2012 Business Plan (\$91.4 billion, page ES-14)) takes into account the latest design information, adds the cost of inflation to anticipate increased costs from that source, and includes a contingency fund. The inflation and contingency fund provisions provide a realistic view of the actual costs of construction.

Furthermore, as discussed in the 2012 Draft Business Plan, the Authority plans to bring a private operator on board to operate service following construction of the Initial Operating Section. There are currently no plans for the Authority or any other state agency to operate the HST system once it has been constructed.

11-526

This submission will be entered into the public record.

11-527

This submission will be entered into the public record. This letter was submitted to the Authority as a comment on the 2010 Draft Revised Program EIR Materials. Refer to comment letter I-364 on Pages 16-1124 through 16-1126 of the 2010 Revised Final Program EIR for the Authority's responses to this comment letter.

11-528

Comment acknowledged.

Submission 13 (Warren & Janis Watkins, January 9, 2012)

3557
01-09-12P02:41 RCVD

January 5, 2012

Governor Jerry Brown
C/O State Capitol Suite 1173
Sacramento, CA. 95814

RE: CA High-Speed Rail

13-16

Dear Governor,
Don't do it! Please do not waste valuable state resources on this project. The public and state lawmakers admit that their uneducated support was misplaced. Times have changed.

Although we support local rail projects like the Sonoma-Marín SMART train, where the right-of-way, financing, and management is in place, we do not want any bonding for this top heavy infrastructure mistake.

As lifetime Californians who have supported you efforts to stabilize state budgets and financing, we ask you in the strongest terms to let the public have another say on this state rail mess.

Sincerely,


Warren and Janis Watkins
Healdsburg

(copy)

Response to Submission 13 (Warren & Janis Watkins, January 27, 2012)

13-16

One purpose of the 2005 Statewide Program EIR/EIS was to evaluate the consequences of meeting the state's transportation needs over the coming decades. That document identified the environmental and economic cost of proceeding with a "do nothing" alternative as well as with a "modal alternative" that would expand freeways, airports, and conventional rail systems without building a high-speed rail project. The conclusion of the 2005 Statewide Program EIR/EIS process was that the HST system was a less costly alternative and less environmentally damaging alternative overall.

Furthermore, high-speed rail systems around the world cover their own operating costs, which is a key reason why 13 nations have built almost 10,000 miles of high-speed rail lines in the last few decades and why 24 countries are planning and building another 16,000 miles. The financial analysis of the California HST system, described in the 2012 Draft Business Plan, clearly demonstrates that the ridership and revenues are able to cover the costs of operating the system, meaning that no operational subsidy would be required. Construction of the HST Project is being financed through a combination of federal and state funds, including the ARRA, the federal High-Speed Intercity Passenger Rail Program, and California Proposition 1A's Safe, Reliable High-Speed Passenger Train Bond Act adopted by state voters in November 2008. To date, California has \$6.33 billion to invest in the development of its HST Project. The cost estimate presented in the 2012 Draft Business Plan (\$98 billion) takes into account the latest design information, adds the cost of inflation to anticipate increased costs from that source, and includes a contingency fund. The inflation and contingency fund provisions (totaling approximately \$43 billion) provide a realistic view of the actual costs of construction.

Submission 20 (Trisha Soebbing Shryock, January 30, 2012)

Bay Area to Central Valley Supplemental EIR/EIS - RECORD #20 DETAIL

Status : No Action Required
Record Date : 1/30/2012
Response Requested :
Stakeholder Type : Other
Submission Date : 1/30/2012
Submission Method : Website
First Name : Trisha
Last Name : Soebbing SHryock
Professional Title : MS
Business/Organization :
Address :
Apt./Suite No. :
City : cody
State : WY
Zip Code : 82414
Telephone : 999-999-9999
Email : Trisha.soebbing@yahoo.com
Cell Phone :
Email Subscription : San Jose - Merced
Add to Mailing List : Yes
Stakeholder Comments/Issues : San Jose hub, look for funding short fall see is Kris or Sidney is still there, they may be gone by now- they are all over the funding from the sunk boat.
EIR Comment : No

20-61 |

Response to Submission 20 (Trisha Soebbing Shryock, February 22, 2012)

20-51

This comment does not appear to apply to the 2012 Partially Revised Draft Program EIR.

Submission 21 (Trisha Soebbing Shryock, January 31, 2012)

Bay Area to Central Valley Supplemental EIR/EIS - RECORD #21 DETAIL

Status : No Action Required
Record Date : 1/31/2012
Response Requested :
Stakeholder Type : Other
Submission Date : 1/31/2012
Submission Method : Website
First Name : Trisha
Last Name : Soebbing Shryock
Professional Title : ms
Business/Organization :
Address :
Apt./Suite No. :
City : cody
State : WY
Zip Code : 82414
Telephone : 999-999-9999
Email : Trisha.soebbing@yahoo.com
Cell Phone :
Email Subscription : San Francisco - San Jose
Add to Mailing List : Yes
Stakeholder Comments/Issues : found original site of bridge before it was relocated to san francisco-
concrete bridge now with little water flow through it. Location is south
and west of city.
EIR Comment : No

21-59 |

Response to Submission 21 (Trisha Soebbing Shryock, February 22, 2012)

21-59

This comment does not appear to apply to the 2012 Partially Revised Draft Program EIR.

Submission 22 (Jim and Marilynne Mellander, February 8, 2012)

Bay Area to Central Valley Supplemental EIR/EIS - RECORD #22 DETAIL

Status : Pending
Record Date : 2/8/2012
Response Requested : No
Stakeholder Type : CA Resident
Submission Date : 2/8/2012
Submission Method : Project Email
First Name : Jim and Marilynne
Last Name : Mellander
Professional Title :
Business/Organization :
Address : 7010 Monte Verde Rd.
Apt./Suite No. :
City : El Sobrante
State : CA
Zip Code : 94803
Telephone :
Email : mellander@comcast.net
Cell Phone :
Email Subscription :
Add to Mailing List :
Stakeholder Comments/Issues : CA HSR Authority:

22-20

As per your public notice mailed to my home I am submitting my opinion on this project.

I don't have the time or the inclination to read the Partially Revised Draft Program EIR.

I am OPPOSED to building this project. Our State is bankrupt and doesn't need transportation such as this. Many people will lose their private property if this project is built; compensation for eminent domain is never enough to make up for the loss of a person's property.

I personally prefer the comfort and safety of my private automobile and will continue to use this mode of transportation until such time as the authorities take this right away from me.

Sincerely,
 Marilynne L. Mellander
 7010 Monte Verde Rd.
 El Sobrante, CA 94803

EIR Comment : Yes

Response to Submission 22 (Jim and Marilynne Mellander, February 10, 2012)

22-20

The Authority disagrees with the assertion that the state can't afford the HST project. California's population is growing rapidly and, unless new transportation solutions are identified, traffic will only get worse and airport delays will continue to increase. The proposed 220-mph HST system would provide lower passenger costs than travel by air for the same city-to-city markets. It would increase mobility while reducing air pollution, decreasing dependence on fossil fuels, and protecting the environment by reducing greenhouse gas emissions, and would promote sustainable development. By moving people more quickly and at less cost than today, the HST system would boost California's productivity and also enhance the economy. One purpose of the 2005 Statewide Program EIR/EIS was to evaluate the consequences of meeting the state's transportation needs over the coming decades. That document identified the environmental and economic cost of proceeding with a "do nothing" alternative as well as with a "modal alternative" that would expand freeways, airports, and conventional rail systems without HST. The conclusion of the 2005 Statewide Program EIR/EIS process was that the HST system was a less costly alternative and less environmentally damaging alternative overall.

Submission 26 (Harold Perrin, February 14, 2012)

Comments of Harold Perrin,
re: **Partially Revised DRAFT Program Environmental Impact Report**

While I do not believe that I have the ego necessary to regard myself as an "expert", I do believe that I have a reasonable knowledge of conditions existing on the Peninsula, as a result of having lived there for the better part of a decade and the Bay Area for more than 15 years, and while my family and I have for the moment relocated out of the area (due to business commitments) that knowledge provides a fair basis for these comments.

I. GENERAL

26-22

I support the Authority's conclusion that the recommended alignment from San Francisco to the Central Valley--the alignment from Transbay Terminal/3rd & King Streets via San Jose and Pacheco Pass--continues to be the appropriate choice for the initial phase of the HSR system. I believe that the Authority has adequately documented that this alignment offers the highest potential ridership at an achievable cost, with the lowest environmental impact, and which can likely be constructed and opened to service within this decade.

II. NOISE/VIBRATION EFFECTS: PENINSULA MAIN LINE

26-28

I believe that the PEIR lacks considerable data to make a reasoned judgment on the possibility of noise and vibration effects which could be attributed to moving freight service to an outer track on an expanded alignment. Specifically, the PEIR does not present any data concerning the present volume of Union Pacific's freight service, nor does it present any data concerning reasonable forecasts of future freight volumes.

The report lacks specificity when it simply states that UP's services consists of a certain number of trains per day. According to standard railroad operating rules, a "train" may consist simply of one locomotive, with or without cars. A "train" may also consist of multiple locomotives with up to one hundred cars, sometimes even more. The difference here is significant when considering noise and vibration effects. A short train is unlikely to provide a significant effect, particularly when considering that on a reconstructed Peninsula Main Line, grade crossings, and consequently train horn signals, will be eliminated. A short train also will not have the weight which would cause significant vibration, and generally would operate at a speed which would minimize the impact on any specific location.

On the other hand, a long train pulled by multiple locomotives is likely to cause considerably higher effects of both noise and vibration. It is obvious that a heavier train will require the locomotives to work harder and consequently generate more noise. A heavier train will also cause greater vibration effects and is likely to operate at a slower speed which would impact a specific location for a longer period of time.

I believe it would be wise for the Authority to seek from Union Pacific statistics concerning its present operations on the Peninsula, as well as its forecast of future traffic. In addition to providing needed

26-28

information for the present purpose, the data will also allow the Authority and its contractors to plan and construct the project in a way which best accommodates the UP, if freight service is to continue.

26-23

In general, freight traffic on the Peninsula has greatly decreased in the past two decades. Many freight spurs have been torn out or abandoned in place. There is little to indicate that there is any likelihood of this trend reversing. While the Port of San Francisco has previously expressed its desire for continued freight access, reality indicates that this is little more than "wishful thinking". Most observers have concluded that there is little to no likelihood that any significant freight business will ever return to the Port, and the Port's present facilities are a mere shadow of what they were several decades ago. Most of the Port's piers have either been demolished, converted to uses not requiring rail access, or cut off from rail access by the abandonment of certain portions of the Port's railroad facility.

With that in mind, I believe that the Authority may wish to consider something of a "nuclear option" to resolve the issues of freight train noise and vibration on the Peninsula:

In the Trackage Rights Agreement between the Peninsula Corridor Joint Powers Board and the Southern Pacific Company (UP's predecessor), the PCJPB (section 8.3, paragraph c) has the legal right to petition the Surface Transportation Board for authority to abandon freight service along its line of railroad, should the PCJPB intend to construct facilities on the property which would be incompatible with freight service. The UP, as SP's successor, is barred from opposing such a petition. There can be little argument that the CHSRA's proposed project is in many ways incompatible with freight service, and therefore the JPB has authority to exercise its option. Freight service is certainly incompatible, for example, with the Millbrae station as it is currently proposed.

It may be more cost-effective for the Authority to offer relocation assistance to the remaining freight shippers on the Peninsula than to take the extra steps to construct the project to be compatible with freight service and to mitigate the noise/vibration effects. I believe it would be wise for the Authority to insist that the PCJPB exercise their authority as a condition to receiving the funding package now being negotiated between the Authority and the PCJPB. I also believe that it would be wise to require that in return for the funding, the PCJPB will transfer title to the property to the Authority, allowing the PCJPB to become an operating agency without responsibility for infrastructure maintenance. This would also allow Caltrain to address many of its present financial woes, strengthening the existing service while laying the ground work for HSR.

I have long believed that UP's opposition to sharing Peninsula facilities with HSR has little to do with protecting UP's minimal business on the line, and is primarily an effort by UP to avoid setting a precedent with respect to UP's property in relation to other portions of the CHSRA system and potential HSR systems elsewhere. I believe that the abandonment of Peninsula freight service would have a minimal effect on UP. I also believe that it is foolish to increase the cost of the HSR project by including rebuilt freight facilities whose purpose may not even survive the construction period--in other words, the CHSRA would be constructing freight facilities for which there will never be a use. The Authority might just as well include facilities for washing out steam locomotive boilers.

Removal of freight service from the joint Caltrain/HSR right of way may also make it possible to reduce the effects on paralleling streets along the Peninsula (section 3), as it may be possible to design the most constricted points with brief stretches of three-track, rather than four-track alignment.

Submission 26 (Harold Perrin, February 14, 2012) - Continued

26-24

III. TRAFFIC IMPACTS ON THE PENINSULA:

As stated above, I believe that elimination of the necessity of providing freight facilities on the Peninsula line may reduce or eliminate the need for some or all of the reduction in traffic lanes alongside the project ROW. With or without freight service, thoughtful and creative design efforts may achieve the same result.

In any event, I do not believe that these impacts are sufficient to require that the Authority choose the "no build" option, nor do I believe that the Authority should bear the entire burden of mitigating such adverse effects as may remain. Many of these constricted points are the result of poor judgments made by local governments in past decades, when they allowed development to encroach too closely to the railroad facilities. That being the case, I believe that the municipalities must share with the Authority the burden of correcting those errors.

26-25

IV. "PHASED IMPLEMENTATION"

I wish to oppose in the strongest possible terms, any portion of a "phased implementation" approach which creates a temporary northern HSR terminal at San Jose or any location other than the new Transbay Terminal or the current Caltrain terminal at 3rd and King Streets in San Francisco.

It is clear that the entire rationalization for the phased approach is to appease a very, very small minority of arrogant individuals on the Peninsula, who believe that their relative affluence enables them to override the expressed wishes of the people of the entire Peninsula and state. With that in mind, I believe that any effort to create a temporary northern terminal, with the consequent increased traffic in areas surrounding that terminal, would place the HSR project in grave danger of violating Title VI of the federal Civil Rights Act. The Authority may not shift the perceived burdens of the HSR project from an affluent area with a mostly majority ethnic background, to a less-affluent, largely minority area without running afoul of Title VI, nor may it shift the burden to Caltrain and its passengers, particularly when it is clear that the shift is being made for political reasons. It is also clear that the increased congestion and air quality effects created at a temporary San Jose terminal would be far greater than the minimal perceived effects on the residents of Palo Alto, Menlo Park and Atherton, and their backyard barbecues. By terminating trains short of the ultimate San Francisco terminal, the "phased" approach would also increase the cost of the project by requiring a temporary yard/shop facility in the San Jose area which may or may not be usable once operations to San Francisco begin.

26-26

I would also oppose any phased plan which would not complete as much of the civil construction as possible in the initial construction phase. That is, whether it is the Authority's "phased" approach or the Authority-funded Caltrain improvements, the initial construction must ensure that all bridges, overhead structures, culverts, embankments, and station properties are built to accommodate the future four-track system. The only items omitted from a "phased" initial stage should be the third and fourth tracks and associated electrification equipment. The Authority will never be able to construct these facilities at a lower cost than is possible in today's economic climate, will never be able to acquire the needed property at a lower cost, and runs the risk of having to deconstruct and reconstruct work from the initial phase if it is not constructed to allow the easy placement of the third and fourth tracks. I would therefore oppose any funding agreement with the JPB which allows the Board to use any Proposition 1A funding in a manner inconsistent with building the ultimate 4-track HSR facility.

26-27

Finally, I believe that any plan which would create a terminal short of Transbay Terminal and/or 3rd & King is not in keeping with either the letter or spirit of Proposition 1A, which in essence requires that service be initiated to San Francisco at the earliest possible time. It is my opinion that while the entire project obviously cannot be constructed all at once, nothing in Prop 1A permits the Authority to adopt the "phased" approach as outlined in section 5 of the PEIR.

I strongly disagree with the Authority's conclusion that the phased approach does not change the HSR program as described in the various EIR documents. The program is proposed as a **San Francisco**-Los Angeles/Anaheim system, **not** a **San Jose**-LA/Anaheim system with a San Francisco connection to be built at an indeterminate future date. I believe that the original documents, as well as Prop 1A, commit the Authority to construction of the San Francisco Peninsula segment at the earliest possible time.

I also recognize that this entire "phased" approach may become moot with the Authority's current negotiations with the PCJPB for Caltrain improvements, which as I have previously stated, in my view must be compatible with the ultimate HSR plan if they are to be built with Prop 1A funding.

Response to Submission 26 (Harold Perrin, February 17, 2012)

26-22

Comment in support of Authority's previous selection of the preferred alternative is acknowledged. The Board will consider this Partially Revised Program EIR along with the whole of the record before it, including public comments, in determining whether to again select the Pacheco Pass Network Alternative serving San Francisco via San Jose as the preferred alternative.

26-28

Chapter 2 of the Partially Revised Draft Program EIR specifically addresses potential noise and vibration impacts related to moving freight closer to existing noise sensitive land uses. As indicated Chapter 2 and in the Noise and Vibration Technical Memorandum (6 January 2012) prepared as part of this analysis, the amount of freight traffic on the corridor is very small in comparison to the number of passenger trains per day. The exact number and timing of freight trains in the corridor varies, and is based on a Trackage Rights Agreement. This excerpt from the Noise and Vibration Technical Memorandum explains the Agreement:

The rail corridor on the peninsula is owned by the Caltrain provider, the Peninsula Corridor Joint Powers Board (JPB), who manages train scheduling and determines on which track different trains operate. Freight service is allowed in the corridor when there is a window between passenger trains of at least 30 minutes headway. The Trackage Rights Agreement between the JPB and Southern Pacific Transportation Company (executed in November 1991) specifies that the JPB will make at least one of these windows available between 10:00 am and 3:00 pm each day in both northbound and southbound directions. Between midnight and 5 a.m., at least one main track of the Peninsula Main Line is available for freight with an adequate number of thirty (30) minute headway windows. Although this agreement does not explicitly limit the number of freight trains allowed per day in the corridor, in practice, an average of about four freight trains travel in the corridor between Santa Clara Junction and San Francisco in each 24-hour period.

These four freight trains per day represent less than 5 percent of the trains daily in the corridor, with the remainder being passenger trains. The noise evaluations in the 2008 and 2010 Programmatic EIRs are based on the assessment that the corridor is primarily used for passenger rail and, therefore, that the majority of the train noise is passenger-train related.

The Trackage Rights Agreement does not limit or specify maximum weight or size of freight trains. For the analysis in Chapter 2 of the PRDEIR, the conservative assumption was used that all trains (now and in the future) in the corridor average 2 locomotives and 40 freight cars travelling at 50 mph. This assumption was then used in the analysis to determine the amount of change in noise and vibration to be expected from freight trains being moved closer to sensitive receptors. As documented in Chapter 2, over a 24-hour period the change in the noise and vibration levels associated with just freight activity would be imperceptible.

26-23

While the Authority acknowledges the historical decrease in the amount of freight traffic along the Caltrain Corridor, it would be speculative to assume that such freight service would cease to exist in the horizon within which the HST system would be constructed. The existing condition along the corridor, with a mix of Caltrain passenger rail traffic and freight traffic, is the current environmental setting.

Any future land-use decision on behalf of the Peninsula Corridor Joint Powers Board (PCJPB) and Authority, including a transfer of ownership and maintenance between the agencies and/or elimination of freight service in the corridor, is similarly speculative and outside of the scope of this Program EIR.

If a second-tier San Francisco to San Jose section environmental document is restarted, any new agreements or decisions with respect to a change in the freight service in the Caltrain Corridor will

be considered as part of the environmental setting of that project-level document.

26-24

The commenter suggests that the elimination of freight service on the Caltrain Corridor may eliminate the need for potential traffic lane reductions and that thoughtful and creative design may achieve the same result. At this time there are no plans to eliminate freight service on the corridor. Freight movements during times when Caltrain or HST are not in operation are necessary to support existing businesses along the Peninsula Corridor. The commenter is correct in the statement that thoughtful and creative design may eliminate the need for lane reductions. The second-tier Alternatives Analysis for the San Francisco to San Jose section which identified the potential lane closures was based on very preliminary design. If design advances, it is expected that most, if not all, of the lane closures will be eliminated through adjustments in vertical alignments, lane width reductions, realignment of the roadway segment, and reduction of on-street parking which are examples of the thoughtful and creative design suggested in the comment.

The existing condition along the corridor whereby roadways and urban development are adjacent to the railroad corridor is the current environmental setting. The commenter feels that poor judgment was used in creating the current environmental setting. However, this is the context within which the project must be evaluated. Any impacts on the current environmental setting, regardless of the judgment used to create this setting, will be mitigated solely by the HST project.

26-25

The commenter's opposition to the phased implementation approach is acknowledged. As noted by the commenter, unique impacts would occur at an interim northern terminus station with a phased approach as presented in the 2012 Draft Business Plan. These impacts, including the potential for higher traffic congestion and impacts on connecting commuter rail systems are newly identified significant impacts.

With respect to the program-level decision on a preferred alternative, these differences do not distinguish between the Altamont and Pacheco network alternatives. Phasing can be accomplished for both network alternatives. The unique impacts that would result from the phased approach are discussed and presented in Chapter 5 of the 2012 Partially Revised Draft Program EIR. Specific impacts related to a longer-duration implementation of the statewide system due to the phased approach would be evaluated in each project-level EIR/EIS.

26-26

Comment acknowledged. The 2012 Draft Business Plan suggests that there may be a period when the HST system would extend from San Jose to the San Fernando Valley or a "Bay to Basin" step of the overall statewide system development. This step would allow passengers coming to the Bay Area to transfer at San Jose Diridon Station to Caltrain in order to complete their trip within the Bay Area. However, the intent is that this "Bay to Basin" phase would be temporary and that a few years later, high speed trains would be able to continue their trips through San Jose and up the Peninsula on "Blended System" where Caltrain and HST equipment would share an electrified Caltrain system to complete a "one-seat-ride" to San Francisco from the Central Valley or Southern California.

To that end, it is the Authority's intent to maximize the utility of any investments in the phased implementation approach or blended system approach on the Peninsula (also refer to Standard Response 1). The Authority in partnership with Caltrain and corridor stakeholders is working through a planning process to define what the blended system should look like. This analysis will also examine the construction phasing of the project in order to minimize possible "re-work" on the corridor as a result of anticipated future system expansion (e.g. adding passing tracks in key locations to accommodate additional Caltrain or HST service).

26-27

The Authority disagrees that the phased implementation approach is not consistent with either the letter or spirit of Proposition 1A. The 2012 Draft Business Plan, including the preliminary phased

implementation approach it presented, is consistent with requirements in Proposition 1A. Proposition 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 phased implementation approach would be considered a complementary rail capital improvement project.

Furthermore, as discussed in the Response to Comment 26-26, it is the Authority's intent to maximize the utility of any funds that might be dedicated towards construction of improvements related to the phased implementation approach, and to ensure that such improvements would be able to be used in the full build-out of the HST system to the maximum extent feasible.

Please refer to Standard Response 1 on the Business Plan and the blended system, which address the issues raised in this letter.

Submission 29 (Michael J. Brady, February 15, 2012)

Michael J. Brady, Esq.
191 Forest Lane
Menlo Park Ca. 94025

mbrady@rmkb.com
650-780-1724

February 14, 2012

3917
02-15-12P03:05 RCVD

29-32

Legally, you are required to explain your position. Why are you no longer supporting the blended system? Why are you adhering to the four track system? Please address these issues. And don't tell us that we will have the blended system "for a while," and then have the four track HSR system thrust upon us. I'm afraid that little ploy will not work.

Very truly yours,
Michael J. Brady
Michael J. Brady, Esq.

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

Dear CHSRA Board:

This is a comment on your EIR released January 6, 2012. I believe the deadline is February 21, 2012.

29-32

This document indicates your intention to adhere to a four track (four sets of tracks) on the peninsula corridor. You give no explanation whatsoever for the fact that for many months cities, towns, the County, and residents up and down the peninsula have been told by Cal Train (with whom you work) that the "blended system" was in the works. That, of course, involves two sets of tracks, no intrusions on neighboring property, no increase in the width of the ROW, and would be "at grade", with few elevated grade separations. In fact, on February 6, I attended a "Friends of Cal Train" meeting in which Cal Train (Marian and Seamus) enthusiastically announced that they were rapidly moving ahead with all the elements of the blended system and were working with you.

How can this be? The four track system was the system universally condemned by the peninsula and its residents more than a year ago. It would destroy our beautiful town centers and neighborhoods. So much for outreach, dialog, etc.

Your EIR is fatally defective for not explaining your abandonment of the blended system; we will actively encourage those politicians who backed the blended system (Simitian, Eshoo, and Gordon) to abandon you as well.

RC1/6329083.1/CM3

RC1/6329083.1/CM3

Response to Submission 29 (Michael J. Brady, February 17, 2012)

29-32

The comments on the blended system are acknowledged. Please refer to Standard Response 1 on the Business Plan and the blended system, which address the issues raised in this letter.

Submission 32 (William Warren, February 17, 2012)

3926
02-17-12 11:12 RCVD

February 16, 2012

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

Attention: Bay Area to Central Valley HST Partially Revised DRAFT Program EIR Comment

Dear Mr. Mason,

I am submitting this letter as my comment on the "Bay Area to Central Valley High Speed Train Partially Revised DRAFT Program Environmental Impact Report", dated January, 2012. This Report is referred to as the "EIR", below.

32-230

The EIR states that the preferred alternative for most of the distance between San Jose and San Francisco is a 4 track solution to accommodate HSR and Caltrain. This is presented as a 4 track elevated viaduct in the Draft 2012 Business Plan. It appears that the driving need for the 4 track solution is based on the projected HSR passenger demand in the 2030's and 2040's. If this projected demand was less, it might be possible to recognize that the Blended Solution, also discussed in the Draft Business Plan, of a two track, non elevated (at grade) system, might be adequate between San Jose and San Francisco as the long term solution.

32-231

The implications of the difference between the Blended Solution and the 4 track elevated solution, are very high from a financial point of view and they are very high in terms of the environmental impact on the San Francisco Peninsula. The EIR clearly states that there will be significant environmental impacts that will occur due to the 4 track design. Clearly they will be more significant if the 4 tracks are elevated. The EIR is also silent on the impacts of the 2 track, at grade, Blended Solution. In order to do an adequate environmental review under CEQA, you must analyze a reasonable range of alternatives. An alternative that incorporates the minimum standards articulated by Senator Simitian, Assembly Member Gordon, and Congress Member Eshoo is absolutely such an alternative. Those minimum standards include: maintaining new service within the existing Caltrain Right of Way (with minor exceptions) and no elevated structures unless specifically requested by the local government agency with land use authority where such a structure would be constructed. Please revise this current draft of the EIR, taking account of this alternative, and recirculate it for further public comment.

32-232

It is also very clear that in all of the calculations associated with the ridership forecasts for the Draft 2012 Business Plan, where system level forecasts are presented, that while San Diego and Sacramento are included in the long term forecast, as terminating points for future HSR corridors, these is no mention of an Oakland station.

It is clearly evident that Oakland is specifically excluded to maximize the ridership forecast to San Francisco, because it is projected that many, or maybe all, passengers from, and to, the East Bay will travel to San Francisco to board the HSR. In fact in a response to a comment I submitted to the 2010 version of the EIR, your Response I164-1 stated that the ridership forecast for San Francisco would drop by 53% if there was a HSR station in Oakland.

32-232

The consequence of this tactic to enhance San Francisco ridership, by purposefully not including Oakland as a terminating point, appears to be a key driver in the need for a 4 track solution, which has now become a 4 track viaduct solution, with significant environmental consequences on the Peninsula. The EIR states that the impacts of a 4 track solution are "significant but unavoidable". See EIR Table 1-1. I believe that statement is totally false, as the mitigating implications of an Oakland station with a connection to San Jose have been intentionally ignored.

It is clear that no careful analysis of looking at the alternative (to the planned 4 track viaduct solution) of a 2 track solution on the Peninsula from San Jose to San Francisco, and a subsequent 2 track solution in the East Bay from San Jose to Oakland, has been completed. Page 6-13 of the EIR states that the costs of the San Jose to Oakland segment would be about \$3.6 Billion in 2006 dollars, but a comparison to the reduction in costs on the Peninsula has not been made, nor is the reduction on the environmental impact on the Peninsula discussed.

Clearly the trade-off is 1) a dramatic reduction in the environmental damage to be done on the Peninsula, as clearly noted in the EIR, along with some reduction in cost, by scaling back to a 2 track solution, and 2) the increase in cost of an additional 2 track HSR line running from San Jose to Oakland.

32-234

Without such an analysis that is public and open to review, this EIR is inadequate and should not be certified. As this analysis may add an addition route (San Jose to Oakland), and may dramatically reduce the environmental impact on another route, I believe it is essential that this work be included in this Program Level EIR. Waiting for the Project Level EIR will be too late, as route changes /additions and track requirements will have been determined.

32-235

Lastly, it also appears that the concept of running UPRR freight on the two outside tracks of the 4 track elevated viaduct, for much of the distance from San Jose to San Francisco, will require ramps from the elevated track to ground level for access to the sidings that service the business on the Peninsula. The length of these ramps and their potential locations appear, to me, to be non-trivial issues, so the environmental and cost ramifications of these ramps also need to be discussed.

32-236

Again, I urge you to redo this current draft EIR to respond to these comments, and then to recirculate that revised draft, as CEQA requires.

Yours truly,

William H. Warren
2909 Waverley Street
Palo Alto, CA 94306

Response to Submission 32 (William Warren, February 23, 2012)

32-230

Please refer to Standard Response 1 regarding the blended system concept. The Draft 2012 Business Plan does not identify an alignment on the Peninsula as a four track elevated viaduct running from San Jose to San Francisco.

32-231

The Authority disagrees that revision of the Program EIR and further recirculation is required. Details about a potential second-tier project do not trigger recirculation of the first-tier EIR.

32-232

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 Bay Area to Central valley environmental 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 regarding the blended system concept), 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 HST connection to Oakland would most likely be evaluated only after the initiation of service on the Caltrain Corridor.

32-234

The Authority does not agree that further revision and recirculation of the first-tier, Program EIR is necessary to address the blended

system approach in the Business Plan. Please refer to Standard Response 1 regarding the blended system concept.

32-235

The project design has not been sufficiently developed to demonstrate how connections with siding tracks would be maintained, 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.

32-236

The Authority disagrees that revision of the Program EIR and further recirculation is required. Details about a potential second-tier project do not trigger recirculation of the first-tier EIR.

Submission 33 (Martin Mazner, February 20, 2012)

Martin Mazner

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February 18, 2012

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

Bay Area to Central Valley HST Partially Revised Program EIR Commentary:

Among other major issues, my primary concern is the 4-track alignment from San Jose to San Francisco area. A 4-track alignment will destroy the heavily developed Peninsula area.

Elected officials attempted to remove the most damaging effects of 4 track alignment by demanding the elimination of elevated tracks, staying primarily within the current footprint of the Caltrain ROW and the reduction of the full scope of the EIR as it is today which includes the eventual build out of four tracks. This was a starting point, and the fact those terms were not even part of the revised scope of the EIR is not acceptable. They are mentioned both in the business plan and this EIR but primarily in the context of phasing, which is not the same thing.

Specifically, the idea of phasing to a four track system has not been promoted by the elected officials as evidenced by Senator Simitian April 28, 2011 in fact just the opposite. In a Senate Budget sub-committee meeting, Senator Simitian asked Mr. van Ark and his counsel, "Does CEQA require you to do an EIR for a project you do not propose to build?" He then says he thinks the answer will be no. Then offers the reason for this question: "he does not want to see an EIR done that "acts as sword over the head of every property owner up and down this very developed 50 mile stretch of the corridor." See the full you-tube 30 minutes on the Senator and CEO Van Ark's exchange about the blended system. http://www.youtube.com/watch?v=6x_OTZBobY

33-499

A certified Program EIR with a four track option, by the way with even the option of an aerial structure will do exactly what Senator Simitian cautioned against, putting a sword over the head of every property owner along the corridor. Unlike some of the other cities far north and closer to the City of San Francisco, the Caltrain Corridor is heavily populated. To have more than one build out in a commercial, vacated or blighted area is one thing, to suggest more than one building period in a populous area is quite another.

33-501

If the project never moves forward you have permanently damaged the property values of homeowners and businesses along the route and hampered their ability to sell their property at what, before the announcement of the rail project, was significant values. The losses thereby will be significant if liquidation is necessary due to relocation of a job, retirement or estate liquidation.

The current business plan outlines that high-speed rail will not reach the Transbay Terminal until after 2034 and that's if all the money falls in place, which is highly unlikely. And if the dollars do not materialize, the EIR will in time be considered "stale and invalid by the courts, so why other than a placeholder, complete this EIR with a large scope project whose project description damages the communities whether or not it moves forward?

33-502

I want to see the Attorney General's opinion on the Blended system as proposed by Simitian, Eshoo and Gordon (SEG) and if the AG's office is in agreement that those minimum standards are acceptable and could be in compliance with 1A and CEQA.

The blended system has consequences as well. As currently proposed with high speed rail running 2 to 4 trains per hour with Caltrain's six, on a non-grade separated at grade track, the result could be severe traffic disruption in the cities the rail crosses. This assumes an at-grade solution which will host 170 plus trains per day, a veritable race track for trains. This system should be built in its entirety underground, where it belongs as a subway system should, not in heavily populated residential areas.

33-503

There are many aspects of this project that are not in compliance with the law. These examples apply to any area being developed to high-speed rail. One is the starting section (ICS) in the Central Valley is not legally compliant with Prop 1A. You are required to build a "high-speed rail usable segment or high-speed rail ready corridor and show that you have the funds to do so. \$25 to 30 billion are needed we have \$6 billion in matched funds. What the Authority proposes is a construction site with tracks only, even with electrification, does not meet the definition of High-Speed Rail ready. The Authority does not have the funds to legally start the first section outlined in AB 3034. But the Authority claims, they are "on the path" to compliance with the Initial Operating Segment. (IOS) which will be determined later.

33-499

Submission 33 (Martin Mazner, February 20, 2012) - Continued

33-503

The public has been told that the certain methods and projects are forbidden and now they are ok for the Authority because the project is being done in phases and they are "on the path to compliance."

Examples: Our cities were told that stopping in San Jose was illegal. Then Authority members Quentin Kopp and Rod Diridon said in public many times that stopping in San Jose was forbidden in IA. Now in what is being proposed a faster start for Northern California, passengers will terminate at Diridon station and transfer to Caltrain for some temporary time in the future. "On the path to compliance?"

In the April 2011 Senate Budget Subcommittee meeting, CEO Van Ark, told Senator Simitian what Simitian requested for the peninsula as a first phase was not 1A compliant. He was worried about making the trip from San Jose to San Francisco in 30 minutes, in fact in the letter to the Attorney General in September 2011; he states it will be 32 minutes.

In addition the high-speed rail tracks will not be grade separated in the first phase and there must be passing tracks since high-speed trains must have a way to pass commuter rail. Van Ark also said the high-speed train cannot operate on the existing tracks; they have to be re-built and straightened out. He insisted that the full build out was part of the CEQA description and there would be more than one phase, unclear how many. It also solidifies the at-grade, the cheapest design option since there well may never be another phase.

I want another Program level EIR developed removing requirements that are in violation of the SEG minimum standards that are present in the document so the Authority does not claim, "over-riding considerations," later and go with the 4 track option even if it is not necessary in the Attorney General's eyes. It must be out of the document so this cannot be done. The idea that the smaller scope project could be developed in the Project level EIR is risky for everyone that has worked with the Authority previously. The board before this current board could not be trusted and from the demonstration of the Draft Business Plan this board cannot be trusted either. There is no accounting for what future boards will decide. Some level of insurance is not to have a Program EIR with the larger scope program certified.

33-504

Speaking of trust, Mr. Van Ark does not ask if the project scope can be reduced he asks instead this in his September 9, 2011 letter Deputy Attorney General Amy Winn, "Is there a time limit to achieving full compliance to the conditions of Proposition 1A in the construction of a state-wide system? Then he perhaps hints to the Deputy Attorney General " don't tell us now" as he says, "recognizing that you cannot give a definitive or precise answer to the question at this point in time, can you provide guidance on the likely length of time that would be required to complete environmental review under the

33-504

California Environmental Quality Act for the proposed system which contemplates a significant increase in train traffic?

Any early start for this corridor will be vehemently protested by more lawsuits, now in the preparation stages. There is no certified EIR by either the Authority or more importantly Caltrain for the blended program that the Authority is promoting but not supported in this latest Program EIR. The funding of 3034 states you must have the money to complete a usable segment or a corridor and it must be high-speed rail ready. The law also has an order of affordability, starting with the least expensive first, moving forward. The peninsula is the most expensive segment so it's hard to imagine any start in the Bay area.

Using 1A money for the improvement to regional transit is not legal. While improvements are no doubt needed, 1A money was exclusively for the use of high-speed rail, not regional transportation.

Do we need to step back and develop a state-wide plan for transportation which could include high-speed rail after appropriate changes are made to regional transportation? Yes. To build high-speed rail first when the connection points for high-speed rail are not there is foolish but don't attempt to build them with the \$9 billion in voter approved which is exclusively for the use of high-speed trains. Use the \$995 million exclusively dedicated to connectivity, but not the \$9 billion. The spending of the bond money will still overburden the state no matter what it is spent on. Perhaps if given a chance to prioritize spending, the public would spend it on education or water projects and not transportation at this time. Using the bond money for non-high-speed rail projects is not what was intended. The ends do not justify the means.

The Authority might argue that using 1A money for these connection points, under the guise of being on " the path to compliance for high-speed rail" works. It might fly if there was a credible expectation that the money to build the system would be forthcoming. But there is no credible source of capital forthcoming, there is no credible source of money on the horizon to fund a \$200 billion project for phase one. Why so high? Because in the State Auditor's report issued in January 2012, there is a huge gap in unreported operating costs- to be exact, \$97 billion dollars found the business plan by the Auditor. <http://www.bsa.ca.gov/pdfs/factsheets/2011-504.pdf> So in fact the actual numbers for the project could exceed \$200 billion without building phase 2 may in fact bring overall system project costs to over \$300 billion, compared with numbers originally presented to the public with in IA, around \$42 billion with inflation factors build in. As one newspaper reported would Oakland, Sacramento and San Diego ever have voted for high-speed rail if they realized they would never see the train?

Submission 33 (Martin Mazner, February 20, 2012) - Continued

33-505

But back to this revised EIR, many of the traffic and noise impact for the peninsula in this document lists impacts as "unavoidable and significant," would not be either if an underground alternative was selected. Is the categorization of these impacts, "unavoidable and significant," an at grade solution? A predetermining of design alternatives before the CEQA process has been completed is not permitted. Caltrain said in their meeting in San Mateo on February 17, 2012 that the route would be on two tracks and at grade. Let me remind you that CEQA does not insist that an alternative be dismissed because of cost alone.

CEQA says: (Public Resources Code Section 21002.1), "the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

Removing options such as the covered trench option in Menlo Park and Palo Alto should not be permitted at this time by defining the project as at grade. Surely the project doesn't suggest that they would re-construct the line underground after investing billions in an "at grade" design.

The idea that Caltrain and freight tracks might move closer to the communities, has major impacts to residences nearby the tracks. Does that mean that the residents can never open their windows again? Certainly there would be damage to residences that will be shook more severely with the weight of freight trains passing at closer range. There is nothing that addresses the sound of the horns to the communities, even louder if they are closer and this makes the quality of life to those who live even more than mile, significantly damaged. There is much said about the need for these horns because of deaths on the tracks, some of which are documented suicides. What about the health and well-being of the people who listen to the shrill and blast of horns, gotten more severe over the years on a daily basis?

33-506

Because of so many changes to the cost and the length of time it will take to finish the route, a revisit of both the blended Peninsula system and cost analysis and blended system for Altamont's route should be done. Adding independently verified ridership numbers would also offer true apples to apples comparison. There is time to do it right, there is no official start date of September 30, 2012.

Some people including Senators Simitian and Lowenthal support a pause in the project. Let's regroup and look at the problems. Perhaps a bonafide ridership model could be developed in the next 12-18 months. There were a few minor modifications done to the model that was developed in 2007 and it's basically the same old model.

33-506

Certainly a \$13.5 billion dollar estimate for this corridor which by the way does not have complete cost deserves a more critical and objective eye. For instance this corridor does not include proper eminent domain cost numbers and never has it truly analyzed other alternatives and the net cost of doing each. Where are honest numbers for our corridor? Where are honest numbers for Altamont?

33-507

Just to make it perfectly clear, I do not support the Joint Powers Board giving or selling to the High-Speed Rail Authority any real estate interest for the Caltrain Corridor. The land for this ROW was purchased by the people of this county and other counties. The board members of the JPB are supposed to be good stewards in the management of this corridor and not supposed to trade off its use in exchange for electrification or other benefits to keep Caltrain viable. The facts aren't in on Caltrain. Where are the ridership projections that will show full trains with 170 trains a day going down the peninsula? - Six for Caltrain and two to four trains per hour for high-speed rail, racing down the corridor during the commute hours. Trading rights of this valuable peninsula right of way for the money for electrification of the corridor indeed is a cheap price to pay yet a heavy price to pay by the residents of the counties, through which this proposed train will travel.

33-508

The Authority has also refused to re-examine the ridership numbers honestly and openly and have come under fire by many independent groups such as UC Berkeley, ITS, the state Auditor, the LAO's office and the Independent Peer Review group. You must recognize that your numbers are highly under suspicious. To echo the Auditor's words, the ridership review panel is a "hand-picked group of individuals." And to know that two members reviewed the original Cambridge model in earlier years is a major problem for the objectivity of the work of this panel. Criticizing the plan, would in fact be criticizing their own work. There is also a credible suspicion that at least one member of the ridership panel received consulting work from Cambridge Systematics which should have been disclosed and possibly grounds for ineligibility for the panel.

It is my opinion that ridership issue must be addressed before the Bay Area to Central Valley Program EIR is certified. The legality of the blended plan must be addressed before the EIR is certified and permission must be granted by Union Pacific which is one year overdue per the State Auditor's report before this Program EIR is certified that damages communities up and down this corridor.

I demand appropriate action in answer to my comments.

Martin Mazner

Response to Submission 33 (Martin Mazner, March 9, 2012)

33-499

Please refer to Standard Response 1 and Chapter 5 regarding the blended system approach.

As described in Section 2.5.1A of the 2008 Final Program EIR, one HST alignment alternative, the Caltrain Alignment (Shared-Use Four-Track), was evaluated for the San Francisco to San Jose Corridor at the program-level. Full build-out of this alignment alternative assumes that the HST system would share tracks with the Caltrain commuter trains, and that two other lines would provide freight service.

The blended system concept discussed in Section 5.1.3 of the Partially Revised Program EIR was first presented in the 2012 Draft Business Plan, and is highly conceptual at this stage. If this approach were implemented in the Caltrain Corridor between San Francisco and San Jose, it would result in the HST system sharing tracks with the existing Caltrain commuter service until the full build-out of the HST system, at which time the HST system would share two tracks with the Caltrain commuter trains, and the two other lines would provide freight service as discussed in the 2008 Final Program EIR. The blended system concept discussed in the 2012 Draft Business Plan is a version of the phasing approach, and would not result in a two-track full build-out scenario as the comment suggests.

The Partially Revised Draft Program EIR was prepared to fulfill the Authority's obligation under CEQA and to address November 2011 court rulings in the *Town of Atherton litigation challenging the 2010 Bay Area to Central Valley High-Speed Train (HST) Revised Final Program EIR*. This comment is important for the public discourse on the merits of the HST Project and whether it is viewed as an asset to the state. However, this comment does not address the adequacy of the EIR analysis or the Authority's compliance with CEQA. Refer to Standard Response 1 for more information regarding the blended system and phased implementation.

33-501

Refer to Standard Response 1 regarding the 2012 Business Plan. Also refer to Standard Response 6 in the 2010 Revised Final Program EIR regarding effects of the project on property values. The purpose of the Partially Revised Draft and Final Program EIR is to provide the environmental analysis to support a determination of the appropriate network alternative to link the San Francisco Bay Area with the Central Valley. As such, the analysis examines what can be considered a worst-case analysis over a very long time horizon. Maintaining this analysis in the program EIR does not constrain the Authority's ability to focus any second-tier analysis it may proceed with for San Francisco to San Jose on a more limited, blended system approach.

33-502

Refer to Standard Response 1 regarding the blended system concept and phased implementation. Also see Chapter 5 of the Partially Revised Final Program EIR regarding potential environmental impacts of phased implementation and a sample blended system approach. The comment appears to suggest that the blended system would involve no grade separations. A blended system for the Caltrain Corridor has not been defined at this time, but may include key grade separations. Vertical profile variations will continue to be considered for any second-tier project that is part of the selected network alternative.

33-503

This comment addresses several legal issues under Proposition 1A that are not comments on the Partially Revised Draft Program EIR analysis. Refer to Response to Comment 31-31 regarding the IOS. Please also refer to Standard Response 1 regarding the blended system approach and why it is fully consistent with CEQA to maintain the current project description this Partially Revised Final Program EIR. Maintaining the analysis of a four track system in the program

EIR does not constrain the Authority's ability to focus any second-tier analysis it may proceed with for San Francisco to San Jose on a more limited, blended system approach.

33-504

The commenter is correct in pointing out that the Authority is seeking a clarification from the Attorney General on the use of Proposition 1A funds for construction of "blended systems" throughout the statewide high-speed train system (refer to Standard Response 1 for more information about blended systems). At the time of writing this response, the Authority has not received a response to their September 9th, 2011 letter regarding the "blended system" from the Attorney General.

However, the commenter is incorrect in stating that the use of portions of the \$950 million for improvements to regional transit is illegal. These funds are available to transit agencies such as Caltrain, VTA, and BART with the requirement that these improvements shall provide direct connectivity and benefits to the high-speed train system and its facilities or be part of the construction of the system. Furthermore, as discussed in the Response to Comment 26-26, it is the Authority's intent to maximize the utility of any funds that might be dedicated towards construction of improvements related to the phased implementation approach, and to ensure that such improvements would be able to be used in the full build-out of the HST system to the maximum extent feasible.

33-505

As the comment notes, some vertical alignments may reduce or increase potential impacts that would be associated with vertical alignments. The project-level analysis will take into account the vertical alignment characteristics, however this project-level analysis is presently on hold for the section from San Francisco to San Jose. Future project-level analysis may evaluate different vertical alignments alternatives and will provide site-specific mitigation measures for the different vertical alignments. At a program level it is appropriate to consider impacts significant and unavoidable until a more detailed analysis can be performed to examine specific impacts

taking into account vertical alignment options and their specific mitigation measures.

Refer to Chapter 2 of the Partially Revised Draft Program EIR regarding noise and vibration and the number of freight train movements through the corridor. The severity of specific vibration impacts will be further analyzed as part of a project-level environmental analysis and be dependent of the type and age of construction of nearby buildings and the type of soils. Also refer to 4-257 regarding noise and vibration including a discussion of train horns.

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.

33-506

Refer to Standard Response 1 regarding the blended system concept and phased implementation. See also Responses to Comments 35-74 and 58-140 regarding ridership and Response to Comment 56-111 regarding the Altamont Corridor Rail Project. Refer to Chapter 5 of the 2010 Revised Final Program EIR regarding capital costs for the San Francisco to San Jose Corridor which includes costs for property acquisitions.

33-507

The comment is acknowledged. Any future land-use decision on behalf of the PCJPB and Authority, including a transfer of ownership and maintenance between the agencies and/or elimination of freight service in the corridor, is speculative and outside of the scope of this Program EIR. If a second-tier San Francisco to San Jose Section environmental document is restarted, any new agreements or decisions with respect to a change in the freight service in the Caltrain Corridor will be considered as part of the environmental setting of that project-level document.

As to increased rail service on the Peninsula, Caltrain electrification with increased service has been the subject of prior PCJPB project environmental analysis, which analyzed the impact of electrification and 6 trains per hour, which is one train more per hour per direction than Caltrain operates today. The possibility of additional trains being HST trains would need to be evaluated as part of any future environmental analysis of the corridor. In general, blended operation on the Caltrain Corridor would have fewer impacts than the full system HST alternative that was assessed in detail because additional right-of-way would not be required, passenger volumes and associated passenger related traffic impacts at station areas would be lower, construction of a complete four-track system and its associated impacts would not have occurred, and other issues discussed in the Partially Revised Draft Program EIR would be anticipated to be less severe. Refer to Standard Response 1 and Chapter 5 in the Partially Revised Final Program EIR for more discussion of the environmental implications of blended system, including traffic.

33-508

The comment suggests that the ridership forecasts relied upon in the Program EIR are “highly under suspicious.”_The Authority in the EIR process has taken reasonable steps to avoid the “highly under suspicious” numbers alleged in the comment.

- 1) The ridership and revenue model was developed by a nationally recognized leader in forecasting, Cambridge Systematics (CS). A full description of the model development and the forecasts has been provided in the ridership and revenue documentation that has been available on the Authority website since 2007.
- 2) In the Town of Atherton CEQA litigation, the Superior Court concluded the model was supported by substantial evidence. The Atherton court rulings are posted on the Authority’s website.
- 3) The Authority’s ridership and revenue peer review panel of leading U.S. and international experts in travel forecasting found that the modeling “produces results that are reasonable and within expected ranges for the current environmental planning and

Business Plan applications”. [Independent Peer Review Panel, August 1, 2011]

A range of ridership forecasts has been used in the Program ER to evaluate potential negative and positive impacts of the HST. For negative impacts such as noise or traffic around stations, a high level of ridership and HST activity was assumed. For positive impacts such as energy savings or greenhouse gas emissions reductions, a low level of ridership and HST activity was assumed. In each case, the ridership is conservative and reasonable for the evaluation of impact.

The comment also implies that the Authority’s independent ridership peer review panel is somehow biased. While two members of the current Peer Review Panel participated in a more limited role as peer reviewers during the development of the original model, the reviewers did not develop the model. Since the panel was charged with assessing the model, the original ridership and revenue model development cannot be characterized as “their own work.” The current Peer Review Panel work differs from the earlier peer reviewers’ role in its independent position. The panel runs its own meetings, elicits additional information from Cambridge Systematics to judge the reasonableness of models and results, and issues its own reports.

The comment also suggests that an agreement with UPRR must be reached prior to certification of the Revised Final Program EIR. While reaching agreement with the Union Pacific Railroad is needed before actions can be taken that affect their property and operations, the certification of an EIR does not require any such agreement to have been reached.

Submission 34 (Caren Chappell, February 19, 2012)

19th February 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 Comment

Bay Area to Central Valley HST Partially Revised Program EIR Commentary:

34-81 | Besides the viability of the overall project, my primary concern is the persistence of the 4 tracks plan from San Jose to San Francisco area. There is no room to do this without ruining the well-developed Peninsula area, and residents of the Peninsula have protested this since the beginning of the project plans.

Though elected officials attempted to remove the most damaging effects of the planning for this corridor by the elimination of elevated tracks, staying primarily within the current foot-print of the Caltrain ROW, and reducing the scope of the EIR to two tracks within the Caltrain ROW, it appears that the EIR as it is today still includes the eventual build out of four tracks. The limited scope does not appear in the revised scope of the EIR. This is not acceptable. The revised EIR suggests phasing, which is not the same thing.

The idea of phasing to a four track system has not been promoted by the elected officials as evidenced by Senator Simitian April 28, 2011. In a Senate Budget sub-committee meeting, Senator Simitian asked Mr. van Ark and his counsel, "Does CEQA require you to do an EIR for a project you do not propose to build?" He then says he thinks the answer will be no. Then offers the reason for this question: "he does not want to see an EIR done that "acts as sword over the head of every property owner up and down this very developed 50 mile stretch of the corridor." See the full you-tube 30 minutes on the Senator and CEO Van Ark's exchange about the blended system.
http://www.youtube.com/watch?v=6x_OiTZBobY

Blended and phased are massively different concepts. The blended concept proposes one build out, two tracks, within the Caltrain ROW and that is it. The phased concept, could mean more than one construction period if money is found, and it implies that four tracks could be built.

34-483 | A certified Program EIR with a four track option, with the option of an aerial structure will do exactly what the citizens of the peninsula have fought all along and what Senator Simitian cautioned against: putting a sword over the head of every property owner along the corridor. Unlike some of the other cities further north and closer to the City of San Francisco, the Caltrain Corridor is heavily populated. To have more than one build

34-483 | out in a commercial, vacated or blighted area is one thing, to suggest more than one building period in a populous area is quite another.

34-484 | Even if the project never moves forward, the phased plan and potential four-track build permanently reduces the property values of homeowners and businesses along the route and hampers their ability to sell their property at what, before the announcement of the rail project, was significant value. The losses thereby will be significant if liquidation is necessary due to relocation of a job, retirement, or estate liquidation.

The current business plan outlines that high-speed rail will not reach the Transbay Terminal until after 2034 and that only if all the money falls in place, which is highly unlikely. If the dollars do not materialize, the EIR will in time be considered stale and invalid by the courts. Continuing with this EIR with the project description as currently stated damages the communities, whether or not it moves forward. The cities and communities will challenge it in court should there be any attempt at a subsequent phase.

34-82 | We need to see the Attorney General's opinion on the Blended system as proposed by Simitian, Eshoo and Gordon (SEG). If the AG's office is in agreement that this design is acceptable and in compliance with IA and CEQA, the EIR must be rewritten to specify the Blended system.

As currently proposed with high speed rail running 2 to 4 trains per hour and Caltrain six, on a non-grade separated track at grade level, the result will be severe traffic disruption in the cities the rail crosses. This assumes 170 plus trains per day is and unacceptable burden on the cities and their populations. The system should be built in its entirety underground, where it belongs as a subway system, similar to those in Europe when going through heavily populated residential areas.

34-83 | There are many aspects of this project that are not in compliance with the law. These examples apply to any area being developed to high-speed rail. One is the starting section (ICS) in the Central Valley which is not legally compliant with Prop 1A. HSRA is required to build a "high-speed rail usable segment or high-speed rail ready corridor and show that the funds are in hand to do so". \$25 to 30 billion are needed to do this in the 'least expensive' part of the state. We have \$6 billion in matched funds. What the Authority proposes is a construction site with tracks only. Even with electrification this does not meet the definition of High-Speed Rail ready. The Authority does not have the funds to legally start the first section outlined in AB 3034. But the Authority claims, they are "on the path" to compliance with the Initial Operating Segment. (IOS) which will be determined later. This is not in compliance with AB3034.

Also uncompliant is that the Board approved a funding plan before all environmental work has been completed on the usable segment or the corridor that may be selected.

Submission 34 (Caren Chappell, February 19, 2012) - Continued

34-83

The board approved a funding plan for the project site they proposed in the central valley which is not environmentally cleared. Neither has the Peninsula section been environmentally cleared..

The public has been told that the certain methods and projects are forbidden and now they are acceptable for the Authority because the project is being done in phases and they are "on the path to compliance." This is nonsense.

Examples: Our cities were told that stopping in San Jose was illegal. Former Authority members Quentin Kopp and Rod Diridon said in public many times that stopping in San Jose was forbidden in IA. Now in what is being proposed as a 'faster start' for Northern California, passengers from the south will terminate at Diridon station and transfer to Caltrain for some temporary time in the future. How is this "On the path to compliance"?

In the April 2011 Senate Budget Subcommittee meeting, CEO Van Ark, told Senator Simitian what he was planning for the peninsula as a first phase was not IA compliant. He was worried about making the trip from San Jose to San Francisco in 30 minutes, in fact in the letter to the Attorney General in September 2011, he states it will be 32 minutes.

In addition the high-speed rail tracks will not be grade separated in the first phase and there must be passing tracks since high-speed trains must have a way to pass commuter rail. Van Ark also said the high-speed train cannot operate on the existing tracks; they have to be re-built and straightened out. He insisted that the full build out was part of the CEQA description and there would be more than one phase, unclear how many. This makes permanent at-grade, the cheapest design option, since there may well never be another phase.

Another Program level EIR must be developed removing requirements that are in violation of the SEG minimum standards that are present in the document so the Authority does not claim, "over-riding considerations," later and go with the 4 track option even if it is not necessary in the Attorney General's eyes. It must be out of the document so this cannot be done. The idea that the smaller scope project could be developed in the Project level EIR is risky for everyone who has worked with the Authority previously. The board before this current board could not be trusted and from the demonstration of the Draft Business Plan this board cannot be trusted either. There is no accounting for what future boards will decide. Some level of insurance is not to have a Program EIR with the larger scope program certified.

34-84

We need to step back and develop a state-wide plan for transportation which could include high-speed rail after appropriate changes are made to regional transportation. To build high-speed rail first when the connection points for high-speed rail are not there is foolish. Misallocating the bond money to local transportation agencies subverts the

34-84

intent of Prop 1A. Perhaps if given a chance to prioritize spending, the public would spend it on education or water projects and not transportation at this time. Using the bond money for non-high-speed rail projects is not what was intended.

34-85

In this revised EIR, many of the traffic and noise impacts for the peninsula that document shows as "unavoidable and significant," would not be either if an underground alternative was selected. Is the categorization of these impacts, "unavoidable and significant," in an at grade solution? A predetermining of design alternatives before the CEQA process has been completed is not permitted. Caltrain said in their meeting in San Mateo on February 17, 2012 that the route would be on two tracks and at grade. CEQA does not permit that an alternative be dismissed because of cost alone.

CEQA says: (Public Resources Code Section 21002.1), "the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

Removing options such as the covered trench option in Menlo Park and Palo Alto should not be permitted at this time by defining the project as at grade.

The idea that Caltrain and freight tracks might move closer to the communities, has major impacts to residences nearby the tracks. Does that mean that the residents can never open their windows again? Certainly there would be damage to residences that will be shaken more severely with the weight of freight trains passing at closer range. There is nothing that addresses the sound of the horns to the communities, even louder if they are closer and this makes the quality of life to those who live even more than a mile away, significantly damaged. There is much said about the need for these horns because of deaths on the tracks, some of which are documented suicides. What about the health and well-being of the people who listen to the shrill and blast of horns, getting more severe over the years on a daily basis?

34-86

Because of so many changes to the cost and the length of time it will take to finish the route, a revisit of both the blended Peninsula system and cost analysis and blended system for Altamont's route should be done. Adding independently verified ridership numbers would also offer true apples to apples comparison. There is time to do it right, there is no official start date of September 30, 2012.

Some people including Senators Simitian and Lowenthal support a pause in the project. Let's regroup and look at the problems. Perhaps a bonafide ridership model could be developed in the next 12-18 months. There were a few minor modifications done to the model that was developed in 2007 but it is basically the same old model.

Submission 34 (Caren Chappell, February 19, 2012) - Continued

34-86 | Certainly a \$13.5 billion dollar estimate for this corridor which does not include all the costs deserves a more critical and objective eye. Proper eminent domain cost numbers are lacking and there has never been an honest analysis of other alternatives and the net cost of each. Where are honest numbers for our corridor? Where are honest numbers for Altamont?

34-87 | I do not support the Joint Powers Board giving or selling to the High-Speed Rail Authority any real estate interest in the Caltrain Corridor. The land for this ROW was purchased by the people of this county and other counties. The board members of the JPB are supposed to be good stewards of the management of this corridor and are not supposed to trade off its use in exchange for electrification or other benefits to keep Caltrain viable. Trading the ROW to the HSR to obtain electrification of Caltrain is a fool's bargain.

34-88 | The Authority has refused to re-examine the ridership numbers honestly and openly and have come under fire by many independent groups such as UC Berkeley, ITS, the state Auditor, the LAO's office and the Independent Peer Review group. HSRA must recognize that the numbers are highly suspicious. To echo the Auditor's words, the ridership review panel is a "hand-picked group of individuals". To know that two members reviewed the original Cambridge model in earlier years is a major problem for the objectivity of the work of this panel. Criticizing the plan, would in fact be criticizing their own work. There is also credible suspicion that at least one member of the ridership panel received consulting work from Cambridge Systematics which should have been disclosed and is possibly grounds for ineligibility for the panel.

The ridership issue must be addressed before the Bay Area to Central Valley Program EIR is certified. The legality of the blended plan must be addressed before the EIR is certified, and permission must be granted by Union Pacific (which is one year overdue per the State Auditor's report) before this Program EIR is certified that damages communities up and down this corridor.

I would like a response and appropriate action in answer to my comments, many of which will be echoed by the cities of peninsula cities.

Caren Chappell (carenchappell@yahoo.com)

Response to Submission 34 (Caren Chappell, February 22, 2012)

34-81

Please refer to Standard Response 1 and Chapter 5 regarding the blended system approach.

As described in Section 2.5.1A of the 2008 Final Program EIR, one HST alignment alternative, the Caltrain Alignment (Shared-Use Four-Track), was evaluated for the San Francisco to San Jose Corridor at the program-level. Full build-out of this alignment alternative assumes that the HST system would share tracks with the Caltrain commuter trains, and that two other lines would provide freight service.

The blended system concept discussed in Section 5.1.3 of the Partially Revised Program EIR was first presented in the 2012 Draft Business Plan, and is highly conceptual at this stage. If this approach were implemented in the Caltrain Corridor between San Francisco and San Jose, it would result in the HST system sharing tracks with the existing Caltrain commuter service until the full build-out of the HST system, at which time the HST system would share two tracks with the Caltrain commuter trains, and the two other lines would provide freight service as discussed in the 2008 Final Program EIR. The blended system concept discussed in the 2012 Draft Business Plan is a version of the phasing approach, and would not result in a two-track full build-out scenario as the comment suggests.

34-483

The Partially Revised Draft Program EIR was prepared to fulfill the Authority's obligation under CEQA and to address November 2011 court rulings in the *Town of Atherton litigation challenging the 2010 Bay Area to Central Valley High-Speed Train (HST) Revised Final Program EIR*. This comment is important for the public discourse on the merits of the HST Project and whether it is viewed as an asset to the state. However, this comment does not address the adequacy of the EIR analysis or the Authority's compliance with CEQA. Refer to Standard Response 1 for more information regarding the blended system and phased implementation.

34-484

Refer to Standard Response 1 regarding the 2012 Business Plan. Also refer to Standard Response 6 in the 2010 Revised Final Program EIR regarding effects of the project on property values. The purpose of the Partially Revised Draft and Final Program EIR is to provide the environmental analysis to support a determination of the appropriate network alternative to link the San Francisco Bay Area with the Central Valley. As such, the analysis examines what can be considered a worst-case analysis over a very long time horizon. Maintaining this analysis in the program EIR does not constrain the Authority's ability to focus any second-tier analysis it may proceed with for San Francisco to San Jose on a more limited, blended system approach.

34-82

Refer to Standard Response 1 regarding the blended system concept and phased implementation. Also see Chapter 5 of the Partially Revised Final Program EIR regarding potential environmental impacts of phased implementation and a sample blended system approach. The comment appears to suggest that the blended system would involve no grade separations. A blended system for the Caltrain Corridor has not been defined at this time, but may include key grade separations. Vertical profile variations will continue to be considered for any second-tier project that is part of the selected network alternative.

34-83

This comment addresses several legal issues under Proposition 1A that are not comments on the Partially Revised Draft Program EIR analysis. Refer to Response to Comment 31-31 regarding the IOS. Please also refer to Standard Response 1 regarding the blended system approach and why it is fully consistent with CEQA to maintain the current project description this Partially Revised Final Program EIR. Maintaining the analysis of a four track system in the

program EIR does not constrain the Authority's ability to focus any second-tier analysis it may proceed with for San Francisco to San Jose on a more limited, blended system approach.

34-84

Refer to Response to Comment 5-70 regarding the 2005 Statewide Program EIR related to the state's transportation needs. The 2012 Draft Business Plan, including the preliminary phased implementation approach it presented, is consistent with requirements in Proposition 1A. Proposition 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 phased implementation approach would be considered a complementary rail capital improvement project.

Furthermore, as discussed in the Response to Comment 26-26, it is the Authority's intent to maximize the utility of any funds that might be dedicated towards construction of improvements related to the phased implementation approach, and to ensure that such improvements would be able to be used in the full build-out of the HST system to the maximum extent feasible.

34-85

As the comment notes, some vertical alignments may reduce or increase potential impacts that would be associated with vertical alignments. The project-level analysis will take into account the vertical alignment characteristics, however this project-level analysis is presently on hold for the section from San Francisco to San Jose. Future project-level analysis may evaluate different vertical alignments alternatives and will provide site-specific mitigation measures for the different vertical alignments. At a program level it is appropriate to consider impacts significant and unavoidable until a more detailed analysis can be performed to examine specific impacts taking into account vertical alignment options and their specific mitigation measures.

Refer to Chapter 2 of the Partially Revised Draft Program EIR regarding noise and vibration and the number of freight train movements through the corridor. The severity of specific vibration impacts will be further analyzed as part of a project-level environmental analysis and be dependent of the type and age of construction of nearby buildings and the type of soils. Also refer to 4-257 regarding noise and vibration including a discussion of train horns.

34-86

Refer to Standard Response 1 regarding the blended system concept and phased implementation. See also Responses to Comments 35-74 and 58-140 regarding ridership and Response to Comment 56-111 regarding the Altamont Corridor Rail Project. Refer to Chapter 5 of the 2010 Revised Final Program EIR regarding capital costs for the San Francisco to San Jose Corridor which includes costs for property acquisitions.

34-87

The comment is acknowledged. Any future land-use decision on behalf of the PCJPB and Authority, including a transfer of ownership and maintenance between the agencies and/or elimination of freight service in the corridor, is speculative and outside of the scope of this Program EIR. If a second-tier San Francisco to San Jose Section environmental document is restarted, any new agreements or decisions with respect to a change in the freight service in the Caltrain Corridor will be considered as part of the environmental setting of that project-level document.

As to increased rail service on the Peninsula, Caltrain electrification with increased service has been the subject of prior PCJPB project environmental analysis, which analyzed the impact of electrification and 6 trains per hour, which is one train more per hour per direction than Caltrain operates today. The possibility of additional trains being HST trains would need to be evaluated as part of any future environmental analysis of the corridor. In general, blended operation on the Caltrain Corridor would have fewer impacts than the full system HST alternative that was assessed in detail because additional right-of-way would not be required, passenger volumes

and associated passenger related traffic impacts at station areas would be lower, construction of a complete four-track system and its associated impacts would not have occurred, and other issues discussed in the Partially Revised Draft Program EIR would be anticipated to be less severe. Refer to Standard Response 1 and Chapter 5 in the Partially Revised Final Program EIR for more discussion of the environmental implications of blended system, including traffic.

34-88

The comment suggests that the ridership forecasts relied upon in the Program EIR are “highly under suspicious.” The Authority in the EIR process has taken reasonable steps to avoid the “highly under suspicious” numbers alleged in the comment.

- 1) The ridership and revenue model was developed by a nationally recognized leader in forecasting, Cambridge Systematics (CS). A full description of the model development and the forecasts has been provided in the ridership and revenue documentation that has been available on the Authority website since 2007.
- 2) In the Town of Atherton CEQA litigation, the Superior Court concluded the model was supported by substantial evidence. The Atherton court rulings are posted on the Authority’s website.
- 3) The Authority’s ridership and revenue peer review panel of leading U.S. and international experts in travel forecasting found that the modeling “produces results that are reasonable and within expected ranges for the current environmental planning and Business Plan applications”. [Independent Peer Review Panel, August 1, 2011]

A range of ridership forecasts has been used in the Program ER to evaluate potential negative and positive impacts of the HST. For negative impacts such as noise or traffic around stations, a high level of ridership and HST activity was assumed. For positive impacts such as energy savings or greenhouse gas emissions reductions, a low level of ridership and HST activity was assumed. In each case, the ridership is conservative and reasonable for the evaluation of impact.

The comment also implies that the Authority’s independent ridership peer review panel is somehow biased. While two members of the current Peer Review Panel participated in a more limited role as peer reviewers during the development of the original model, the reviewers did not develop the model. Since the panel was charged with assessing the model, the original ridership and revenue model development cannot be characterized as “their own work.” The current Peer Review Panel work differs from the earlier peer reviewers’ role in its independent position. The panel runs its own meetings, elicits additional information from Cambridge Systematics to judge the reasonableness of models and results, and issues its own reports.

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Submission 35 (Kathy A. Hamilton, February 18, 2012)

February 18, 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 Comment

Bay Area to Central Valley HST Partially Revised Program EIR Commentary:

35-55 Besides the total viability of the overall project, my primary concern is the persistence of the 4 tracks from San Jose to San Francisco area. There is not room to do this without ruining the well-developed Peninsula area.

Though elected officials attempted to remove the most damaging effects of the planning for this corridor such as the elimination of elevated tracks, staying primarily within the current foot-print of the Caltrain ROW and the reduction of the full scope of the EIR as it is today which includes the eventual build out of four tracks. It was considered a starting point, and fact those terms were not even part of the revised scope of the EIR is not acceptable. They are mentioned both in the business plan and this EIR but primarily in the context of phasing, which is not the same thing.

Specifically, the idea of phasing to a four track system has not been promoted by the elected officials as evidenced by Senator Simitian April 28, 2011 in fact just the opposite. In a Senate Budget sub-committee meeting, Senator Simitian asked Mr. van Ark and his counsel, "Does CEQA require you to do an EIR for a project you do not propose to build?" He then says he thinks the answer will be no. Then offers the reason for this question: "he does not want to see an EIR done that "acts as sword over the head of every property owner up and down this very developed 50 mile stretch of the corridor." See the full you-tube 30 minutes on the Senator and CEO Van Ark's exchange about the blended system. http://www.youtube.com/watch?v=6x_OtZBObY

Blended and phased are massively different concepts since the first, one, the blended concept. It proposes one build out and "you're done" and the other concept phased, could mean various phases definitely more than one construction period if money is found.

35-481 A certified Program EIR with a four track option, by the way with even the option of an aerial structure will do exactly what Senator Simitian cautioned against, putting a sword over the head of every property owner along the corridor. Unlike some of the other cities far north and closer to the City of San Francisco, the Caltrain Corridor is heavily populated. To have more than one build out in a commercial, vacated or blighted area

35-481 is one thing, to suggest more than one building period in a populous area is quite another.

35-482 Remember even If the project never moves forward you have permanently damaged the property values of homeowners and businesses along the route and hampered their ability to sell their property at what, before the announcement of the rail project, was significant values. The losses thereby will be significant if liquidation is necessary due to relocation of a job, retirement or estate liquidation.

The current business plan outlines that high-speed rail will not reach the Transbay Terminal until after 2034 and that's if all the money falls in place, which is highly unlikely. And if the dollars do not materialize, the EIR will in time be considered "stale and invalid by the courts, so why other than a placeholder, complete this EIR with a large scope project whose project description damages the communities whether or not it moves forward? The cities and communities will challenge it in court should there be any attempt at a subsequent phase.

Remember because the project does not have the money to conduct the project as outlined in Prop 1A should not be a reason that people suffer the consequences.

35-56 I want to see the Attorney General's opinion on the Blended system as proposed by Simitian, Eshoo and Gordon (SEG) and if the AG's office is in agreement that those minimum standards are acceptable and could be in compliance with IA and CEQA.

The blended system has consequences as well. As currently proposed with high speed rail running 2 to 4 trains per hour with Caltrain's six, on a non-grade separated at grade track, the result could be severe traffic disruption in the cities the rail crosses. This assumes an at-grade solution which will host 170 plus trains per day, a veritable race track for trains. This system should be built in its entirety underground, where it belongs as a subway system should, not in heavily populated residential areas.

35-62 There are many aspects of this project that are not in compliance with the law. These examples apply to any area being developed to high-speed rail. One is the starting section (ICS) in the Central Valley is not legally compliant with Prop 1A. You are required to build a "high-speed rail usable segment or high-speed rail ready corridor and show that you have the funds to do so. \$25 to 30 billion are needed we have \$6 billion in matched funds. What the Authority proposes is a construction site with tracks only, even with electrification, does not meet the definition of High-Speed Rail ready. The Authority does not have the funds to legally start the first section outlined in AB 3034. But the Authority claims, they are "on the path" to compliance with the Initial Operating Segment. (IOS) which will be determined later.

Submission 35 (Kathy A. Hamilton, February 18, 2012) - Continued

35-62

Another aspect that is not being complied to is that all environmental work has to be completed on the usable segment or the corridor that is selected before you submit a funding plan. The board approved a funding plan the project site they propose in the central valley is not environmentally cleared and neither is the peninsula.

The public has been told that the certain methods and projects are forbidden and now they are ok for the Authority because the project is being done in phases and they are "on the path to compliance."

Examples: Our cities were told that stopping in San Jose was illegal. Then Authority members Quentin Kopp and Rod Diridon said in public many times that stopping in San Jose was forbidden in IA. Now in what is being proposed a faster start for Northern California, passengers will terminate at Diridon station and transfer to Caltrain for some temporary time in the future. "On the path to compliance?"

In the April 2011 Senate Budget Subcommittee meeting, CEO Van Ark, told Senator Simitian what he was planning for the peninsula as a first phase was not IA compliant. He was worried about making the trip from San Jose to San Francisco in 30 minutes, in fact in the letter to the Attorney General in September 2011; he states it will be 32 minutes.

In addition the high-speed rail tracks will not be grade separated in the first phase and there must be passing tracks since high-speed trains must have a way to pass commuter rail. Van Ark also said the high-speed train cannot operate on the existing tracks; they have to be re-built and straightened out. He insisted that the full build out was part of the CEQA description and there would be more than one phase, unclear how many. It also solidifies the at-grade, the cheapest design option since there well may never be another phase.

I want to see another Program level EIR developed removing requirements that are in violation of the SEG minimum standards that are present in the document so the Authority does not claim, "over-riding considerations," later and go with the 4 track option even if it is not necessary in the Attorney General's eyes. It must be out of the document so this cannot be done. The idea that the smaller scope project could be developed in the Project level EIR is risky for everyone that has worked with the Authority previously. The board before this current board could not be trusted and from the demonstration of the Draft Business Plan this board cannot be trusted either. There is no accounting for what future boards will decide. Some level of insurance is not to have a Program EIR with the larger scope program certified.

35-63

Speaking of trust, Mr. Van Ark does not ask if the project scope can be reduced he asks instead this in his September 9, 2011 letter Deputy Attorney General Amy Winn, "Is there a time limit to achieving full compliance to the conditions of Proposition 1A in the

35-63

construction of a state-wide system? Then he perhaps hints to the Deputy Attorney General " don't tell us now" as he says, "recognizing that you cannot give a definitive or precise answer to the question at this point in time, can you provide guidance on the likely length of time that would be required to complete environmental review under the California Environmental Quality Act for the proposed system which contemplates a significant increase in train traffic?"

This line of questioning in fact shows that the CEO is not attempting to find out if a reduced scope in Program EIR would comply with both CEQA and IA, he is looking for justification of a phased implementation, what he wants to do.

But the timing of this decision has to be just perfect, the Authority doesn't want the answers disclosed until later, much later certainly after the certification of the Bay Area to Central Valley EIR and hopefully after the Merced to Fresno funding is approved. Peninsula legislative Reps hold influential positions in the funding process. Senator Simitian is the chairman for the Senate Budget sub-committee and Assembly member Rich Gordon holds the chair position for the Assembly Budget Committee.

Why not tell us now? Because it would throw a kink in the system if the answer is no- if it is determined the blended plan is not legal. Certainly a result that would be uproar of unhappy people on the peninsula. If the answer is yes its legal, it would also throw a kink in the Authority's plan for phased implementation. The project momentum loses both ways.

A better position, a safer one is the roll along saying were are trying, we are studying so the Authority gets past some key milestones, the certification of the Bay Area to Central Valley Program EIR/EIS and the certification of the Merced to Fresno project level EIR. That specific order is necessary because of the CEQA doctrine of tiering.

In addition any early start for this corridor will be vehemently protested by more lawsuits, now in the preparation stages. There is no certified EIR by either the Authority or more importantly Caltrain for the blended program that the Authority is promoting but not supported in this latest Program EIR. The funding of 3034 state you must have the money to complete a usable segment or a corridor and it must be high-speed rail ready. The law also has an order of affordability, starting with the least expensive first, moving forward. The peninsula is the most expensive segment so it's hard to imagine any start in the Bay area.

Congratulations, this idea of money to the ends using Prop 1A money is certainly ingenious on the board's part. It will certainly quiet regional transportation agencies that are in need of improvements. But let me remind you, their cooperation and silence does not change the law. Attempting to buy cooperation though scattering money to cities and transit agencies will not influence court decisions. It might put the legislators

Submission 35 (Kathy A. Hamilton, February 18, 2012) - Continued

35-63 | who have to vote on the funding of the program in a more difficult spot but it will not change the laws.

Using IA money for the improvement to regional transit should not be permitted. While improvements are no doubt needed, IA money was exclusively for the use of high-speed rail, not regional transportation.

Do we need to step back and develop a state-wide plan for transportation which could include high-speed rail after appropriate changes are made to regional transportation? Yes. To build high-speed rail first when the connection points for high-speed rail are not there is foolish but don't attempt to build them with the \$9 billion in voter approved which is exclusively for the use of high-speed trains. Use the \$995 million exclusively dedicated to connectivity, but not the \$9 billion. The spending of the bond money will still overburden the state no matter what it is spent on. Perhaps if given a chance to prioritize spending, the public would spend it on education or water projects and not transportation at this time. Using the bond money for non-high-speed rail projects is not what was intended. The ends do not justify the means.

The Authority might argue that using IA money for these connection points, under the guise of being on "the path to compliance for high-speed rail" works. It might fly if there was a credible expectation that the money to build the system would be forthcoming. But there is no credible source of capital forthcoming, there is no credible source of money on the horizon to fund a \$200 billion project for phase one. Why so high? Because in the State Auditor's report issued in January 2012, there is a huge gap in unreported operating costs- to be exact, \$97 billion dollars found the business plan by the Auditor. <http://www.bsa.ca.gov/pdfs/factsheets/2011-504.pdf> So in fact the actual numbers for the project could exceed \$200 billion without building phase 2 may in fact bring overall system project costs to over \$300 billion, compared with numbers originally presented to the public with in IA, around \$42 billion with inflation factors build in. As one newspaper reported would Oakland, Sacramento and San Diego ever have voted for high-speed rail if they realized they would never see the train?

35-71 | But back to this revised EIR, many of the traffic and noise impact for the peninsula in this document lists impacts as "unavoidable and significant," would not be either if an underground alternative was selected. Is the categorization of these impacts, "unavoidable and significant," an at grade solution? A predetermining of design alternatives before the CEQA process has been completed is not permitted. Caltrain said in their meeting in San Mateo on February 17, 2012 that the route would be on two tracks and at grade. Let me remind you that CEQA does not insist that an alternative be dismissed because of cost alone.

35-71 | CEQA says: (Public Resources Code Section 21002.1), "the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

Removing options such as the covered trench option in Menlo Park and Palo Alto should not be permitted at this time by defining the project as at grade. Surely the project doesn't suggest that they would re-construct the line underground after invest billions in an "at grade" design.

The idea that Caltrain and freight tracks might move closer to the communities, has major impacts to residences nearby the tracks. Does that mean that the residents can never open their windows again? Certainly there would be damage to residences that will be shook more severely with the weight of freight trains passing at closer range. There is nothing that addresses the sound of the horns to the communities, even louder if they are closer and this makes the quality of life to those who live even more than mile, significantly damaged. There is much said about the need for these horns because of deaths on the tracks, some of which are documented suicides. What about the health and well-being of the people who listen to the shrill and blast of horns, gotten more severe over the years on a daily basis?

35-73 | Because of so many changes to the cost and the length of time it will take to finish the route, a revisit of both the blended Peninsula system and cost analysis and blended system for Altamont's route should be done. Adding independently verified ridership numbers would also offer true apples to apples comparison. There is time to do it right, there is no official start date of September 30, 2012.

Some people including Senators Simitian and Lowenthal support a pause in the project. Let's regroup and look at the problems. Perhaps a bonafide ridership model could be developed in the next 12-18 months. There were a few minor modifications done to the model that was developed in 2007 and it's basically the same old model.

Certainly a \$13.5 billion dollar estimate for this corridor which by the way does not have complete cost deserves a more critical and objective eye. For instance this corridor does not include proper eminent domain cost numbers and never has it truly analyzed other alternatives and the net cost of doing each. Where are honest numbers for our corridor? Where are honest numbers for Altamont?

35-72 | Just to make it perfectly clear, I do not support the Joint Powers Board giving or selling to the High-Speed Rail Authority any real estate interest for the Caltrain Corridor. The land for this ROW was purchased by the people of this county and other counties. The board members of the JPB are supposed to be good stewards in the management of

Submission 35 (Kathy A. Hamilton, February 18, 2012) - Continued

35-72

this corridor and not supposed to trade off its use in exchange for electrification or other benefits to keep Caltrain viable. The facts aren't in on Caltrain. Where are the ridership projections that will show full trains with 170 trains a day going down the peninsula? - Six for Caltrain and two to four trains per hour for high-speed rail, racing down the corridor during the commute hours. Trading rights of this valuable peninsula right of way for the money for electrification of the corridor indeed is a cheap price to pay yet a heavy price to pay by the residents of the counties, through which this proposed train will travel.

35-74

The Authority has also refused to re-examine the ridership numbers honestly and openly and have come under fire by many independent groups such as UC Berkeley, ITS, the state Auditor, the LAO's office and the Independent Peer Review group. You must recognize that your numbers are highly under suspicious. To echo the Auditor's words, the ridership review panel is a "hand-picked group of individuals." And to know that two members reviewed the original Cambridge model in earlier years is a major problem for the objectivity of the work of this panel. Criticizing the plan, would in fact be criticizing their own work. There is also a credible suspicion that at least one member of the ridership panel received consulting work from Cambridge Systematics which should have been disclosed and possibly grounds for ineligibility for the panel.

It is my opinion that ridership issue must be addressed before the Bay Area to Central Valley Program EIR is certified. The legality of the blended plan must be addressed before the EIR is certified and permission must be granted by Union Pacific which is one year overdue per the State Auditor's report before this Program EIR is certified that damages communities up and down this corridor.

I would like a response and appropriate action in answer to my comments many of which will be echoed by the cities of peninsula cities.

Kathy A. Hamilton

Menlo Park, Ca.

Katham3@aol.com

Response to Submission 35 (Kathy A. Hamilton, February 22, 2012)

35-55

Please refer to Standard Response 1 and Chapter 5 regarding the blended system approach.

As described in Section 2.5.1A of the 2008 Final Program EIR, one HST alignment alternative, the Caltrain Alignment (Shared-Use Four-Track), was evaluated for the San Francisco to San Jose Corridor at the program-level. Full build-out of this alignment alternative assumes that the HST system would share tracks with the Caltrain commuter trains, and that two other lines would provide freight service.

The blended system concept discussed in Section 5.1.3 of the Partially Revised Program EIR was first presented in the 2012 Draft Business Plan, and is highly conceptual at this stage. If this approach were implemented in the Caltrain Corridor between San Francisco and San Jose, it would result in the HST system sharing tracks with the existing Caltrain commuter service until the full build-out of the HST system, at which time the HST system would share two tracks with the Caltrain commuter trains, and the two other lines would provide freight service as discussed in the 2008 Final Program EIR. The blended system concept discussed in the 2012 Draft Business Plan is a version of the phasing approach, and would not result in a two-track full build-out scenario as the comment suggests.

35-481

The Partially Revised Draft Program EIR was prepared to fulfill the Authority's obligation under CEQA and to address November 2011 court rulings in the *Town of Atherton litigation challenging the 2010 Bay Area to Central Valley High-Speed Train (HST) Revised Final Program EIR*. This comment is important for the public discourse on the merits of the HST Project and whether it is viewed as an asset to the state. However, this comment does not address the adequacy of the EIR analysis or the Authority's compliance with CEQA. Refer to Standard Response 1 for more information regarding the blended system and phased implementation.

35-482

Refer to Standard Response 1 regarding the 2012 Business Plan. Also refer to Standard Response 6 in the 2010 Revised Final Program EIR regarding effects of the project on property values. The purpose of the Partially Revised Draft and Final Program EIR is to provide the environmental analysis to support a determination of the appropriate network alternative to link the San Francisco Bay Area with the Central Valley. As such, the analysis examines what can be considered a worst-case analysis over a very long time horizon. Maintaining this analysis in the program EIR does not constrain the Authority's ability to focus any second-tier analysis it may proceed with for San Francisco to San Jose on a more limited, blended system approach.

35-56

Refer to Standard Response 1 regarding the blended system concept and phased implementation. Also see Chapter 5 of the Partially Revised Final Program EIR regarding potential environmental impacts of phased implementation and a sample blended system approach. The comment appears to suggest that the blended system would involve no grade separations. A blended system for the Caltrain Corridor has not been defined at this time, but may include key grade separations. Vertical profile variations will continue to be considered for any second-tier project that is part of the selected network alternative.

35-62

This comment addresses several legal issues under Proposition 1A that are not comments on the Partially Revised Draft Program EIR analysis. Refer to Response to Comment 31-31 regarding the IOS. Please also refer to Standard Response 1 regarding the blended system approach and why it is fully consistent with CEQA to maintain the current project description this Partially Revised Final Program EIR. Maintaining the analysis of a four track system in the program

EIR does not constrain the Authority's ability to focus any second-tier analysis it may proceed with for San Francisco to San Jose on a more limited, blended system approach.

35-63

The commenter is correct in pointing out that the Authority is seeking a clarification from the Attorney General on the use of Proposition 1A funds for construction of "blended systems" throughout the statewide high-speed train system (refer to Standard Response 1 for more information about blended systems). At the time of writing this response, the Authority has not received a response to their September 9th, 2011 letter regarding the "blended system" from the Attorney General.

However, the commenter is incorrect in stating that the use of portions of the \$950 million for improvements to regional transit is illegal. These funds are available to transit agencies such as Caltrain, VTA, and BART with the requirement that these improvements shall provide direct connectivity and benefits to the high-speed train system and its facilities or be part of the construction of the system. Furthermore, as discussed in the Response to Comment 26-26, it is the Authority's intent to maximize the utility of any funds that might be dedicated towards construction of improvements related to the phased implementation approach, and to ensure that such improvements would be able to be used in the full build-out of the HST system to the maximum extent feasible.

35-71

As the comment notes, some vertical alignments may reduce or increase potential impacts that would be associated with vertical alignments. The project-level analysis will take into account the vertical alignment characteristics, however this project-level analysis is presently on hold for the section from San Francisco to San Jose. Future project-level analysis may evaluate different vertical alignments alternatives and will provide site-specific mitigation measures for the different vertical alignments. At a program level it is appropriate to consider impacts significant and unavoidable until a more detailed analysis can be performed to examine specific impacts

taking into account vertical alignment options and their specific mitigation measures.

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35-73

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35-72

The comment is acknowledged. Any future land-use decision on behalf of the PCJPB and Authority, including a transfer of ownership and maintenance between the agencies and/or elimination of freight service in the corridor, is speculative and outside of the scope of this Program EIR. If a second-tier San Francisco to San Jose Section environmental document is restarted, any new agreements or decisions with respect to a change in the freight service in the Caltrain Corridor will be considered as part of the environmental setting of that project-level document.

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system HST alternative that was assessed in detail because additional right-of-way would not be required, passenger volumes and associated passenger related traffic impacts at station areas would be lower, construction of a complete four-track system and its associated impacts would not have occurred, and other issues discussed in the Partially Revised Draft Program EIR would be anticipated to be less severe. Refer to Standard Response 1 and Chapter 5 in the Partially Revised Final Program EIR for more discussion of the environmental implications of blended system, including traffic.

35-74

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- 2) In the Town of Atherton CEQA litigation, the Superior Court concluded the model was supported by substantial evidence. The Atherton court rulings are posted on the Authority’s website.
- 3) The Authority’s ridership and revenue peer review panel of leading U.S. and international experts in travel forecasting found that the modeling “produces results that are reasonable and within expected ranges for the current environmental planning and Business Plan applications”. [Independent Peer Review Panel, August 1, 2011]

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Submission 37 (Kole Upton, F.M. Upton & Sons, February 21, 2012)

Bay Area to Central Valley Supplemental EIR/EIS - RECORD #37 DETAIL

Status : No Action Required
Record Date : 2/21/2012
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 2/21/2012
Submission Method : Website
First Name : Kole
Last Name : Upton
Professional Title : Partner
Business/Organization : F.M. Upton & Sons
Address :
Apt./Suite No. :
City : Chowchilla
State : CA
Zip Code : 93610
Telephone : 2097696062
Email : kupton@inreach.com
Cell Phone :
Email Subscription : Merced - Fresno, San Jose - Merced
Add to Mailing List : Yes

37-57

Stakeholder Comments/Issues :

The Merced to Fresno section of the project has been closed from public review and comment. Nevertheless, the Merced to San Jose document is still out for review, and it geographically interfaces with the Merced to Fresno section.

A perfect example of the problem created by this current approach by CHSRA and FRA toward the project occurred at the official 'Coordination' public meeting on 2/15/2012 between Chowchilla Water District (CWD), FRA, and CHSRA. At that meeting, the Acting Regional Director for CHSRA stated that City of Chowchilla representatives indicated to him that they could 'live' with a Road 13 route around the City of Chowchilla. This route is part of the infamous West Chowchilla Design Option (WCDO) section of the Hybrid Alternatives.

The following day I spoke to representatives of the City of Chowchilla. They indicated that the one consistent public position of the City of Chowchilla (written and verbal) was their continuing opposition to the Ave. 24/WCDO route.

The WCDO was put in play under false pretenses in July of 2010 when CHSRA claimed the City of Chowchilla wanted it. They did not want then, and they do not want it now. It is also opposed by every public agency with jurisdiction in the affected area. In fact, I challenge CHSRA and FRA to find one publicly elected official in Madera or Merced Counties that favors this route.

I would specifically refer you to Merced County Supervisor John Pedrozo (209-385-7366) whose district is affected by the WCDO route.

Nevertheless, in December of 2012, CHSRA promoted the WCDO as part of the 'Preferred Hybrid Routes' as part of the Merced to Fresno Section, but with the caveat that the 'Wye' section would be transferred for analysis to the Merced to San Jose EIR study group.

At the meeting on 2/15/2012, the representative of the Merced to San Jose study group indicated they were under a tight time frame and would prefer to consider only minor changes to the suggested routes. Rail officials suggested perhaps a slight change to the east of Road 13 for the WCDO.

Bottom line, CHSRA and FRA appear to be determined to inflict this WCDO route on this area in spite of the unanimous opposition to it.

The Merced to San Jose EIR should not be misused to justify improper decisions carried forward by the Merced to Fresno EIR and inserted in to the Program EIR. Work on the Merced to Fresno Draft EIR/EIS should cease immediately until all documentation and decisions have been finalized on the Program EIR, and that all information provided in the Program EIR be analyzed for consistency with the Merced to Fresno Project Level EIR/EIS.

EIR Comment :

No

Response to Submission 37 (Kole Upton, F.M. Upton & Sons, February 22, 2012)

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Comment acknowledged. The second-tier Draft EIR/EIS for the Merced to Fresno Section circulated for public comment between August 15, 2011, and October 13, 2011. During that time, the Bay Area to Central Valley Revised Final Program EIR was being challenged in litigation, but no court ruling had been issued. The Authority circulated the Partially Revised Draft Program EIR in January 2012 to address court rulings that were issued in November 2011 and included in a final court order and ruling as of February 2012.

The Bay Area to Central Valley study area does overlap in part with the study area for the Merced to Fresno second-tier project. The Authority has made clear that it will not make any decision related to the wye connection between the Bay Area and Central Valley as part of the Merced to Fresno second-tier EIR/EIS. The Authority also intends to complete its revised program EIR process prior to completing its Merced to Fresno second-tier EIR/EIS process.

The comments address details about second-tier alternatives for the east/west alignment and wye connection between the Bay Area and

Central Valley. The Authority acknowledges the commenter's opposition to the West Chowchilla Design Option that has been studied as part of the second-tier Merced to Fresno Draft EIR/EIS. The Authority will continue detailed study of the east/west alignment and wye connection between the Bay Area and Central Valley as part of a San Jose to Merced Section second-tier EIR/EIS if the Authority selects a network alternative involving this area at the conclusion of the Program EIR process.

The commenter has attended multiple meetings as part of both second-tier Draft EIR/EIS for the Merced to Fresno and San Jose to Merced Draft EIR/EISs. At these meetings a range of potential configurations for the wye connection were available for review by the attendees.

The Authority intends to complete the revised program EIR process prior to completing its second-tier EIR/EIS process for the Merced to Fresno Section.

Submission 38 (Patricia Hogan-Giorni, February 20, 2012)

	<p>John Mason California High-Speed Rail Authority 770 L Street, Suite 800 Sacramento, CA 95814</p>	38-183	<ul style="list-style-type: none"> ▪ There are multiple references in the Plan to the social benefits of HSR. However, they are not relevant to the financial legitimacy of the Program EIR, Project EIR or to the Business Plan (Draft 2012 Business Plan page ES-4). Therefore, documents, opinions and comments contained in the <i>Draft 2012 Business Plan</i> should not be used to inform the PRDPEIR.
	<p>February 20, 2012</p>		
	<p>Sent Via Email</p>	38-184	<ul style="list-style-type: none"> ○ 5.1.3 Draft 2012 Business Plan --The Authority's Draft 2012 Business Plan...has also been considered in the development of this Partially Revised Draft Program EIR... to comply with the requirements of Public Utilities Code section 185033, which requires the Authority to develop a Plan with the content specified in the statute, and offer it for public review and comment. The Plan represents an implementation strategy for construction of the HST system...[that]describes a phased approach. (PRDPEIR Page 5-3)
	<p>Dear Mr. Mason,</p>		<ul style="list-style-type: none"> ▪ Environmental impacts that result from the disconnect between the way the system was segmented for environmental review verses the way the system is being segmented for construction of an initial segment (ICS) and initial operating segment (IOS) must be reconciled (Draft 2012 Business Plan Chapter 2). Therefore, documents, opinions and comments contained in the <i>Draft 2012 Business Plan</i> should not be used to inform the PRDPEIR.
38-180	<p>The purpose of this letter is to make comment on the <i>Bay Area to Central Valley High-Speed Train Partially Revised Draft Program Environmental Impact Report</i>. Although the Authority chose to open the 45 day Public Comment Period long before Judge Kenny signed the Notice of Entry of Judgment on February 1, 2012, I am respecting the Authority deadline for submitting that comment. Despite the fact that Judge Kenny ruled that:</p> <ul style="list-style-type: none"> • Recirculation is required to address noise, vibration, and construction impacts of shifting Monterey Highway; • Recirculation is required to address traffic impacts on surrounding local roads due to narrowing Monterey Highway; • Recirculation is required to address the impacts of potentially moving freight tracks closer to adjacent land uses along the San Francisco Peninsula; • Recirculation is required to address impacts of reduced access to surface streets from potential lane closure along the San Francisco Peninsula; <p>It is my understanding that the entire <i>2010 Bay Area to Central Valley High-Speed Train Revised Final Program EIR</i> must be de-certified if it is to incorporate further comment. Therefore I take this opportunity to address certain other issues.</p>		<ul style="list-style-type: none"> ○ A THE DRAFT 2012 BUSINESS PLAN AND PHASED IMPLEMENTATION- -The concept of phasing is not new for the HST system. Proposition 1A, passed by voters in 2008, contemplated that Phase 1 of the HST system would extend from San Francisco in the north to Los Angeles in the south, and that Phase 2 would then connect to Sacramento and San Diego. The discussion of phasing in the Draft 2012 Business Plan expands on this initial phasing described in Proposition 1A, and illustrates how construction of the statewide HST would be accomplished in further sub-phases (phases of implementation), as funding is available and project-level environmental review for individual sections of the system is completed. The initial construction section (ICS) is planned from north of Fresno to north of Bakersfield. This ICS would then be extended either over the Pacheco Pass to San Jose, as an Initial Operating Section north (IOS north), or south to the San Fernando Valley, as an Initial Operating Section south (IOS south). The IOS (either north or south) would then be extended to complete a "Bay to Basin" system extending from San Jose to the San Fernando Valley. The Bay to Basin system could then be extended to reach San Francisco in the north and Los Angeles/Anaheim in the south to complete Phase 1 of the system. Phase 2 of the system would expand Phase 1 to include from Merced north to Sacramento, and from Los Angeles south to San Diego. (PRDPEIR Page 5-3)
38-181	<p>I also note, for the record, that it is my firm belief that the CHSRA rushed to garner Public Comment before it was legally compelled to do so solely to have the PRDPEIR CEQA certified in order to not risk losing America Recovery and Reinvestment Act (ARRA) funds to meet the deadlines associated with them, and which should not be the basis for construction and environmental review decisions.</p>		<ul style="list-style-type: none"> ▪ Terminology is used in the Plan that is not consistent with Prop 1A. There is no mention of an ICS in Prop 1A. Therefore, there can be no legal bond expenditure for a HSR segment unless it is electrified and contains all the components of a true HSR system. (Draft 2012 Business Plan page2-9).
38-182	<p>The PRDPEIR is a fundamentally flawed document based upon the now stale initial <i>2008 Bay Area to Central Valley High-Speed Train Final Program EIR</i>, later certified as the <i>2010 Bay Area to Central Valley High-Speed Train Revised Final Program EIR</i>. It is apparent that assumptions made in 2008 have significantly changed in relation to the choice of the Pacheco Pass Preferred Alternative that include:</p> <ul style="list-style-type: none"> • Revision of the Business Plan (Chapter 5: New Information and Effect on Program EIR Analysis--an assessment of new information and changed conditions since the Authority's September 2, 2010 decisions based on the Revised Final Program EIR, including the Draft 2012 Business Plan, PRDPEIR Page 5-1) which remains incomplete and as yet unapproved and adopted. 	38-186	

Submission 38 (Patricia Hogan-Giorni, February 20, 2012) - Continued

38-186 Therefore, documents, opinions and comments from *Draft 2012 Business Plan* contained in the Draft 2012 Business Plan should not be used to inform the PRDPEIR.

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- o The *Draft 2012 Business Plan*, which includes the phased implementation of the HST system, reflects that the cost of building the system will be higher than originally anticipated. In addition, phased implementation recognizes that funding for construction will not become available all at once, and therefore construction of the system will take longer than originally anticipated. For example, the 2008 Final Program EIR anticipated that the HST system would be fully constructed and operational in roughly 2020. The Draft 2012 Business Plan discloses that with phased implementation, and in light of increased costs and limits to financing, construction may take considerably longer, with completion of Phase 1 occurring in 2033. (PRDPEIR Page 5-3)
 - Like the *2009 Business Plan* and other CHSRA documents, it would appear that the *Draft 2012 Business Plan* is capital constraint driven with a desire to use America Recovery and Reinvestment Act (ARRA) funds to meet the deadlines associated with them which should not be the basis for construction and environmental review decisions (Draft 2012 Business Plan Page 2-9)

Therefore, documents, opinions and comments contained in the *Draft 2012 Business Plan* should not be used to inform the PRDPEIR.

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- o For the highly urbanized sections between San Francisco and San Jose, San Fernando Valley and Los Angeles, as well as Los Angeles to Anaheim, a concept called a “blended system approach” is also described in the Draft 2012 Business Plan. The blended system would provide an additional phasing option for the urbanized sections that have existing commuter rail corridors, which would allow for integrating HST service into an existing commuter rail system with certain, limited upgrades, in advance of construction of the currently planned shared or dedicated HST facilities. For example, a passenger traveling from Los Angeles could potentially travel on dedicated, fully constructed HST facilities to a particular station, such as San Jose, and then continue with a “one-seat ride” that would have the HST complete its journey to San Francisco on an upgraded and electrified commuter rail line at slower speeds. The blended system concept has the potential to provide earlier travel benefits by allowing some level of HST service to reach San Francisco, Los Angeles, and Anaheim with a smaller investment than would be required for the fully constructed HST facilities. This approach is highly conceptual at this time. (PRDPEIR Page 5-4)
 - To support both Caltrain and HSR in the Peninsula rail corridor, project concepts originally contemplated were based on a four-track rail system which would require major track expansion and fostering significant concerns about impacts to local communities. In 2011, a proposal was made by U.S. Congresswoman Anna Eshoo, State Senator Joe Simitian and State Assemblyman Rich Gordon [SEGway] to implement a smaller project with less

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38-188 impacts - a “Blended System” in the Caltrain corridor. The blended system would support integrated high-speed rail and modernized Caltrain service on shared tracks in order to maximize the use of existing infrastructure, which is primarily a two-track system. This approach would keep the project substantially within the existing Caltrain right-of-way and minimize impacts to communities. The principles outlined by Senator Simitian, Congress Member Eshoo, and Assembly Member Gordon were:

- (1) No expansion of the Caltrain right of way beyond its current two-track configuration (with very minor exceptions permitted);
- (2) No aerial structures unless the local city or county governing body specifically requested such an aerial structure;
- (3) An environmental impact process that defined this system as “the project,” so that a system built with these constraints couldn’t be expanded later, without a significant new round of public hearing and environmental review.

In response, Caltrain conducted a capacity analysis, which determined that a blended system is operationally viable. Additional analysis will be conducted to explore the overall feasibility of the concept.

http://www.caltrain.com/projectsplans/Projects/Caltrain_Modernization_Program/High_Speed_Rail_Coordination.html

Therefore the “Blended System” should be considered as the only Preferred Project Alternative on the Caltrain ROW in the PRDPEIR.

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- o B. PHASED IMPLEMENTATION AND PRIOR PROGRAM EIR ANALYSIS Phased implementation does not change the HST project described and analyzed in the *2008 Final Program EIR*, the *2010 Revised Final Program EIR*, or in this *Partially Revised Draft Program EIR*. The Authority’s proposed project continues to be the statewide HST system, consistent with its statutory mission, and as described in Chapters 1 and 2 of the 2008 Final Program EIR. (PRDPEIR Page 5-4)
 - The Caltrain DRAFT Planning Process for the Peninsula Rail Corridor *Capacity Analysis to Blended System Project Alternatives*, November 09, 2011 as well as the SEGway proposal does not envision the “additional phasing option for the urbanized sections that have existing commuter rail corridors, which would allow for integrating HST service into an existing commuter rail system with certain, limited upgrades, in advance of construction of the currently planned shared or dedicated HST facilities.” The SEGway “blended system approach” is “required...[to be] the fully constructed HST facilit[y]” using the existing 2-track configuration on the Caltrain ROW with the addition of 2 passing tracks in a proscribed, limited area for the complete accommodation of HSR and Caltrain combined service on 2 tracks, and not a precursor to later phased implementation of a full 4-track buildout.

Submission 38 (Patricia Hogan-Giorni, February 20, 2012) - Continued

38-189 <http://www.caltrain.com/Assets/Caltrain+Modernization+Program/Documents/DRAFT+Planning+Process.pdf> Therefore no Prop 1A funding can be legally allocated to the “blended system” unless it is determined to be phased implementation “in advance of construction of the currently planned shared or dedicated HST facilities.” or is defined as “the project,” so that a system built with these constraints couldn’t be expanded later, without a significant new round of public hearing and environmental review.

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- Lack of current Ridership analysis (6.3.3 Network Alternatives Evaluation D. COMPARISON OF PACHECO PASS AND ALTAMONT PASS ALTERNATIVES Ridership and Revenue: This overall conclusion is consistent with the previous ridership analysis done for the Authority’s 2000 Business Plan.)
 - Despite updates made to the ridership model prior to the publication of the Plan, all CHSRA has done with that model is to spread it out further over time. 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 *Draft 2012 Business Plan* can be considered reliable (Draft 2012 Business Plan 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 alone as an input is not reliable. Further, the consequences of this are exaggerated in a phased approach (Draft 2012 Business Plan page 6-5).
Therefore, documents, opinions and comments contained in the *Draft 2012 Business Plan* should not be used to inform the PRDPEIR.

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- 2004 Memorandum of Understanding between the Peninsula Corridor Joint Powers Board (Caltrain) and the California High Speed Rail Authority http://www.caltrain.com/Assets/Peninsula+Rail+Program/2004_MOU_Between_CHSRA_and_PCJPB.PDF sets forth a framework for future cooperation between the CHSRA and the PCJPB after the CHSRA and the Federal Railroad Administration have completed the Final Program EIR/EIS for a proposed high speed train system for California and identifies a shared corridor concept as an alternative for evaluation in the 2008 Final Bay Area to Central Valley High-Speed Train (HST) Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS).
 - The MOU provides the political and economic (as the least expensive) nexus that determined that Pacheco would be the single Preferred Alignment Alternative that was analyzed in the 2008 Final Bay Area to Central Valley High-Speed Train (HST) Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and has since prejudiced any other objective look at route considerations and imposed a prohibition of

38-191 consideration of viable alternatives, such as the Setec Ferroviaire (“Setec”) Development of three alternative Altamont alignments, as well as rejected a conceptual alternative connecting Highway 101 and the Caltrain alignment around and north of the San Francisco airport.

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- Bay Area to Central Valley HST Final Program EIR/EIS 2008 ---E. HST ALIGNMENT ALTERNATIVES DEVELOPMENT-- The development of the alternatives considered in this Program EIR/EIS incorporated the principles established for the HST Alternative selected in the statewide program EIR/EIS and set forth in the Business Plan to minimize capital and operating costs while maximizing total benefits. The FRA and the Authority recognized that the HST system would require a commitment of substantial resources and addressed the broad issues related to the development of a proposed HST system in the statewide program EIR/EIS (California High-Speed Rail Authority and Federal Railroad Administration 2005). Based on the information developed in the earlier studies discussed above and the selected HST Alternative, as well as through public and agency coordination and scoping, the Authority and the FRA were able to identify potential alternatives for implementation of the proposed HST system in the study region. The Authority and the FRA began developing the alternatives by seeking to identify the most reasonable, practicable, and environmentally sensitive HST Alignment Alternatives and station locations for analysis in this Program EIR/EIS. As part of this process, alternatives previously considered were reevaluated, and a screening of potential alignment alternatives and station location options was conducted. This screening analyzed all reasonable and practical alignment alternatives and station location options within viable HST corridors. The evaluation of potential HST Alignment Alternatives and station location options used the following standardized criteria: construction, environment, land use compatibility, right-of-way, connectivity/accessibility, and ridership/revenue. (Page 2-13)
 - Alternatives may be eliminated from consideration in an EIR if they fail to meet most of the basic project objectives, are infeasible, or do not avoid significant environmental impacts. (CEQA Guidelines § 15126.6(c); (*id.* at § 15126.6(a) (EIR is “not required to consider alternatives which are infeasible”).) The EIR must identify those alternatives that “were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination.” (CEQA Guidelines § 15126.6(c).) An agency’s infeasibility finding must be supported by substantial evidence.
- U.S. Department of Transportation Federal Railroad Administration Record of Decision Bay Area to Central Valley High-Speed Train signed 12/2/08 pages 66-67 cites: 15. Decision—Concluding the Bay Area and Central Valley HST Program EIR/EIS, the FRA makes the following decisions:

Submission 38 (Patricia Hogan-Giorni, February 20, 2012) - Continued

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1. To select the Pacheco Pass Network Alternative with San Francisco and San Jose Termini and to reject the No Project Alternative, the Altamont Pass Network Alternatives, and the Pacheco Pass with Altamont Pass (Local Service) Network Alternatives; and
2. To adopt the design practices and mitigation strategies described in the MMRP (Appendix A) to minimize harm from the selected alternative; and
3. To eliminate certain conceptual HST alignments and station options evaluated in the Program EIR/EIS from further consideration; and
4. To select for further consideration in the tiered project environmental reviews to be prepared subsequent to the Program EIR/EIS, the preferred conceptual corridor, alignment, and station options for the HST as described in the Final Program EIR/EIS.

The FRA therefore finds that the transportation, environmental, land use, economic, and social benefits of the Preferred Pacheco Pass Network Alternative outweigh the adverse environmental impacts that will remain after adoption and application of all mitigation strategies listed in this document. (Pages 66-67)

- That the *Bay Area to Central Valley HST Final Program EIR/EIS 2008* and the *U.S. Department of Transportation Federal Railroad Administration Record of Decision Bay Area to Central Valley High-Speed Train* relied on any data gleaned from the *2008 Business Plan* and which has since proven unreliable and inaccurate, even through the *2009 Revised Business Plan* was presented to the Legislature, it begs the question of whether the Pacheco Alternative, presented as the only Preferred Alternative, especially in light of the fact that the Business Plan was informed by the *California High Speed Rail Corridor Evaluation*, December, 1999, prepared by Parsons Brinckerhoff which identifies 3 references to Altamont and 65 references to Pacheco, was indeed the “engineered” choice motivated by political and financial interests.

Therefore, documents, opinions and comments contained in the *2008 Bay Area to Central Valley High-Speed Train Final Program EIR* should not be carried forward to inform the PRDPEIR.

- *2008 Bay Area to Central Valley High-Speed Train Final Program EIR* 8.2 Summary of Comments on the Identification of the Preferred Alternative

The identification of a preferred HST alignment between the Bay Area and Central Valley is controversial, and this program EIR/EIS process has received a considerable amount of comment from agencies (federal, state, regional, and local), organizations, and the general public (for more details, see Chapter 10, “Public and Agency Involvement”). There is a wide divergence of opinion with many favoring the Pacheco Pass, many

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favoring the Altamont Pass, and many favoring a combination of both passes (with the Pacheco serving as the north/south HST connection and Altamont primarily serving interregional commuter service between Sacramento/Northern San Joaquin Valley and the Bay Area).

8.2.1 Pacheco

The Pacheco Pass supporters include the Metropolitan Transportation Commission (MTC), (page 8-3)

8.2.1.1 Altamont

There are a considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the San Francisco Bay and Don Edwards San Francisco Bay National Wildlife Refuge by HST alternatives via the Altamont Pass using a Dumbarton Crossing. These include the MTC; (page 8-4).

8.4The MTC’s “Regional Rail Plan for the San Francisco Bay Area”

The MTC, BART, Caltrain, and the Authority, along with a coalition of rail passenger and freight operators, prepared a comprehensive “Regional Rail Plan for the San Francisco Bay Area” (Plan) adopted by MTC in September 2007.. The plan also includes an analysis of potential high-speed rail routes between the Bay Area and the Central Valley. The Plan is separate from the Authority’s Final Program EIR/EIS but is accounted for in Section 3.17, “Cumulative Impacts,” of the Final Program EIR/EIS.... The Plan concludes that the Bay Area needs a Regional Rail Network. “As the BART system becomes more of a high-frequency, close stop urban subway system, it needs to be complemented with a larger regional express network serving longer-distance trips” and “High-Speed Rail complements and supports development of regional rail—a statewide high-speed train network would enable the operation of fast, frequent regional services along the high-speed lines and should provide additional and accelerated funding where high-speed and regional lines are present in the same corridor” (MTC, 2007 Regional Rail Plan, pg ES-3)...with an Altamont + Pacheco option,... a lower-cost bridge connection at the Dumbarton crossing could be developed thereby reducing the cost of a combination alternative by as much as \$1 billion (MTC, 2007, Regional Rail Plan, pg ES-17). (2008 Bay Area to Central Valley HST Final Program EIR/EIS Bay Area to Central Valley HST Final Program EIR/EIS)

The Plan also concludes that, “Regardless of which Altamont or Pacheco options would be developed, an initial phase of investment in the Peninsula alignment between San Jose and San Francisco would help make Caltrain, with an express/limited stop ridership potential of 6.3 million riders per year in 2030 ‘high speed rail ready’” (MTC 2007, Regional Rail Plan, pg. ES-18). (Pages 8-14, 8-15).

- The choice of Pacheco as the Preferred Alternative was prejudiced by reliance on documents submitted by the Metropolitan Transportation Authority that served to inform the *2008 Bay Area to Central Valley*

Submission 38 (Patricia Hogan-Giorni, February 20, 2012) - Continued

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High-Speed Train Final Program EIR. MTC’s agenda was at the time, and remains to support BART expansion in the East Bay: http://www.mtc.ca.gov/news/press_releases/rel451.htm “BART’s Warm Springs Extension Gets Boost from Regional Measure 2 Cash OAKLAND, Calif., Sept. 25, 2008...The Metropolitan Transportation Commission (MTC) this week committed \$91 million in voter-approved Regional Measure 2 bridge toll money to help finance an \$890 million extension of the BART system to Fremont’s Warm Springs district. Construction of the 5.4-mile extension from the current terminus at the Fremont station — which would be the first leg of a planned \$6.1 billion extension of the BART system to Milpitas, San Jose and Santa Clara — is slated to begin in the summer of 2009. MTC made the financing pledge as part of a strategic plan for implementing the \$17.4 billion Regional Transit Expansion Program adopted by the Commission in 2001 and updated in 2006. The \$91 million approved this week for the Warm Springs BART extension originally was designated for rehabilitation of the old Dumbarton Rail Bridge and the launch of commuter rail service over the span.” With the intention of shuffling the Dumbarton Rail Bridge financing toward the BART extension, there can be no doubt why MTC was so strongly in favor of the Pacheco choice, while giving lip-serviced accommodation to the Altamont and combined Altamont + Pacheco options. In keeping with “... a lower-cost bridge connection at the Dumbarton crossing could be developed thereby reducing the cost of a combination alternative by as much as \$1 billion,” MTC proposes to modify the scope of the Dumbarton Rail operating project (RM2 Operating Project #5) in MTC Resolution 3801 so that RM2 funds may be used to support bus service in the Dumbarton corridor rather than rail service. <http://www.mtc.ca.gov/meetings/hearings/rm2.htm> MTC Resolution 3801: <http://www.mtc.ca.gov/meetings/hearings/tmp-3801.pdf> See Attachment A, pages 1-3; Attachment B, item 5, page 8 Therefore, documents, opinions and comments from MTC contained in the 2008 Bay Area to Central Valley High-Speed Train Final Program EIR should not be used to inform the PRDPEIR.

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- The adopted *Amendment No. 1 to Agreement* (2004 Memorandum of Understanding between the Peninsula Corridor Joint Powers Board (Caltrain) and the California High Speed Rail Authority (http://www.caltrain.com/Assets/Peninsula+Rail+Program/Caltrain_MOU_Amendme nt.pdf) specifically establishes the Peninsula Rail Program, in order to coordinate the planning, design and implementation of proposed development programs for their respective intercity high speed rail and commuter rail rapid transit services in a manner that provides for the shared use of the existing Caltrain Rail Corridor between

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the cities of San Francisco and San Jose, with funding shared equally on a 50%-50% basis.--ESTABLISHMENT OF WORKING GROUP: ORGANIZATIONAL STRUCTURE The Peninsula Rail Program Scope of Work and Organization as described in Attachment A attached hereto and incorporated herein by this reference hereby is approved and adopted effective upon execution and delivery of this Amendment No. 1 to Agreement by the parties. This Amendment is not intended to constitute and does not constitute any limitation on the decision-making authority of any party.

- o High Speed Rail Coordination In 2009, following voter approval of \$9 billion to plan and construct the state’s high-speed rail system, Caltrain entered into an agreement with the California High-Speed Rail Authority to work in partnership to advance Caltrain corridor improvements that would support improved Caltrain service and high-speed rail service. Coordination with the California High-Speed Rail Authority (identified as the Peninsula Rail Program) is managed through the Caltrain Modernization Program. http://www.caltrain.com/projectsplans/Projects/Caltrain_Modernization_Program/High_Speed_Rail_Coordination.html
 - The Peninsula Rail Program no longer exists with funding shared equally on a 50%-50% basis. It has metamorphosed into the Caltrain Modernization Program, encompassing several interrelated projects that will upgrade the performance, operating efficiency, capacity, safety and reliability of Caltrain’s commuter rail service in movement toward electrifying its own system, while only managing the agency’s coordination with CHSRA. While it is unknown whether CHSRA is funding any other aspect of the Caltrain Modernization Program, CHSRA is no longer paying 50% of the Program Manager’s salary as was the case for the Peninsula Rail Program’s Program Manager. Although the CMP’s *Capacity Analysis to Blended System Project Alternatives* demonstrates that electrification of the corridor and installation of an advanced signaling system could provide sufficient track capacity to feasibly operate six electric Caltrain trains and two high-speed trains per hour, it is unknown whether CHSRA contributed funding for the Caltrain analysis which may indicate that it is a much-less intrusive, more cost-effective alternative. If it is determined that CHSRA has not contributed a 50% cost share of the *Capacity Analysis to Blended System Project Alternatives*, a mutually beneficial study, and if the CHSRA does not agree that the 2-track SEGway “Blended System” would constitute the final buildout phase rather than a step toward fully implementing a 4-track combined HST/Caltrain service, then the Peninsula Corridor Joint Powers Board should Resolve to Rescind the 2004 Memorandum of Understanding between the Peninsula Corridor Joint Powers Board (Caltrain) and the California High Speed Rail Authority and Amendment No. 1 to Agreement which

Submission 38 (Patricia Hogan-Giorni, February 20, 2012) - Continued

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would effect the withdrawal of Caltrain’s ROW from consideration as the HST Preferred connection from San Jose to San Francisco.

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For all the above reasons preceded by the black box indent, I repeat, the 2008 Bay Area to Central Valley High-Speed Train Final Program EIR is a stale document that no matter how it may be “Partially Revised” due to the February 1, 2012 judgment issued by Judge Kenny, or at any time in the future, it should not serve as the basis for any HST program or project development in California. The PRDPEIR **should not** be CEQA certified because it is apparent that assumptions made in 2008 have significantly changed in relation to the choice of the Pacheco Pass Preferred Alternative along with other factors that I have described above.

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CHSRA has yet to release all traffic data used to inform and support its conclusions in the PRDPEIR, including the actual traffic capacity studies for each project segment. The PRDPEIR needs to address the impacts of potentially moving freight tracks closer to adjacent land uses along the Caltrain ROW; as well as the impacts of reduced access to surface streets from potential lane closures along the San Francisco Peninsula. For an accurate assessment of the PRDPEIR all supporting data for the Authority’s assertions must be provided to understand exactly how the conclusions were reached. Therefore, my comment from this point forward will not be so PRDPEIR document specific in following the previous bulleted format.

To comment on the requirement to address impacts of reduced access to surface streets from potential lane closure along the San Francisco Peninsula I offer the following:

- The CHSRA is in violation of *AB1358 (Leno) Complete Streets Act*, signed into law on September 30, 2008, that ensures that the transportation plans of California communities meet the needs of all users of the roadway including pedestrians, bicyclists, users of public transit, motorists, children, the elderly, and the disabled; and directs the State Office of Planning and Research to amend guidelines for the development of general plan circulation elements so that the building and operation of local transportation facilities safely and conveniently accommodate everyone, regardless of their mode of travel. State, regional, and local agencies across California are adopting complete streets ordinances, policies, and design guidelines. Some examples include: Caltrans Deputy Directive 64; Metropolitan Transportation Commission Resolution 3765; San Francisco Transit First city ordinance; Sacramento Transportation Authority local sales tax ordinance; San Diego Association of Governments local transportation sales tax ordinance; Santa Barbara General Plan Circulation Element; City of San Diego Street Design Manual.
- The CHSRA may be unwittingly opening itself, and municipal and county government agencies to future litigation and liability under the ruling of *Bonano v. Contra Costa County, section 835.4*, “therefore, the reasonableness of a public entity’s creation or maintenance of a dangerous condition of its property must be balanced against the costs and benefits of alternative means of providing the public service, not against the alternative of discontinuing the public service.”

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- The San Mateo County Comprehensive Bicycle and Pedestrian Plan adopted by the C/CAG Board on September 8, 2011, Appendix B, pages B6-B9; B11 <http://sanmateocountybikepedplan.org/index.php?cID=242>, defines the County’s North-South Bicycle Route from Burlingame to Redwood City. Appendix C, pages C4-C5, defines the Pedestrian INDEX Walking Demand from Burlingame to Redwood City.
 - Any action approved by CHSRA through the PRDPEIR that will in any way diminish or remove existing Class II and Class III bicycle facilities on the North-South Bicycle Route from Burlingame to Redwood City, or interfere with future municipal planning that demonstrate installation of Class II and/or Class III, i.e. City of San Mateo Bicycle Master Plan August 2011, <http://www.ci.sanmateo.ca.us/DocumentView.aspx?DID=9216>; San Carlos’ East Side Connect Project to Upgrade Old County Road & East San Carlos Avenue, <http://www.cityofsancarlos.org/eastsideconnect/default.asp>; Burlingame’s Downtown Specific Plan <http://www.burlingame.org/Modules/ShowDocument.aspx?documentid=6825>, must be assessed under the constraints of *AB1358* (SEC. 2. The Legislature finds and declares all of the following: (h) It is the intent of the Legislature to require in the development of the circulation element of a local government’s general plan that the circulation of users of streets, roads, and highways be accommodated in a manner suitable for the respective setting in rural, suburban, and urban contexts, and that users of streets, roads, and highways include bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, public transportation, and seniors.). Further, any action approved by CHSRA through the PRDPEIR that will in any way diminish or remove existing pedestrian or ADA mobility access, or interfere with future municipal planning that demonstrate installation of sidewalks, i.e. San Mateo County Comprehensive Bicycle and Pedestrian Plan, City of San Mateo Pedestrian Master Plan, <http://www.ci.sanmateo.ca.us/index.aspx?NID=2218>, San Carlos’ East Side Connect Project, and Burlingame’s Downtown Specific Plan, must be assessed under the constraints of *AB1358* (SEC. 2.(h)lbid.)). Finally, a great economic burden is placed upon the County and the municipalities listed above in order to amend their Plans to meet the needs of the Program and Project which is in no way acknowledged in the *Draft 2012 Business Plan*, used to inform the PRDPEIR; or is there any mention of intent for reimbursement of those expenditures. That must be addressed in the *Draft 2012 Business Plan*. The Authority must also insure that any action to remove existing bicycle, pedestrian, or ADA requirements by either the County or the municipalities listed above in order to comply with the PRDPEIR will not subject them to liability under *Bonano v. Contra Costa County, section 835.4*.

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Submission 38 (Patricia Hogan-Giorni, February 20, 2012) - Continued

38-197

- o Potential lane closure along the San Francisco Peninsula, specifically in Burlingame where there are 4 existing at-grade RR crossings between Broadway and Peninsula Avenue (Oak Grove, North Lane, Howard Avenue, Bayswater Avenue), will significantly impact motor traffic, bicycle, and pedestrian circulation by virtually barricading access to Burlingame High School and the commercial and residential neighborhoods on either side of the Caltrain ROW.
 - Closure of any of these at-grade crossings in order to meet CHSRA financial constraints in providing grade separation to include all design considerations, except aerial structure or impenetrable berm solutions, would vastly increase traffic volume on California Drive and Carolan Avenue as motorists seek access to either the US101/Broadway or US101/Peninsula interchanges, or to simply travel from one side of the Caltrain ROW to the other, not only at peak commute hours but throughout the entire day. Closure would impede pedestrian movement across those thoroughfares, along with adding greater distance to access the opposite side of the Caltrain ROW. Higher traffic volume would severely limit on-street bicycle safety on both Class III bicycle facilities: <http://www.burlingame.org/Modules/ShowDocument.aspx?documentid=4730>. Closure would create enormous east-west traffic back-up on the Broadway and Peninsula Avenue arterials during am and pm peak commute hours if those thoroughfares continue to have at-grade crossings at any time before or during construction or at completion of the Project. Since the stipulation that Caltrain must be allowed to provide uninterrupted service during the course of Project construction (*Amendment No. 1 to Agreement Ibid.*), closure of any or all of the lanes would require that engineering design standards be developed to address existing at-grade and/or any proposed grade-separated solutions to avoid gridlock.

Any and all responsibility for financial incursions or liability that would fall upon the City of Burlingame in the event of any lane closures or with construction of any proposed grade-separated solutions must be addressed in the *Draft 2012 Business Plan* if that document serves to inform the PRDPEIR.

38-198

- o The US101/Broadway Interchange Project is in its final engineering phase with expectation of a 2014 construction start-up. <http://www.burlingame.org/search.aspx?request=us101%2fbroadway+interchange+project+design&maxFiles=25> page 17. Since the stipulation that Caltrain must be allowed to provide uninterrupted service during the course of Project construction (*Amendment No. 1 to Agreement Ibid.*), and with increased trains per hour at Project completion, gridlock can only be avoided on Broadway, Carolan Avenue, and California Drive with grade separation. There are less than 200 feet between the western touchdown of the US101/Broadway Overpass and the Caltrain ROW which will present great design challenges to implement grade separation that provides a smooth transition to the Overpass.

38-198

Any and all responsibility for financial incursions or liability that would fall upon the City of Burlingame with construction of any proposed grade-separated solution must be addressed in the *Draft 2012 Business Plan* if that document serves to inform the PRDPEIR.

38-199

- o Addressing the impacts of potentially moving freight tracks closer to adjacent land uses along the San Francisco Peninsula.
 - *AB1358* (SEC. 2.(h)Ibid.); and SEC. 4. Section 65302 of the Government Code is amended to read: 65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements: (f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control and shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources: (C) Passenger and freight on-line railroad operations and ground rapid transit systems.

Respectfully submitted,

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Response to Submission 38 (Patricia Hogan-Giorni, February 23, 2012)

38-180

As described in Section 1.4 of the 2012 Partially Revised Draft Program EIR, the Atherton 1 and Atherton 2 court rulings require the Authority to rescind its certification of the 2010 Revised Final Program EIR and to make a new decision based on this 2012 Partially Revised Final Program EIR. The 2012 Partially Revised Draft Program EIR contains the new analysis necessary to comply with the judgment of the court on all of the items listed in this comment. Based on that analysis as well as the information contained in this 2012 Partially Revised Final Program EIR, the Authority will decide whether or not to:

1. Certify this Partially Revised Final Program EIR (including the 2008 Final Program EIR and the 2010 Revised Final Program EIR) for compliance with CEQA
2. Approve findings of fact, a statement of overriding considerations, and a mitigation monitoring and reporting program in compliance with CEQA
3. Approve a network alternative, preferred alignments, and preferred station locations for further study in project-level EIRs.

Please refer to Standard Response 2 regarding the procedure the Authority has followed with the Partially Revised Draft and Final Program EIRs.

38-181

While it is acknowledged that there are funding timelines that the Authority must meet, the Authority disagrees with the comment that it has rushed the public comment process in any way. The Authority has appropriately drafted and circulated the 2012 Partially Revised Draft Program EIR for public comment based on the *Atherton 1* and *Atherton 2* court rulings, in compliance with CEQA. Future certification of environmental documents, including this 2012 Partially Revised Final Program EIR, as well as the award of construction contracts following the certification of project-level

EIR/EISs, will continue to receive a high-level of examination by agency staff and decision makers, and the public, to ensure that transparent and appropriate decisions will be made. Please see Standard Response 2 on the Authority's procedures.

38-182

The Authority does not concur with the comment that the Partially Revised Draft Program EIR is fundamentally flawed because it is based on the 2010 Revised Final Program EIR and the 2008 Final Program EIR. The material in the Partially Revised Final Program EIR is not stale as the comment asserts. In addition, the Partially Revised Draft Program EIR and Partially Revised Final Program EIR have both considered whether and to what extent any assumptions or conditions discussed in the 2008 and 2010 program EIR documents may have changed in a material way.

As stated in the introduction to Chapter 5 of the 2012 Partially Revised Draft Program EIR, "new information subsequent to the Authority's September 2, 2010, decision has been considered to determine whether it has an effect on prior Program EIR analysis that would require revisions." Specifically, the "analysis has been guided by the consideration of whether the information constitutes 'significant new information' under CEQA, as guided by CEQA Guidelines, §15088.5." Chapter 5 discusses information derived from project-level work, the Altamont Corridor Rail Project, the Draft 2012 Business Plan, and provides an analysis of changes in the environmental setting. These factors were all considered in determining whether the Pacheco Pass network alternative serving San Francisco via San Jose remained the staff recommended preferred alternative.

The Authority also disagrees with the commenter's assertion that information contained within the Draft 2012 Business Plan should not be used to inform the 2012 Partially Revised Draft Program EIR. The EIR has appropriately considered both the draft and revised versions of the plan. Simply because the business plan has yet to be officially

adopted and the fact that it contains references to the social benefits of the HST system does not undermine the important role that this business plan has in defining the phasing and financing of the statewide HST system. The phasing approach of this draft business plan is different from prior business plans, last published in 2008 and 2009, and for this reason an analysis was conducted to determine whether these factors would result in different types or levels of environmental impacts than previously disclosed. Refer to Chapter 5 Partially Revised Final Program EIR for a full discussion of the Draft and Revised 2012 Business Plan.

38-183

The social benefits of the HST system are described in both the Partially Revised Final Program EIR and the Revised 2012 Business Plan. The Partially Revised Final Program EIR also describes the adverse impacts of HST in the Bay Area to Central Valley region. CEQA requires the Authority Board, in making a final decision on the first-tier project, to balance the economic, legal, social, technological, and other benefits, including regional and statewide benefits, against the unavoidable environmental risks. The social benefits and financial costs of the project are relevant considerations. The Business Plan, and its phasing approach to the statewide HST system, is also an appropriate document to consider in the revised program EIR process.

38-184

The environmental implications of the phased implementation approach for the statewide HST system in the Bay Area to Central Valley region is discussed in Chapter 5. This discussion is intended to identify the consequences of the new phasing and implementation information in the Draft 2012 Business Plan. In particular, the phasing presented in the 2012 Draft Business Plan "will result in the project taking longer to complete than previously understood. This information identifies that the benefits from an operational, fully constructed statewide HST system will accrue more slowly."

Phasing also means that impacts from constructing the end-point sections will not occur for a longer period of time. In addition, unique impacts would occur at an interim northern terminus station

with a phased approach. These impacts, including the potential for higher traffic congestion and impacts on connecting commuter rail systems are newly identified significant impacts. These differences, however, do not distinguish between the Altamont and Pacheco network alternatives. Phasing can be accomplished for both network alternatives. The unique impacts that would result from the phased approach are discussed and presented in Chapter 5 of the 2012 Partially Revised Draft Program EIR. Specific impacts related to a longer-duration implementation of the statewide system due to the phased approach would be evaluated in each project-level EIR/EIS.

38-186

The terminology in the Business Plan and how that terminology relates to terminology in Proposition 1A does not raise environmental impact issues. The Partially Revised Final Program EIR considers the Business Plan and the environmental implications of phasing, and the Authority considers this appropriate.

38-187

The financial and cost information in the Business Plan, and its relationship to the Authority's intention to use American Recovery and Reinvestment Act (ARRA) funds to build the HST system in the Central Valley, is outside the scope of this Program EIR. These are not environmental issues. The Partially Revised Final Program EIR considers the Business Plan and the environmental implications of phasing, and the Authority considers this appropriate.

38-188

Comment acknowledged. The Draft 2012 Business Plan discussed a blended system approach for an alignment between San Francisco and San Jose along the Caltrain Corridor. The Partially Revised Final Program EIR discusses the blended system approach in Chapter 5. Please refer to Standard Response 1 explaining how continued consideration of a four-track alignment for the Caltrain Corridor is consistent with CEQA.

38-189

The comment does not appear to address the Partially Revised Final Program EIR. As to increased rail service on the Peninsula, Caltrain

electrification with increased service has been the subject of prior PCJPB project environmental analysis, which analyzed the impact of electrification and 6 trains per hour, which is one train more per hour per direction than Caltrain operates today. The possibility of additional trains being HST trains would need to be evaluated as part of any future environmental analysis of the corridor. In general, blended operation on the Caltrain Corridor would have fewer impacts than the full system HST alternative that was assessed in detail because additional right-of-way would not be required, passenger volumes and associated passenger related traffic impacts at station areas would be lower, construction of a complete four-track system and its associated impacts would not have occurred, and other issues discussed in the Partially Revised Draft Program EIR would be anticipated to be less severe. Refer to Standard Response 1 and Chapter 5 in the Partially Revised Final Program EIR for more discussion of the environmental implications of blended system, including traffic.

38-190

The comment appears to suggest that the ridership forecasts in the Draft 2012 Business Plan are not reliable. This comment does not appear to be directed at the Partially Revised Draft Program EIR. Nevertheless, the ridership model used to generate ridership forecasts for the Business Plan has been peer reviewed. The peer review found the model adequate for environmental evaluations and planning purposes.

The commenter appears to misunderstand the role that population plays in the ridership model. While population does correlate directly with ridership, this does not mean that it is the only determinant of ridership. As described in the Business Plan, documents supporting the Business Plan and the extensive documentation about ridership in the 2008 Final Program EIR and the 2010 Revised Final Program EIR documents, many other factors determine forecast ridership, including the affordability of HST and specifics of each region's socioeconomic make-up.

The ridership model used to generate forecasts for the program EIR has been the subject of considerable public interest, as well as litigation. As part of the litigation challenge, the Sacramento Superior

Court concluded the ridership model is supported by substantial evidence.

Refer to Response to Comment 38-189.

The commenter misunderstands the role that population plays in the model. While population does correlate directly with ridership, this does not mean that it is the only determinant of ridership. As described in the documents cited above many other factors determine forecast ridership, including the affordability of HST and specifics of each region's socioeconomic make-up.

38-191

The Authority disagrees with the commenter's assertion that the 2004 MOU between the PCJPB and Authority prejudiced any decision on the range of alternatives considered between San Jose and San Francisco.

In the final judgment in the Atherton 1 case in 2009, the Superior Court specifically concluded that the 2008 Final Program EIR met the standard of studying a reasonable range of alternatives and also found that it presented a fair and unbiased analysis. (See the 2010 Revised Final Program EIR, Appendix A, p. 17.) The final judgment further concluded that the Authority's basis for eliminating a US 101 alternative from detailed study reasonable and supported.

The November 2011 final court rulings in the Atherton 1 and Atherton 2 cases did not find fault with the range of alternatives studied in the 2010 Revised Final Program EIR (including the 2008 Final Program EIR), and did not require additional study of alternatives. CEQA requires that an EIR study alternatives to the proposed project, or to the location of the proposed project, which are capable of reducing environmental impacts and still accomplish most project objectives. CEQA Guidelines Section 15126.6 states: "The EIR must study a reasonable range of potentially feasible alternatives, but is not required to study every alternative suggested or numerous similar alternatives that would not reduce significant environmental effects."

The Setec Ferroviaire proposal mentioned in the comment was presented to the Authority by the petitioners in the Atherton 2 case

with comments on the 2010 Revised Draft Program EIR. The information on the Setec Ferroviaire proposal was reviewed in detail and responded to in the 2010 Revised Final Program EIR:

Setec Ferroviaire Alternative

An Altamont Pass alternative is described in Exhibit C to comment letter O012, an April 25, 2010, report by Setec Ferroviaire entitled "Evaluation of an Alignment for the California High-Speed Rail Project Bay Area to Central Valley Segment." Although the Superior Court in the Town of Atherton case did not require the Authority to study further alternatives, we have carefully evaluated the proposed Altamont Pass alternative in this report. Response to comment O012-11 summarizes our observations on what we will refer to as the "Setec Alternative." The Setec Alternative described in Exhibit C involves: (1) Altamont Pass to Fremont; (2) routes through Fremont; (3) a San Jose connection from Fremont; (4) a crossing of the Bay at Dumbarton and line to a junction at Redwood City; and (5) and possible use of Highway 101 from Redwood City to South San Francisco.

The Setec Alternative makes certain trade-offs that do not offer any significant benefit above alignment and network alternatives studied as part of the 2008 Final Program EIR for Altamont. In most locations, the alignments share the same characteristics:

- There is a crossing of San Francisco Bay at Dumbarton.
- Newark and Fremont must be crossed using a rail or utility corridor
- Tunneling is required between Fremont and the I-680 corridor near Pleasanton/Sunol
- A new crossing of Altamont or Patterson Pass is made
- Tracy is crossed on/near a UPRR right-of-way (it is unclear in Exhibit C but the alignment shown on Plan 5, while it ends at I-580, it is aligned to meet the UPRR line running south of Tracy)

The alignment characteristic that differs between those studied in the 2008 Final Program EIR and Setec Alternative is how the alignments differ in their path in the area of Pleasanton and Livermore. The Authority alignment alternatives follow existing transportation corridors, either I-680 and I-580 or the UPRR. The Setec Alternative attempts to follow a powerline corridor, but that corridor is in a rural and agricultural area. The impacts and benefits of the Authority alignments in urbanized areas are traded for the Setec Alternative's impacts and benefits of a rural alignment. Evidence of some of the obvious potential impacts of Setec

Alternative's alignment has been presented above. There is no benefit that stands in favor of the entire alignment versus the Altamont alignments already considered in the 2008 Final Program EIR.

Given that the tangible differences between the Altamont alignments studied in the 2008 Final Program EIR and the Setec Alternative are small, we do not believe the Setec Alternative alters the basic comparison between Altamont Pass and Pacheco Pass network alternatives that serve both San Francisco and San Jose. We do not believe the Setec Alternative merits further consideration.

The Authority's decision not to revise and recirculate its Program EIR to include the Setec Ferroviaire alternative was challenged in litigation. The 2011 court rulings concluded the range of alternatives in the Program EIR was reasonable and that study of the Setec Ferroviaire alternative was not required under CEQA.

The 2012 Partially Revised Final Program EIR presents additional information and analysis in response to areas noted by the Superior Court as needing additional work under CEQA. Neither the court's ruling, nor the additional information in the Partially Revised Draft/Final Program EIR, results in a requirement to expand the analysis of alternatives, as the commenter suggests.

38-192

The Authority disagrees with the commenter's assertion that the selection of the Pacheco Pass Network Alternative Serving San Francisco via San Jose as the preferred alternative was somehow motivated by political or financial interests, and that as a result the 2008 Final Program EIR "should not be carried forward to inform the PRDPEIR."

The 2009 Business Plan was the subject of many public comments on the Authority's 2010 Revised Draft Program EIR. The Authority responded to concerns about the 2009 Business Plan in great detail in Standard Response 4 of the 2010 Revised Final Program EIR, Comments about the Ridership forecasts, and Standard Response 8 of the 2010 Revised Final Program EIR, The Authority's Business Plan (refer to Chapter 12 of the 2010 Revised Final Program EIR).

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.

Furthermore, the Superior Court has held the range of alternatives in the Program EIR to be reasonable and compliant with CEQA.

38-193

The commenter asserts that the staff recommendation of the Pacheco Pass Network Alternative Serving San Francisco via San Jose as the preferred alternative has been prejudiced by reliance on Regional Rail Plan documents from the Metropolitan Transportation Commission (MTC). Chapter 2 of the 2007 Draft Program EIR and the 2008 Final Program EIR explained related transportation programs and studies in the Bay Area to Central Valley study region, including the San Francisco Bay Area Regional Rail Plan. Consideration of the Regional Rail Plan is consistent with the requirements of CEQA, which emphasizes that knowledge of the regional setting is critical to analyzing environmental impacts, and that a proposed project's consistency with regional plans must be considered.

The comment regarding MTC's priorities is noted, however, the Authority Board will make a final decision on the network alternative for the HST in the Bay Area to Central Valley study region. The position of MTC in the Regional Rail Plan is one of multiple of factors that will be considered, as reflected in Chapter 6.

As discussed in detail in Standard Response 10, Alternatives, of the 2010 Revised Final Program EIR, the program EIRs have applied consistent evaluation methods and criteria to the study area and network alternatives reviewed. The Authority has been guided by the adopted objectives and criteria for evaluation of alignment and station location options as described in Table 6-1 of the 2012 Partially Revised Draft Program EIR, and as was included in the 2005 Statewide Program EIR and the 2008 Final Program EIR. While the Authority considers public and agency input a vital part of the environmental process, the support of any one agency has not guided the selection of a preferred alternative.

38-194

Comment acknowledged. The comment does not appear to address an environmental issue.

38-195

The Partially Revised Final Program EIR is not a stale document because it is based on the 2008 Final Program EIR and the 2010 Revised Final Program EIR, as supplemented by additional work in 2012. As stated in the introduction to Chapter 5 of the 2012 Partially Revised Draft Program EIR, "new information subsequent to the Authority's September 2, 2010, decision has been considered to determine whether it has an effect on prior Program EIR analysis that would require revisions." Specifically, the "analysis has been guided by the consideration of whether the information constitutes 'significant new information' under CEQA, as guided by CEQA Guidelines, §15088.5." In other words, the EIR has considered whether new information or changed conditions would result in new significant environmental impacts, or identify new alternatives or mitigation measures that should be considered.

Chapter 5 discusses information derived from second-tier, project-level planning and environmental work, the Altamont Corridor Rail Project, the Draft and Revised 2012 Business Plan, and provides an analysis of changes in the environmental setting. These factors were all considered in determining whether any additional changes would be necessary to the prior environmental analysis in the 2008 Final Program EIR or the 2010 Revised Final Program EIR. The Partially Revised Final Program EIR provides an adequate basis for decision making at the programmatic level.

38-196

The Authority did not receive a request for traffic data from the commenter, though other parties requested and received this traffic data from the Authority. The Partially Revised Final Program EIR includes a traffic analysis to address the congestion effects of reduced access to surface streets from potential lane closures. Individual intersection effects were evaluated based on local and regional analysis criteria. For purposes of the programmatic analysis, and in light of the corridor being evaluated as a whole at the

program level, traffic impacts resulting from lane closures were considered a new significant traffic congestion impact.

The comment states that the Authority is in violation of the Complete Streets Act that ensures that transportation plans meet the needs of all users and the Authority may be opening itself up to future litigation and liability.

The comment cites several bicycle master plans for communities on the Peninsula. These bicycle plans include bicycle facilities along corridors where a potential lane reduction may occur. Any loss of transportation facilities for any mode must be assessed according to the Complete Streets Act.

The comment concludes that the Authority is placing a financial burden on the local jurisdictions to amend their plans and any removal of bicycle, pedestrian or ADA facilities by the project needs to be addressed in the 2012 Business Plan and any liability associated with this removal shall be borne by the Authority.

A more detailed level of planning is required to determine how the second-tier project design will affect bicycle movement, public transit, and pedestrians in particular communities. This will occur as second-tier projects are developed and second-tier EIR/EIS documents are prepared. At present there is no known removal of bicycle, pedestrian, or ADA facilities by the project that would not be replaced in the exact same or similar fashion.

38-197

The first-tier project that is the subject of this Partially Revised Final Program EIR does not identify potential lane closures in Burlingame. Analysis of preliminary design prepared as part of the second-tier HST project-level analysis for San Francisco to San Jose (before the project-level environmental analysis for this segment was put on hold) did examine the potential for closure of certain at-grade crossings in different locations; however, there was no proposal to close any of the existing at-grade crossings noted in the comment: Oak Grove, North Lane, Howard Avenue, or Bayswater Avenue. Design alternatives for grade separations have not been refined to a sufficient level of detail for second-tier traffic or other second-tier impacts to be analyzed. Once design alternatives are developed, the

second-tier environmental analysis will analyze impacts and if any are determined to be significant, appropriate mitigation will be developed.

38-198

The vertical alignments at Broadway considered in the Supplemental Alternatives Analysis for the San Francisco to San Jose second-tier project (before the project-level environmental analysis for this segment was put on hold) all assumed grade separation of the tracks from Broadway. One option was an elevated track alignment with Broadway remaining at its existing grade. A second option had the tracks remaining at grade and the Broadway alignment depressed beneath the tracks. The final option depressed the tracks with Broadway remaining at its existing grade. Further engineering and evaluation is needed to determine the recommended vertical alignment at this location. This work will occur as part of second-tier project planning, development and environmental review if the San Francisco to San Jose Section is part of the selected network alternative at the conclusion of this Program EIR process.

38-199

The reference in the comment to the Planning and Zoning Law requirements for a noise element in a city's general plan is acknowledged. The HST project uses federal guidelines (FTA and FRA) for analysis of noise effects at this program-level. 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. Refer to Response to Comment 40-270 to this document for a discussion of how these guidelines were implemented in the program-level evaluation.

Submission 44 (William Blackwell, February 21, 2012)

3955

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02-22-12P02:20 RCVD

February 20, 2012

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

Dear Mr. Richard,

Enclose for your consideration is a copy of my recent response to the CAHSRA's request for public comment on the revised DEIR that includes impacts along the San Francisco Peninsula.

44-457

I am sending it to you not only for your information but also because I would like you to persuade Governor Brown that alternative phasing and other modifications such as I suggest would result in a meaningful system in operation in the foreseeable future.

As you will see, I believe that San Jose could be the hub of rail activity in Northern California for many years to come. It is ideally situated at the junction between the South Bay and East Bay, which, coupled with its continued growth in population and regional importance assures strong ridership. With four interconnecting lines, it could in fact be a Grand Central Terminal. Note also that the I-5 route between San Jose and Los Angeles may require some curve smoothing but is otherwise relatively unencumbered by property acquisition and other problems. San Francisco, of course, will always be the center of tourist interest.

In my view, the current plan for running Caltrain and HSR on the same tracks along the San Francisco Peninsula is untenable. The plan is redundant, cuts HSR service frequency (and, hence, ridership), and depends on highly complex signal systems, track arrangements, and scheduling. The HSR trains are not isolated — any accident involving the lightweight 220-mph trains traveling at any speed could be catastrophic.

44-458

I have followed the development of CAHSR almost since inception — initially as strong supporter but later as critic when I found that much of the system planning was unsupported by credible numbers. I mailed a copy of my comprehensive summary of the challenges facing the Authority to you in late August 2011 but to an address here in Piedmont. It wasn't returned so I assume you received it.

Sincerely,

William Blackwell (handwritten signature)

William Blackwell

2/17/12

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

These comments, while general in nature, relate specifically to the impacts along the San Francisco Peninsula, i.e., potentially moving freight tracks closer to adjacent land uses and reducing access to surface streets from potential lane closures.

44-460

Conceptually, there would be numerous advantages in having ONE STATION IN SAN JOSE that would serve CAHSR, an electrified Caltrain, an expanded BART system, and an improved east-west ACE line. Such a station would (1) be within walking distance of hotels, (2) linked to local bus and light-rail systems (including to San Jose Airport and Silicon Valley destinations), (3) provide adequate long-term and short term parking, and (4) provide easy curb access for drop-off and pick-up of passengers with good freeway access. This would be a once-in-a-lifetime opportunity for a great railway station in Northern California.

A two-minute, cross-platform transfer would be required between rail systems, with a short up or down escalator ride. Rail transfer is far less onerous than changing planes at airports; it is very common in Switzerland and other countries; and, if coupled with high frequency service, could significantly reduce travel time and cost. Although transfers are precluded by Prop 1A (along with subsidies and several other unrealistic expectations), it was the intent of the Prop 1A legislators that every element of CAHSR be cost effective.

44-461

1. Caltrain would be fenced and electrified with some rail crossings eliminated. It would be improved entirely within the existing 50-foot ROW and mitigate the contentious Peninsula Issues. Tracks would terminate in an improved station at 4th & King in downtown San Francisco with underground parking and a fast 5th Street shuttle to Powell BART Station and the heart of San Francisco.

44-462

2. A 186-mph CAHSR between San Jose and Los Angeles would use the direct I-5 route via the Pacheco (or preferably Panoche) Pass, and take less than the 2 hours 10 minutes stipulated in Prop 1A, which may not be achievable over the present route. This would be the high-speed rail system that almost everyone expects — fast, safe and efficient from somewhere to somewhere. Changing from 220-mph to 186-mph trains — as in Japan, France, and every other HSR system except China — would result in a significant cost saving without a meaningful deterioration of service. With short trains and a high frequency of service, CAHSR would be more than able to compete with airlines.

44-463

3. Altamont Commuter Express would be upgraded to 120-mph trains using tilt technology to provide an east-west route across Northern California to a gradually upgraded San Joaquin Amtrak route from Sacramento straight down to I-5, where it would join CAHSR at Wheeler Ridge and on to Los Angeles. This fast route, which might also be 120-mph, would be a quantum leap forward for Central Valley residents.

44-464

4. BART is already planned to connect to downtown San Jose in the foreseeable future, providing service to the East Bay and an alternate route to downtown San Francisco, taking some of the load off of Caltrain.

Submission 44 (William Blackwell, February 21, 2012) - Continued

44-465

All of this could be accomplished at relatively low cost with the highest priority being given to completion of the direct SJ-LA line and realization of its revenues, which would defray part of the costs for a gradual transition over the years to the complete high-speed rail system envisioned. Note also that, according to the State forecasts, it will be at least 2050 before the population of the Central Valley counties reaches that of the combined Bay Area/LA Counties, and a lot longer before the income levels needed to sustain HSR ridership are remotely comparable.

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Response to Submission 44 (William Blackwell, February 24, 2012)

44-457

Travel hazards associated with HST service was previously addressed in the 2008 Program EIR, Volume 1, Section 3.2, Travel Conditions. The analysis describes the relative safety of HST service, based on international statistics, when compared to other modes of travel.

The Partially Revised Final Program EIR, chapter 5, discusses phasing concepts for the HST system as a whole that appear to be consistent with many of commenter's suggestions. The Authority's current approach to phasing implementation of the HST system is described in the Revised 2012 Business Plan. Please also refer to Standard Response 1.

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, Capitol Corridor, ACE, VTA and BART trains to complete their journey to destinations throughout the greater Bay Area and vice versa.

The Partially Revised Final Program EIR proposed a four-track, shared use configuration on the Caltrain Corridor. The Authority disagrees that the plan is redundant because HST service would provide for intercity passenger rail with limited stops, connected to the larger statewide HST system. Caltrain provides commuter rail service.

The integration of HST and Caltrain on the same corridor is a complex endeavor that will require careful planning for infrastructure improvements as part of developing a second-tier project and second-tier EIR/EIS if the Caltrain Corridor is selected as part of the preferred network alternative at the conclusion of this program EIR process.

44-458

The Authority has received your August 2011 letter and appreciates your input.

44-460

The Diridon Station is the preferred HST station location for downtown San Jose. The station would serve Caltrain, ACE Commuter Rail, Capitol Corridor Trains, Amtrak long distance trains, VTA buses and light rail, and a possible future link to BART. The design of the station will include considerations such as ease of transfers among modes.

The Partially Revised Final Program EIR, chapter 5, discusses how phasing of HST system implementation may result in San Jose serving as a temporary northern terminus station for a period of time, with travelers to San Francisco being required to transfer between systems.

44-461

The Caltrain electrification project is a separate planning and design effort being undertaken by the Peninsula Corridor Joint Powers Board (PCJPB). The existing Caltrain right-of-way varies in width and the PCJPB will evaluate in its own planning process whether this is adequate for the electrification program if this program proceeds independently of the HST project.

The comment that the existing right-of-way is 50 feet is inaccurate. Please refer to Standard Response 1 for more discussion about the blended system approach to a potential second-tier project for the San Francisco to San Jose alignment that would accomplish similar goals on the Peninsula to option suggested in the comment.

44-462

The comment suggests that the statewide HST system should travel between San Jose and Los Angeles over the Pacheco Pass or Panoche Pass, then along an Interstate 5 route. The routing of the entirety of the statewide system is beyond the scope of this current Program EIR. Nevertheless, the Authority has studied an alignment from San Jose south, over the Pacheco Pass in the current Partially Revised Final Program EIR. The Panoche Pass was eliminated from

study in the 2005 Statewide Program EIR and not carried forward for further consideration in the Bay Area to Central Valley Program EIR. (2005 Statewide HST Program EIR, p. 2-36.) The Authority studied an Interstate 5 alignment in its 2005 Statewide Program EIR, but did not select this route for further analysis in second-tier EIRs. Similarly, the Authority preliminarily considered but eliminated from detailed evaluation a steel-wheel-on-steel-rail technology option at slower speeds. (2005 Statewide HST Program EIR, p. 2-36.)

44-463

The Authority is currently partnering with the San Joaquin Regional Rail Commission, the Federal Railroad Administration, and other regional partners on an Altamont Corridor Rail Project that would provide a dedicated regional rail corridor through the Altamont Pass and Tri Valley for commuter rail purposes.

Upgrading existing UP and BNSF lines for 120 mph service operated with tilt trains would require all grade crossings be grade separated or have full barrier protection systems installed. Lines would likely need to be triple-or quad-tracked to eliminate the need for trains to diverge to a siding to let trains traveling in an opposite direction pass, or to let faster passenger trains overtake slower freight trains. This would be a significant capital and environmental cost, in addition to constructing a parallel HST line for approximately the same length in the I-5 corridor. The freight railways would also need to be fully cooperative to host the additional passenger service.

Tilt trains would do little to speed trips on the ACE corridor. While they do allow incrementally higher speeds through curves, the tight curves in Niles Canyon and portions of the Altamont Pass would not allow speeds of 125 mph. It is assumed by this responder that the 125 mph service would be diesel powered. This could lead to compatibility problems with the electrified HST service if the services are assumed to share the Central Valley to Los Angeles mountain crossing. Diesel powered trains could have problems climbing the steep and long grades possible with electrically powered HST. Tunnels would also need to be designed for safety issues arising from diesel operation, increasing their costs.

44-464

As the comment notes, San Jose Diridon Station is proposed as a station that would serve multiple transit service providers including BART, Caltrain, Capitol Corridor, High Speed Rail, and the Santa Clara Valley Transit Authority. These services will provide passengers with a variety of methods to reach different destinations in the region.

44-465

Please refer to Responses to Comments 44-457 and 44-464. Also see Standard Response 1 regarding the blended system concept.

Submission 54 (Virginia Saldich, February 21, 2012)

Bay Area to Central Valley Supplemental EIR/EIS - RECORD #54 DETAIL

Status : Pending
Record Date : 2/21/2012
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 2/21/2012
Submission Method : Project Email
First Name : Virginia
Last Name : Saldich
Professional Title :
Business/Organization :
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Fax :
Cell Phone :
Email Subscription :
Add to Mailing List :
Comment Type : Issue (concern, suggestion, complaint)

54-428

Stakeholder Comments/Issues :

To the California High Speed Rail Authority Board:

There are several omissions in the Partially Revised Draft Program Environmental Impact Report:

First of all, you continue to leave open the possibility of a four track system up through the dense residential neighborhoods of the San Francisco Peninsula. But even if you agree to a two track system, you ignore the differential configuration of the communities along this route. In some, the residential neighborhoods are buffered from the existing CalTrain tracks by commercial development. In others, the lot sizes are such that your acknowledged "significant and unavoidable" environmental impacts affect fewer people than in other, more densely developed communities.

Palo Alto is one such densely developed community where the dense residential neighborhoods go right up to the tracks. The footprint of Palo Alto is too narrow to sustain the impact of such a large scale industrial project barreling thorough the middle of the community. When you talk about a 100 foot area of environmental impact, if a neighborhood is only 200 feet deep, you have effectively wiped out half the neighborhood with your "significant unavoidable" impacts. So your model is missing some important variables.

If the lot sizes are one acre, or one half acre, you impact fewer people than in Palo Alto where the lot sizes are one-quarter acre or less. That is another important variable that is missing in your model: the number of people affected.

You have to get to page 60 before the word "human" is used. Isn't human ecology an important variable to protect as well as the natural environment. Please develop a model that factors that in.

In the years that I have lived in Palo Alto I have been impressed with the robustness of the residential neighborhoods and the constant willingness to reinvest in the properties to keep the neighborhoods viable.

In particular, I have focussed on the Old Palo Alto neighborhood which extends from Alma Street along side the tracks to Middlefield Road--a distance of six blocks--and is bounded by Churchill Street on one side and Oregon Expressway on the southern edge--a distance of eight blocks, more or less..

I did an inventory of the addresses within those boundaries which were newly built or so substantially remodeled that they appeared to be new homes.

Then I went down to the Palo Alto Planning Department computers to verify my assumptions, and I found out that there were approximately 141 homes on the East/West streets and 167 homes on the North/South streets that were either newly built or so substantially remodeled that their "Year Built" date was effectively changed to reflect the remodel date--for a total of 308 homes in that relatively small but robust neighborhood. It is one of the most robust and sustainable neighborhoods in the city, if not the state. The Walter Hays Elementary School, at the corner of Embarcadero Road and Middlefield Road, which most of the Old Palo Alto neighborhood feeds into, was for several years the highest performing elementary school in the state according to the STAR tests.

Creeping blight caused by proximity to High Speed Rail will drive out the demographic that is willing to continually reinvest in their properties to

Submission 54 (Virginia Saldich, February 21, 2012) - Continued

54-428

keep the neighborhood viable. You seem to have no component in your model that takes account of that. You seem to assume that if the decibel level of the sound or the vibration level stops at a certain point, that is all the impact your industrial scale project will have. But if those properties are blighted, the effect will creep down the streets until you have savaged a whole neighborhood.

54-429

Where you state that the environmental effects are significant and unavoidable, I submit that they definitely significant, but avoidable. You have other route choices which would avoid some of the destruction of the dense residential neighborhoods of the Peninsula.

The original commission set up by Governor Wilson determined that the Altamont Pass route was the most advantageous. The subsequent High Speed Rail Authority Board concurred. Somewhere along the line politics and ego got involved and we now have the Pacheco Pass route funneling the project up through the dense residential neighborhoods of the Peninsula.

The Canadian pipeline developer, TransCanada, has decided to shift the controversial route of its planned oil pipeline across the US. A MOVE THAT THE COMPANY PREVIOUSLY SAID WAS IMPOSSIBLE, in order to remove objections to their project. Imagine that! Routing previously said to be impossible can be changed!

54-430

Another strategy for rendering the environmental impact of your industrial scale project through dense residential neighborhoods avoidable is to go underground. In your Partially Revised DRAFT Program Environmental Impact Report you refer to a "short tunnel" of 6 miles long. Palo Alto from the Menlo Park border to the Mountain View border along Alma Street and parallel to the tracks is 4.3 miles. Therefore, Palo Alto qualifies for a "short tunnel."

To sum up, I think it is irresponsible governance to put an industrial size project like High Speed Rail through dense residential neighborhoods creating creeping blight and destroying the quality of life carefully built up by a century of wise and judicious decision making by wise and thoughtful community leaders.

I hope that you will refine your model to take these additional insights into consideration.

Thank you

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Subscription
Request/Response :
EIR Comment :
Attorney Comment :
General Viewpoint on
Project (BACV) :

Yes
No

Response to Submission 54 (Virginia Saldich, February 24, 2012)

54-428

Please refer to Standard Response 1 related to the blended system approach and why the Program EIR continues to study a four-track alignment along the Caltrain Corridor between San Francisco and San Jose. The Partially Revised Final Program EIR does not ignore differences in the configuration or density of communities between San Francisco and San Jose. The text of Chapter 3.7 in the 2008 Final Program EIR described land uses along the alignment as primarily residential to the east and commercial/ services on the west. At the program level, land use, community, and property impacts were identified as significant. The 2010 Revised Final Program EIR provided additional analysis on land use compatibility and property impacts and acknowledged that a four-track alignment would require more property acquisition than originally anticipated, raising its property impact ranking from low to between low and medium. (2010 Revised Final Program EIR, Chapter 3.)

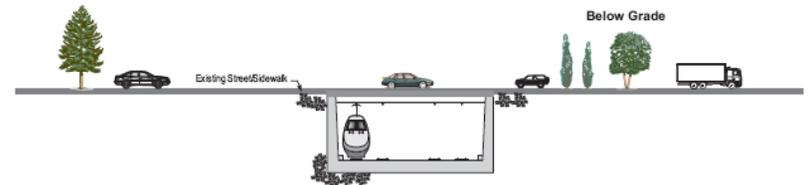
The comment appears to imply that the HST would require a new 100-foot right-of-way through Palo Alto in addition to the existing Caltrain right-of-way. This is not the case. As discussed in the 2008 Final Program EIR, the 2010 Revised Final Program EIR, and in this current Partially Revised Final Program EIR, the Authority does not propose to place the HST alignment adjacent to the Caltrain alignment. Instead, the proposed first-tier project involves an alignment that would involve an approximately 100-foot width that includes the existing Caltrain right-of-way. Within the City of Palo Alto, in the Old Palo Alto neighborhood raised by the commenter [adjacent to tracks from Alma to Middlefield, bounded by Churchill and Oregon Expressway], the existing Caltrain right-of-way varies between roughly 60 feet wide to roughly 95 feet wide. While the need for additional property would eventually depend on the configuration of the railroad and roadway grade separation, in this roughly 8 block stretch the required right-of-way would vary, dependent on location for a four-track, grade separated, permanent alignment. In this area, if additional right-of-way was needed, the railroad would be anticipated to expand towards the east into the

publically owned Alma Street right-of-way and not towards the residences and parks that line the west side of the rail right-of-way. The railroad would most likely be either elevated or lowered so as not to affect the at-grade crossings and roadways currently crossing the Caltrain railroad. By moving the railroad up or down it eliminates the need to elevate or depress the roadways that cross the railroad. This design approach greatly reduces the need for additional right-of-way to the east or west of the Caltrain alignment to accommodate these roadway modifications. See the Figures 1 through 3 below from the San Francisco to San Jose Section Preliminary Alternatives Analysis. The HST would not “wipe out half the neighborhood” as the comment suggests.

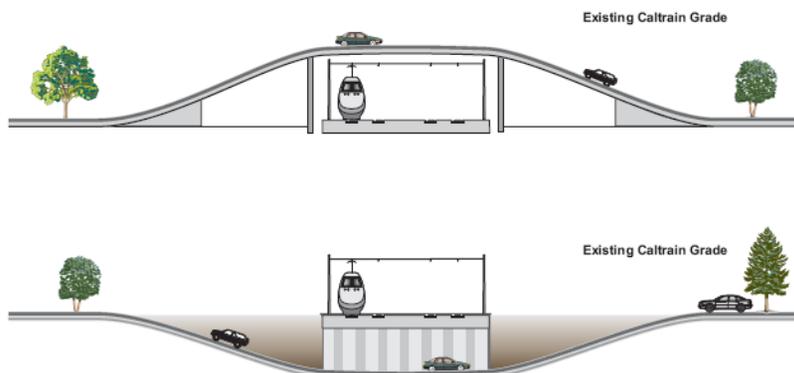
**Figure 1
Typical Section for Elevated Option**



**Figure 2
Typical Section for Below-Grade Option**



**Figure 3
Typical Sections for Existing Caltrain Grade Option with
Roadways over and under the Railroad**



The Authority does not agree that the HST will create blight in Palo Alto. The Caltrain Corridor is an active commuter and freight rail corridor now, relying on diesel powered locomotives. The HST will be electrified, resulting in benefits in the areas of noise and air quality by providing an opportunity for the commuter rail service to use electric-powered locomotives as well.

54-429

The commenter appears to misunderstand the definition of significant and unavoidable impacts, as presented in the context of CEQA. Under CEQA, unavoidable significant impacts are those environmental effects that cannot be avoided if the proposed project is implemented. 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, each of which identified a wide variety of significant and unavoidable impacts. The Authority is using this Program EIR as part of a tiered environmental review process for its general route

decision into the Bay Area from the Central Valley. The impact analysis in the Partially Revised Final Program EIR identified other network alternatives that would avoid the Caltrain Corridor between San Francisco to San Jose or that would use only a portion. There are environmental tradeoffs between these alternatives and the preferred Pacheco Pass Network Alternative serving San Francisco via San Jose, as well as tradeoffs for the ability of these network alternatives to meet the project objectives. Please see Chapter 6 for more discussion of these tradeoffs.

The Intercity High-Speed Rail Commission, established in 1993, was tasked with evaluating the feasibility of high-speed rail and developing a 20-year high-speed intercity ground transportation plan. The comment correctly identifies that the Commission preliminarily recommended an alignment to connect the Bay Area and the Central Valley via the Altamont Pass, reaching San Francisco by crossing the Bay on a reconstructed Dumbarton Bridge. The comment also correctly identifies that subsequent work by the Authority in 1999 concluded that Altamont Pass would generally have fewer environmental impacts than the Pacheco Pass; however, the conclusion was based on the Altamont Pass area alone, without considering the impacts of crossing the San Francisco Bay at the Dumbarton Bridge to reach San Francisco. (Authority, Corridor Evaluation Final Report [1999].) Subsequent, more detailed analysis as part of the 2008 Final Program EIR has identified the environmental tradeoffs of a variety of Altamont and Pacheco network alternatives, including impacts on the San Francisco Bay from a Bay crossing.

The Authority will rescind its 2010 decision approving the Pacheco Pass network alternative serving San Francisco via San Jose. The Authority will then consider the network alternative decision afresh, in light of the whole record. The Authority will exercise its independent judgment and discretion on the network alternative. Please also refer to Standard Response 2 regarding the Authority's procedures.

54-430

Comment acknowledged. The Authority's previous decisions committed to study of vertical profile variations with the second tier

EIR. A similar commitment will be included within the staff recommendation, irrespective of the final network alternative selected, for consideration by the Authority Board